

NEW SOUTH WALES.

VOTES

AND

PROCEEDINGS

OF

THE LEGISLATIVE ASSEMBLY,

DURING THE SESSION

OF

1861;

WITH THE VARIOUS DOCUMENTS CONNECTED THEREWITH.

IN TWO VOLUMES.

VOL. II.

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1861.

NEW SOUTH WALES.

VOTES AND PROCEEDINGS.
SESSION 1861.

VOL. I.

TABLE OF CONTENTS.

(Arranged as the Papers should be bound.)

LEGISLATIVE—	PAGE.
Title Page.	
Table of Contents.	
Index.	
Votes and Proceedings, Nos. 1 to 69	1 to 428
Weekly Reports of Divisions in Committee of the Whole House, Nos. 1 to 15	429 to 518
Weekly Abstracts of Petitions received, Nos. 1 to 17	519 to 552
General Summary of ditto	553
Alphabetical Register of Bills	561
Ditto ditto Addresses and Orders for Papers...	563
Ditto ditto Other Addresses	563
Standing and Select Committees appointed during the Session	569
Business of the Session	575
Report from Standing Orders Committee, with Proposed Standing Orders	577
Report from Library Committee—Reimbursement to Library Funds	589
Report from Committee of Elections and Qualifications—Moffat v. Smart	593
Report from Select Committee on Privilege	615
Proposed Payment of Members—Petition of Residents of the Northern District	629
Refreshment Room Servants—Petition from	631
EXECUTIVE—	
Departure of Governor General—Despatch, Message No. 1	633
Report of Select Committee upon ditto	635
Assumption of Administration of the Government by Lieutenant-Colonel Kempt—Message No. 1	641
Ditto ditto by Sir John Young, Bart.—Message No. 1	643
Commission for Administration of the Government—Despatch enclosing...	645
Escheated Lands of the late John Tawell—Use of Great Seal of the Colony by Governor—Correspondence respecting	647
Ditto ditto—Further—(Return to Address)	653
ELECTORAL—	
Rolls, Number of Electors on Gold Fields—Continuation of Return of Session 1860	745

	PAGE.
ADMINISTRATION OF JUSTICE—	
Identified Stolen Horses—(Return to Address)	747
Reprieve of "Swan"—(Return to Address)	755
Ditto ditto —(Additional Papers)	767
Barque "Norna"—Alleged Cruelty on board the—(Correspondence) ...	771
Ditto ditto —(Further)	777
Insolvent Law, Working of—(Petition from Messrs. Anderson and Campbell)	779
Ditto, ditto —(Petition from Trade Protection Society) ...	781
Ditto, ditto —(Progress Report of Select Committee) ...	783
Insolvent Estates—(Return to Address)	857
Magistracy, Unpaid, of the Colony—(Return to Address)	893
Ditto ditto —(Report of Select Committee on)	895
Mr. Justice Cary—Petition from S. Ward	927
Ditto ditto — Ditto Residents in District of Camden	929
Ditto ditto —Report from	931
Rules of Supreme Court	933
Turner and Wood—(Return to Address)	937
Mr. N. L. Kentish—(Report of Select Committee)	941
Frederick Beer—Petition	977
Court House at Black Creek—Petition	979
Court of Petty Sessions at Condobolin—Return to Address	981
Returns under District Courts Act	983
PRISONS—	
Report from Select Committee on	1027
Thomas Harrison, late Turnkey at Darlinghurst Gaol—Petition	1311
MILITARY—	
Assistance to New Zealand—Despatch	1313
Artillery Force serving in New South Wales—Despatches	1315
VOLUNTEERS—	
Estimated Distribution of Vote for	1319
ORDNANCE—	
Annual Returns	1321
<hr/>	
VOL. II.	
STOREKEEPER—	
Colonial Department—(Return to Order)	1
STATISTICS—	
Statistical View of the Colony	185
FINANCE—	
Estimates for 1860-61—Message No. 3, with Memo. Explanatory of ...	187
Ditto, Additional Supplementary, for 1860—Message No. 3	189
Ditto, Additional, for 1861—Message No. 7	193
Ditto, Supplementary for 1861, Message No. 12	199
Ditto, Proposed Salary of Commissioner of Insolvent Estates—Message No. 4	201
Ditto of Ways and Means	203
Ditto ditto ditto	213
Savings on Votes	223
Trust Moneys Deposit Account	225
Treasury Balances—(Return to Order)	227
Abstracts of Public Accounts	229
BANKS—	
Liabilities and Assets for quarter ending 30 September, 1860	321
Ditto ditto ditto 31 December, 1860	323
Ditto ditto ditto 30 March, 1861	325
Colonial, of Australasia Incorporation Bill—(Report of Select Committee)	327

	PAGE.
MINT—	
Sydney Branch of Royal—Despatch	337
Report relative to Experiments on Colonial Timber at the Sydney Branch of	339
GOLD—	
Lost Under Escort—Petition. (S. Robinson)	355
GOLD FIELDS—	
The Chinese at Lambing Flat,—Petition for Protection to	357
Alleged Aggression on Chinese at Lambing Flat—Petition	359
Ditto ditto ditto —Petition	361
Ditto ditto ditto —Petition	363
Ditto ditto ditto —Petition	365
Ditto ditto ditto —Report of Commissioner	
in charge of Southern	367
Kiandra—(Return to Order)	369
MUSEUM—	
Report from Trustees for 1860	385
OBSERVATORY—	
Sydney—3rd Report on	395
EXHIBITION—	
Of Industry of all Nations—Message No. 3	399
Ditto ditto —Letter of E. Hamilton, Esq.	401
Ditto ditto —Despatch	405
INVENTIONS—	
In Locomotion—Petition	407
Letters of Registration of—(Return to Address)	409
POSTAL—	
Correspondence (Further) respecting Steam, Service	413
Letter of E. Hamilton, Esq., &c.	417
Mrs. Mary Jones—(Report of Select Committee)	419
ELECTRIC—	
Communication with Europe by Telegraph—(Correspondence)	455
Ditto ditto —Despatch	467
RAILWAY—	
Great Northern, Proposed Extension to Morpeth—Petition	469
H. W. Dudley, late Refreshment-room keeper—Petition	471
William Dixon, late Time-keeper—Petition	475
Minmi and Hexham, Act Amendment Bill—(Report of Select Committee)	477
Maitland and Morpeth ditto ditto	495
Obstruction to Reserves in Maitland—Petition	527
Pymont, Terminus—Petition	529
Ditto ditto —Petition	531
TRAMWAY—	
Pitt-street—Petition... ..	533
ROADS—	
Trust Accounts	535
Subordinate, of New South Wales, Classification of	543
Macdonald River District—Petition	549
Parramatta River to Great North—(Return to Order)	551
BRIDGES—	
At Gundagai, over Murrumbidgee—Petition	575
Wahgunyah Murray River Company's Bill—(Report of Select Committee)	577
WHARFS—	
Public, at Windsor—Petition	591
FERRIES—	
Proposed Steam, at Raymond Terrace—Petition	593

	PAGE.
FLOODS—	
Relief to Sufferers at Windsor—(Return to Address)	595
PILOTS—	
Pilotage and Harbour Dues—Despatches	603
Vessels entering Port Jackson requiring—(Return to Order)	605
LIGHT-HOUSE—	
Jervis Bay—(Report of Select Committee)... ..	607
IMMIGRATION—	
Agents Report for 1859	653
Chinese Regulation Bill—Petition	669
Voluntary, Message No. 15	671
Jane Cockburn, Office Keeper—Petition	673
MEDICAL—	
Health Officer's Report for 1859	675
Report on Vaccination, for 1860	681
CHARITABLE INSTITUTIONS—	
Destitute Children's Society, Office Bearers, &c. for 1861	685
EDUCATION—	
Board of National—Report for 1859	687
Ditto Denominational—Report for 1859... ..	747
School Statistics—(Further Return to Order)	751
Sydney University—Report of Senate for 1860	765
Sydney Grammar School—Report for 1860	769
Educational and Charitable Institutions—(Further Return to Order)	773
RELIGION—	
Church and School Lands Bill—Petition	777
Ditto ditto ditto—Petition	779
Ditto ditto ditto—Petition	781
Ditto ditto ditto—Petition	783
Ditto ditto Corporation—Correspondence... ..	785
Church of England Synods Bill—(Petitions <i>in favour of</i> , from):—	
Carcoar	795
Campbelltown	797
The Lachlan	799
Parramatta... ..	801
Windsor and neighbourhood	803
Prospect, &c.	805
Castle Hill, &c.	807
Dooral, &c.... ..	809
Western Gold Fields	811
St. Mark's, Alexandria	813
Hartley	815
Kelso and adjoining Districts	817
Pennant Hills	819
Narrellan and Cook	821
Waverley	823
Randwick and Coogee	825
St. Michael's, Wollongong	827
Braidwood	829
Liverpool	831
Holdsworthy	833
Orange	835
Gunning	837
Richmond	839
Pitt Town, &c.	841
City of Sydney	843

<i>Against, from :—</i>	PAGE.
Scots Church, Sydney	845
Certain Members of Church of England in the Colony	847
Congregational Church, Newtown	849
Redfern	851
Scots Church, Pitt-street, Sydney	853
Campbelltown	855
Mudgee	857
Members of various Churches in Sydney... ..	859
Members of the Congregation of the Baptist Chapel, Bathurst-street, Sydney	861
Church Land, West Maitland, Sale Bill—(Report of Select Committee) ...	863
CROWN LANDS—	
Rights of Squatters—Despatch	873
East Maitland Reserves—(Return to Address)	879
Proposed Land Bill, Petition, Wollongong, &c.	887
Ditto ditto, Broughton Creek, &c.	889
Reserves in the several Districts of the Colony, Statement of	891
System of Tendering for Runs—(Progress Report of Select Committee) ...	893
Pre-emptive Right, Clark Irving, Esq.—(Return to Address)	939
Ditto ditto, C. G. T. Chauvel, &c.—(Return to Address)	971
Sydney Domain—(Report of Select Committee)	1001
Exercise of Pre-emptive right at Muswellbrook—Petition	1049
Tenders for Runs Undisposed of—(Return to Order)	1051
Messrs. West, Brothers, Duggin Run—(Return to Order)	1085
COMMON—	
Field of Mars—Petition	1095
Ditto ditto—Petition	1097
MUNICIPAL—	
Shoalhaven Municipality—Petition, J. Graham	1099
Ditto ditto —Petition, A. Berry	1107
Municipalities Act Amendment Bill of 1861—Petition	1109
City of Newcastle—Petition from Municipal Council	1111
Sewerage and Water Supply—4th Report of Council	1113
Supply of Water to Metropolis—Petition	1117
LICENSES—	
Confectioners—Petition	1119
GRIEVANCES—	
Progress Report of Select Committee on	1121
Mrs. E. Lockyer—Petition	1147
Tanners and Curriers Bill—Petition, J. Page	1149
Ditto ditto —Petition, H. Watt	1151
Claims of Rev. W. B. Clarke—(Progress Report of Select Committee) ...	1153
Claims of Dr. Jonathan Croft—(Return in part to Address)	1203
Mr. M. Brownrigg—Petition	1211
The Unemployed—Petition	1215
MISCELLANEOUS—	
Wilson's Settlement Investment Bill—(Report of Select Committee) ...	1217
Mackenzie's Marriage Settlement Trustees Bill—(Report of Select Committee)	1225
Hosking's Trust Bill—(Report of Select Committee)	1231
Clarence and Richmond Rivers Steam Navigation Company's Bill—(Report of Select Committee)	1241
Seamen, Merchant—(Progress Report of Select Committee)	1247
System of Tendering for Public Service—(Report of Select Committee)...	1331
Cattle Driving Act Amendment Bill—Petition	1419
Glebe Island and Abattoirs—Report on	1421

INDEX

TO THE

VOTES AND PROCEEDINGS

AND

PAPERS ORDERED TO BE PRINTED

DURING THE SESSION 1861.

VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I.		PAPERS.	
		VOL.	PAGE.
A.			
ABATTOIRS:—			
Letters from Officers in charge laid on Table, 237	2	1421	
ABSENCE:—			
OF MR. SPEAKER, communicated to the House by the Clerk, 281, 287, 301;			
leave of to Members, 107, 111, 163, 207, 233, 312.			
ABSTRACTS (See "FINANCE.")			
ACCOUNTS (See "PUBLIC;" also "ROADS.")			
ACTS TEMPORARY CONTINUANCE BILL OF 1861:—			
Received from Legislative Council by Message, and read 1 ^o , 186; ordered to			
be printed, 267; read 2 ^o , committed and reported, 288; read, 3 ^o , passed, and			
returned to Legislative Council without amendment, 347; Assent reported,			
391.			
ADDITIONAL JUDGE'S APPOINTMENT BILL:—			
Received from Legislative Council by Message, 417.			
ADDRESSES (See "ASSEMBLY;" also "QUEEN"):—			
Alphabetical Register of	1	563	
ADJOURNMENTS OF ASSEMBLY:—			
For want of a Quorum before commencement of Business, 123, 197, 211, 365.			
Ditto after commencement of Business, 190, 194.			
SPECIAL.—For presentation of Speaker, 3.			
To present Address in reply to Governor General's Opening Speech, 9.			
To present Address in reply to the Message of Administrator of the			
Government, 235.			
On the arrival of W. C. Wentworth, Esq., 322.			
For the greater dispatch of Public Business, 393.			
Proposed, 112, 118, 221, 226, 231, 239, 244, 249, 254, 263, 303, 322, 338, 339, 348,			
373, 374 (2), 375, 417, 428.			
For Prorogation—Motion preliminary to, 427.			
ADMINISTRATION OF GOVERNMENT:—			
Message No. 1, announcing the intended resignation of, by Sir W. Denison, 6	1	633	
Referred to Select Committee, 19; Report brought up, 27; Address			
adopted, 31; reply from Governor, 35	1	635	
Assumption of, by Lieutenant Colonel Kempt—Message No. 1, 36	1	641	
Address in reply to, 51.			
Assumption of, by Sir John Young—Message No. 1, 225; Address in reply,	1	643	
231; presented and reply reported, 237.			
Despatch enclosing Commission to Administer the Government, 225	1	645	
ADMINISTRATION OF JUSTICE:—			
INSOLVENT LAW:—			
Petition presented from Messrs. Anderson and Campbell in reference to, 175;			
ordered to be printed, 194; Petition presented from Chairman of Trade	1	779	
Protection Society in reference to, 194; ordered to be printed, 207;	1	781	
Motion made by Mr. Hart for Returns in reference to, 275; Select Com-			
mittee appointed to inquire into the working of, 106; Progress Report			
brought up, 416; Motion made by Mr. Love for Returns in reference	1	783	
to, 39; laid on Table, 343	1	857	
SALARY OF CHIEF COMMISSIONER OF INSOLVENT ESTATES:—			
Message No. 4, recommending an increase to, 243; Motion made for leave	2	201	
to bring in Bill, and leave granted, 216; presented and read 1 ^o , 216;			
read 2 ^o , committed, and reported, 295; read 3 ^o , and sent to Legislative			
Council by Message, 347; received from Council with amendments, 393;			
amendments agreed to, 400.			
DISTRICT COURTS:—			
Petition presented in reference to Mr. Justice Cary, from Samuel Ward, 215;			
ordered to be printed, 233; similar Petition from residents of Camden,	1	927	
215; ordered to be printed, 233; Letter from Mr. Justice Cary, 327;	1	929, 931	
Returns under the 103rd Clause of the Act, 413	1	983	
IDENTIFIED STOLEN HORSES:—			
Return to Address, 17	1	747	
Motion made by Mr. Macleay for Committee of the Whole to consider Address			
in reference to, 149; Resolution reported, 170.			

VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I.	PAPERS.	
	VOL.	PAGE.
A.		
ADMINISTRATION OF JUSTICE (Continued):—		
COURT OF PETTY SESSIONS:—		
Motion made by Mr. Shepherd for papers in reference to the establishment of, at Condobolin, 95; laid on Table, 421	1	981
DENILIQUIN BENCH:—		
Motion made by Mr. Buchanan for depositions in the case of Turner and Wood, 171; laid on Table, 281; Motion made by Mr. Buchanan for Address to His Excellency, in reference to, and negatived, 311	1	937
REVEREND W. CHAUCER:—		
Motion made by Mr. Buchanan for Select Committee in reference to, 275; Motion made for depositions in this case, and by leave withdrawn, 295; Motion again made by Mr. Buchanan, and passed, 425.		
FREDERICK BEER:—		
Petition presented from Inhabitants of Braidwood, praying for inquiry into his case, 335; ordered to be printed, 343	1	977
"SWAN":—		
Motion made by Mr. Buchanan for Correspondence in reference to reprove of, 24; laid on Table, 117; additional papers, 157; Mr. Buchanan moved resolution in reference to reprove of, and motion lost on division being called for, no tellers for the "Ayes," 175.	1	755, 767
SYDNEY POLICE COURT:—		
Motion made by Mr. Buchanan for a Select Committee to inquire into the conduct of certain Magistrates, in reference to the trial of "Lunn," and negatived, 336.		
Motion made by Mr. Buchanan for depositions in the case of "Parcell" and negatived, 416.		
SYDNEY WATER POLICE BENCH:—		
Motion made by Mr. Buchanan for Select Committee to inquire into the conduct of—in the matter of the alleged murder on board the barque "Norma," 101.		
Correspondence in reference to, 169; further ditto, 175	1	771, 777
CRIMINAL CASES IN WHICH THE CROWN DECLINED TO PROSECUTE:—		
Motion made by Mr. Walsh for Returns in reference to, 425.		
SPECIAL WARRANTS ISSUED BY SHERIFF:—		
Motion made by Mr. Walsh for returns of, on <i>f. fa.</i> , 425.		
ADMISSION (See "BARRISTERS' ADMISSION BILL.")		
AGENCIES (See "EMIGRATION.")		
AGGRESSION (See "GOLD FIELDS.")		
AID (See "STATE AID.")		
ALBURY (See "COMMON.")		
APPOINTMENT OF MEMBERS OF LEGISLATIVE COUNCIL:—		
Motion made by Mr. Walsh for an Address to the Administrator of the Government in reference to, 422.		
APPROPRIATION BILL, 1860-61:—		
Motion made by Mr. Weekes for leave to introduce, and leave granted, 347; Bill presented and read 1 ^o , 347; read 2 ^o , committed and reported, 354; read 3 ^o , passed, and sent to Legislative Council by Message, 371; received from Council without amendment, 413.		
ARTILLERY:—		
Despatches respecting Force serving in the Colony, laid on Table, 6	1	1315
ASSEMBLY (See also "STANDING AND SESSIONAL ORDERS;" also "CLERK"):		
Opening of Parliament, 1.		
Votes and Proceedings of .....	..	1 to 428
Weekly Report of Divisions in Committee of the Whole	1	429 to 518
Abstracts of Petitions received, from No. 1 to 13	1	519 to 552
General Summary of ditto	1	553
Alphabetical Register of Addresses and Orders for Papers	1	563
Ditto Other Addresses	1	561
Ditto Bills	1	569
Standing and Select Committees appointed during the Session 1861	1	575
Business of the Session		
Governor General's Opening Speech, 7.		
Address in reply to ditto, 8.		
Governor General's reply to ditto, 13.		
Members Sworn, 2 (See also "MEMBERS.")		
Election of Speaker, 3.		
Presentation of ditto, 5.		
Adjournments (See "ADJOURNMENTS.")		
Quorum (See "ADJOURNMENTS.")		
Chairman of Committees, Election of, 18.		
BUSINESS OF THE HOUSE:—		
Motion made by Capt. Moriarty relative to Sittings after Midnight, 164.		
SEATS IN THE CHAMBER:—		
Motion made by Mr. Lucas relative to substitution of Case for Stuffed Cushions, 176.		
PROPOSED PAYMENT OF MEMBERS:—		
Petition presented from Residents of the Northern District relative to, 193; ordered to be printed, 209	1	629
GOVERNMENT BUSINESS:—		
Motion made by Mr. Cowper relative to precedence of, on Tuesdays, 221; rescinded, 262.		
ADDRESS TO ADMINISTRATOR OF THE GOVERNMENT:—		
Motion made by Mr. Cowper for Address in reply to Sir John Young's Message, No. 1, 231.		
Presentation of Address reported, and His Excellency's reply read, 237.		
PROPOSED CALL OF THE HOUSE:—		
Motion made by Mr. Hart for a Call of the House, and negatived, 252.		
SPECIAL MEETING OF:—		
Motion made by Mr. Cowper, that the House meet on Monday, 389.		
ADDRESS OF, TO THE QUEEN:—		
Motion made by Mr. Cowper for an Address to Her Majesty, in reference to the Title of His Excellency Sir John Young, 415.		

VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I.		PAPERS.	
		VOL.	PAGE.
ASSEMBLY (Continued):—			
PRIVILEGE, QUESTION OF:—			
Mr. Gray moved for a Select Committee to inquire into certain language used by His Honor the Chief Justice in the Supreme Court, 257; Member of Legislative Council summoned as witness, 267; Message in reply, 268; Report brought up, 273		1	615
REFRESHMENT-ROOM SERVANTS:—			
Petition presented from J. Ryan and B. Maguire praying relief, 301; ordered to be printed, 311		1	631
PROBATION OF—(See "Gazette No. 102, 11 May, 1861.")			
ASSENT TO BILLS (See "ALPHABETICAL REGISTER OF BILLS."		1	561
ASSETS (See "BANKS.")			
ASSISTED IMMIGRATION (See "IMMIGRATION.")			
ASTRONOMER (See "OBSERVATORY.")			
ASYLUM (See "DESTITUTE.")			
AUSTRALASIA, COLONIAL BANK OF, INCORPORATION BILL (See "BANK.")			
AUSTRALIAN MUSEUM:—			
Report of the Trustees for 1860, laid on Table, 231		2	385
B.			
BAIL, CORONERS', FOR MANSLAUGHTER BILL OF 1861 (See "CORONERS.")			
BALANCES IN THE TREASURY (See "FINANCE.")			
BALLOT FOR SELECT COMMITTEES:—			
On Shoalhaven Municipality, 27.			
State and Management of the Sydney Domain, 127.			
Rev. W. B. Clarke, 193.			
Question of Privilege, 258.			
BANK, COLONIAL, OF AUSTRALASIA INCORPORATION BILL:—			
Petition presented by Mr. Blake, praying leave to introduce, 7; Motion made by Mr. Parkes for leave to bring in Bill, and leave granted, 19; presented and read 1 ^o , 19; referred to Select Committee, 31; Report brought up, 99; Bill read 2 ^o , 152; committed, and progress reported, 205; recommitted, and further progress reported, 226; again recommitted, and further progress reported, 268; Committee resumed, and further progress reported, 329; discharged from the Paper on motion of Mr. Parkes, 393.		2	327
BANK LIABILITIES AND ASSETS:—			
Abstracts of Returns of, 17, 111, 421		2	321, 328, 325
BARRISTERS' ADMISSION ACT AMENDMENT BILL:—			
Received from Legislative Council by Message, and read 1 ^o , 315; superseded on motion for 2 ^o reading by the Question of "this day 6 months," 360.			
BEER, FREDERICK:—			
Petition presented from Inhabitants of Braidwood, praying inquiry into the circumstances connected with the case of, 335; ordered to be printed, 318.		1	977
BELL (See "SESSIONAL ORDERS.")			
BERRY, ALEXANDER, ESQ.:—			
Motion made by Mr. J. Garrett for Select Committee upon the Petition of, 27;			
Petition from, praying leave to appear before the said Committee, 32;			
ordered to be printed, 38; Motion made by Mr. Morris, that such leave be granted, 38; Petition presented last Session from the Mayor of Shoalhaven, ordered to be printed and referred to Committee, 27; Mr. J. Garrett moved, that the Mayor of Shoalhaven have leave to appear before said Committee, and motion by leave withdrawn, 60; Petition presented from the Mayor of Shoalhaven, praying leave to appear before said Committee, 59; Mr. J. Garrett moved, that such leave be granted, 95; motion made by Mr. J. Garrett, that certain documents be referred to the Committee, 101.		2	1107
		2	1099
BILL:—			
Alteration in title to, 161.			
BILLS, ASSENT TO (See "ALPHABETICAL REGISTER OF."		1	561
BLACK CREEK (See "COURT HOUSE.")			
BLACK ROD (See "USHER.")			
BONDING INLAND CUSTOMS BILL, 1861 (See "CUSTOMS.")			
BOYLE, JAMES:—			
Motion made by Capt. Moriarty, that the Petition of, presented last Session, be referred to the Select Committee on Grievances, 234.			
BRETT, RICHARD:—			
Return to Address in reference to Identified Stolen Horses, 17; motion made by Mr. Macleay for Committee to consider of an Address in reference to, 149; resolution of Committee reported and adopted, 170.		1	747
BRIDGE, WAHGUNYAH MURRAY RIVER, COMPANY'S BILL (See "WAH-GUNYAH.")			
BRIDGES:—			
OVER THE MURRUMIDJEE:—			
Mr. Macleay moved that the Petition presented last Session from Gundagai be printed, 19; Motion made for a Committee of the whole to consider of an Address in reference to, 57		2	675
OVER THE NEPEAN:—			
Mr. J. T. Ryan moved for a Committee of the whole to consider of an Address in reference to, 232; Resolution from Committee reported and adopted, 253.			
BROWNRIGG, MR. W. M.:—			
Petition presented from, complaining of certain grievances, 309; ordered to be printed, 402		2	1211
BURIAL GROUNDS (See "CEMETERY.")			
BURRANGONG (See "GOLD FIELDS.")			
BUSINESS (See "ASSEMBLY"; also, "SESSIONAL ORDERS.")			
BYRNES, JAMES, ESQ.:—			
Resignation of Seat for Parramatta, 237.			

VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I.		PAPERS.	
	VOL.	PAGE.	
C.			
CALL OF THE HOUSE (See "ASSEMBLY.")			
CAMPBELTOWN RAILWAY (See "RAILWAY.")			
CANE SEATS (See "ASSEMBLY.")			
CAPITAL PUNISHMENTS ABOLITION BILL:—			
Motion made by Mr. Parkes for leave to introduce, and leave granted, 19;			
Bill presented, and read 1°, 19; negatived on motion for 2°, 62.			
CARCOAR ROAD FUNDS (See "ROADS.")			
CARY, MR. JUSTICE (See "ADMINISTRATION OF JUSTICE.")			
CATTLE DISEASE PREVENTION BILL OF 1861:—			
Mr. Meston moved for leave to introduce, and leave granted, 252; Bill pre-			
sented, and read 1°, 252; read 2°, committed, and reported, 276; read 3°,			
passed, title amended, and sent to Legislative Council by Message, 292;			
received from Council without amendment, 303; Assent reported, 311.			
DRIVING ACT AMENDMENT BILL:—			
Mr. Windeyer moved for leave to introduce, and leave granted, 252; Bill			
presented, and read 1°, 232; read 2°, committed, and reported, 315; read 3°,			
passed, and sent to Legislative Council by Message, 329; received from			
Council without amendment, 400.			
DRIVING ACT:—			
Petition presented from residents of Raymond Terrace praying amendment	2	1419	
of, 215; ordered to be printed, 233			
CEMETERY:—			
Mr. Hart moved for Correspondence in reference to the condition of, in			
Sydney, 59.			
CENSUS, NEW SOUTH WALES, BILL, FOR 1861:—			
Received from Legislative Council by Message, and read 1°, 66; read 2°,			
committed, and reported, 112; read 3°, passed, and returned to Council by			
Message, 118; Assent reported, 139.			
CHAIRMAN OF COMMITTEES:—			
Election of, 18; Commission to administer Oath to Members, 51.			
Takes Chair of the House in absence of Speaker, 281, 287, 301.			
CHARITABLE AND EDUCATIONAL ESTABLISHMENTS (See "EDUCA-			
TION.")			
CHAUCER REVD. W. (See "ADMINISTRATION OF JUSTICE.")			
CHAUVEL, MR. C. G. T. (See "CROWN LANDS.")			
CHIEF COMMISSIONER OF INSOLVENT ESTATES (See also "ADMINIS-			
TRATION OF JUSTICE"):—			
Message No. 4, from the Administrator of the Government in reference to	2	201	
Salary of the, 243			
CHIEF JUSTICE:—			
Mr. Gray moved for a Select Committee to inquire into certain language used	1	615	
in Court by His Honor, 257; Member of Legislative Council summoned			
as witness, 267; Message in reply, 268; Report brought up, 273			
CHILDREN'S DESTITUTE ASYLUM (See "DESTITUTE.")			
CHINESE (See "GOLD FIELDS")			
CHINESE IMMIGRATION REGULATION BILL:—			
Mr. Lucas moved for Committee of the whole in reference to, 39; resolution			
reported and adopted, 101; Motion made for leave to introduce, 150;			
Bill presented and read 1°, 151; Motion made for 2° reading, and debate			
adjourned, 189; debate resumed, and Bill read 2° and progress reported,			
194; Committee resumed, and further progress reported, 205; Committee			
again resumed, and further progress reported, 226; Further consideration			
in Committee postponed, 253; Committee resumed, and further progress			
reported, 268; Committee again resumed, and Bill reported and adopted,			
302; Bill read 3°, passed, and sent to Legislative Council by Message, 328.			
Petition presented from Merchants, &c., of Sydney, against the Bill, 225;	2	669	
ordered to be printed, 232			
CHURCH OF ENGLAND SYNODS BILL:—			
Received from Legislative Council by Message, and read 1°, 200; Report and			
Evidence from Council's Select Committee received by Message, 239;			
2° reading postponed, 252; Bill discharged from the Paper, 303.			
PETITIONS RECEIVED <i>in favour of</i> :—			
From Carcoar, 221; ordered to be printed, 233	2	795	
Campbelltown, 249; ordered to be printed, 276	2	797	
Lachlan, 249; ordered to be printed, 275	2	799	
Parramatta, 249; ordered to be printed, 276	2	801	
Windsor, 238; ordered to be printed, 251	2	803	
Prospect, 238; ordered to be printed, 251	2	805	
Castle Hill, &c., 238; ordered to be printed, 251	2	807	
Dooral, 238; ordered to be printed, 251	2	809	
Western Gold Fields, 262; ordered to be printed, 273	2	811	
St. Mark's, Alexandria, 267; ordered to be printed, 274	2	813	
Hartley, 268; ordered to be printed, 274	2	815	
Kelso, &c., 262; ordered to be printed, 275	2	817	
Pennant Hills, 262; ordered to be printed, 275	2	819	
Narrellan and Cook, 273; ordered to be printed, 281	2	821	
Parish of Waverley, 273; ordered to be printed, 281	2	823	
Randwick and Coogee, 273; ordered to be printed, 281	2	825	
Rev. T. C. Ewing, Wollongong, 275; ordered to be printed, 282	2	827	
Braidwood, &c., 273; ordered to be printed, 310	2	829	
Liverpool, 302; ordered to be printed, 311	2	831	
Holdsworthy, 302; ordered to be printed, 311	2	833	
Orange, 273; ordered to be printed, 312	2	835	
Gunning, &c., 281; ordered to be printed, 312	2	837	
Richmond, &c., 287; ordered to be printed, 312	2	839	
Pitt Town, &c., 309; ordered to be printed, 336	2	841	
City of Sydney, 309; ordered to be printed, 402	2	843	
Goulburn, 249.			

INDEX.

v.

VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I.		PAPERS.	
		VOL.	PAGE.
C.			
CHURCH OF ENGLAND SYNODS BILL (Continued):—			
PETITIONS RECEIVED in favour of (continued):—			
From Penrith, 249.			
Mulgoa, &c., 257.			
Tumut, 287.			
Parish of Canterbury, 301.			
Bungonia, 301.			
St. Paul's, Sydney, 301.			
St. Luke's, Scone, 301.			
Molong, 309.			
Bathurst, 310.			
Albury, 359.			
<i>Against:</i> —			
Scots Church, Sydney, 221; ordered to be printed, 232.		2	845
Members of the Church of England, 267; ordered to be printed, 274.		2	847
Congregational Church, Newtown, 249; ordered to be printed, 274.		2	849
Redfern, &c., 275; ordered to be printed, 292.		2	851
Scots Church, Sydney, 249; ordered to be printed, 276.		2	853
Campbelltown, 281; ordered to be printed, 296.		2	855
Mudgee, 335; ordered to be printed, 401.		2	857
Inhabitants of Sydney, 249; ordered to be printed, 262.		2	859
Congregation of the Baptist Chapel, Sydney, 249; ordered to be printed, 262.		2	861
CHURCH LAND, WEST MAITLAND, SALE BILL (See "MAITLAND WEST, CHURCH LAND SALE BILL.")			
CHURCH AND SCHOOL LANDS BILL:—			
Mr. Wilson moved for leave to introduce, and leave granted, 39; Bill presented and read 1 ^o , 39; read 2 ^o , 77; committee postponed, 100; Mr. Weekes moved that the Bishop of Sydney be heard by Counsel in opposition to, 117; Mr. Hart moved similar motion with reference to the Archbishop and Clergy of the Roman Catholic Church, 118; committed, progress reported, also that Counsel had been heard at the Bar, 129; Committee resumed, further progress reported, 144; Committee again resumed, and Bill reported, 170; lapsed for want of a quorum on motion for 3 ^o reading, 190; restored to Paper, 233; read 3 ^o , passed, and sent to Council by Message, 296.			
PETITIONS RECEIVED IN REFERENCE TO—			
From Members of the Church of England, 99; ordered to be printed, 106			
Bishop of Sydney, 111; ordered to be printed, 117.		2	777
Archbishop and Clergy of the Roman Catholic Church, 105; ordered to be printed, 128.		2	779
Denominational School Board, 127; ordered to be printed, 133.		2	781
Correspondence (1831 to 1849) relative to the Church and School Corporation, 127.		2	783
		2	785
CLAIMS AGAINST THE CROWN ENFORCEMENT BILL:—			
Received from Legislative Council by Message, 327; read 1 ^o , 371; read 2 ^o , 389; committed and reported, 391; read 3 ^o , passed with amendments, and returned to Council, 400; amendments agreed to by Council, 421.			
CLARENCE AND RICHMOND RIVERS STEAM NAVIGATION COMPANY'S BILL:—			
Petition presented praying leave to bring in, 193; Mr. Parkes moved for leave to introduce, and leave granted, 200; Bill presented, and read 1 ^o , 205; referred to Select Committee, 231; Report brought up, 251; Bill read 2 ^o , committed, and reported, 315; read 3 ^o , passed, and sent to Legislative Council by Message, 330; received from Council without amendment, 338.		2	1241
CLARKE, REVEREND W. B.:—			
Mr. Shepherd moved for Select Committee to consider the Claims of, 193; Member of Legislative Council summoned as witness, 321; Message in reply, 322; Progress Report from Select Committee brought up, 383.		2	1153
CLERK OF ASSEMBLY:—			
Authorized to restore Document to Witness before Select Committee, 139.			
Required to produce documents in his custody, 157, 309, 381, 427.			
Reports unavoidable absence of Speaker, 281, 287, 301.			
CLOETE, MR. COMMISSIONER:—			
Mr. Hoskings moved for Correspondence between the Government and, 233.			
COAL FIELDS REGULATION BILL, 1861:—			
Mr. Cowper moved for leave to introduce, and leave granted, 316; Bill presented, and read 1 ^o , 316; read 2 ^o , committed, and progress reported, 345; Committee resumed, Bill reported, 354; read 3 ^o , passed, and sent to Legislative Council by Message, 371.			
COCKBURN, JANE:—			
Petition presented from, praying relief, 389; ordered to be printed, 424.		2	673
COLONIAL BANK OF AUSTRALASIA INCORPORATION BILL (See "BANK.")			
COLONIAL SPIRITS DUTIES BILL OF 1861:—			
Suspension of Standing Orders, in reference to, on motion of Mr. Weekes, 90; Motion made for leave to introduce, and leave granted, 91; Bill presented, read 1 ^o , 2 ^o , committed, reported, read 3 ^o , passed, and sent to Council by Message, 91.			
COLONIAL STOREKEEPER:—			
Return to Order (of last Session), in reference to Department of, 17.		2	1
COLONY, DISMEMBERMENT OF:—			
Mr. Cowper moved an Address to Her Majesty in reference to, 413.			
COMMISSION:—			
For Opening Parliament, 1.			
For Commissioners to Administer the Oath to Members, 2.			
Speaker's, ditto ditto, 5.			
Deputy Speaker's ditto ditto, 51.			
For Administering the Government, 225.		1	645

VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I.		PAPERS.	
		VOL.	PAGE.
C.			
COMMISSIONER AT NEWCASTLE APPOINTMENT BILL (See also "INSOLVENCY COMMISSIONER'S BILL") :—			
Received from Legislative Council and read 1 ^o , 112; read 2 ^o , 143; committed and reported, 170; 3 ^o reading adjourned, 176; read 3 ^o , passed, and returned to Legislative Council, with amendments, by Message, 206; Council disagrees to amendments, 321; Assembly does not insist on its amendments, 329; Message to Council to that effect, 330; Assent reported, 390.			
COMMITTEES (See also "STANDING ORDERS," "LIBRARY," "ELECTIONS," "SUPPLY.")			
Select, appointed during the Session	1	569	
COMMON AT MUSWELLBROOK :—			
Mr. Rusden moved for a Committee of the whole, to consider of an Address in reference to, 143.			
FIELD OF MARS :—			
Petition presented from Edward Drinkwater, in reference to, 231; ordered to be printed, 252	2	1095	
Petition presented from Landholders having interest therein, in reference to, 273; ordered to be printed, 310	2	1097	
WANT OF AT ALBURY :—			
Petition presented in reference to, 309.			
COMMON LAW PROCEDURE ACT EXTENSION BILL :—			
Mr. Windeyer moved for leave to introduce, and leave granted, 19; Bill presented, and read 1 ^o , 19; read 2 ^o , committed and reported, 40; re-committed and reported, 60; Report adopted, 75; read 3 ^o , passed, and sent to Legislative Council by Message, 81; received from Council, with an amendment in the title, 164; amendment agreed to, and Message sent to Council to that effect, 170; Assent reported, 199.			
COMPENSATION (See "DE COURCY;" also "BRETT AND HEATHER.")			
CONDOBOLIN (See also "ADMINISTRATION OF JUSTICE") :—			
Mr. Shepherd moved for Returns relative to Court of Petty Sessions at, 95; laid on Table, 421	1	981	
CONFECTIONERS' LICENSES (See "LICENSES.")			
CONSOLIDATED REVENUE FUND BILL :—			
Suspension of Standing Orders in reference to, on motion of Mr. Weekes, 46; Motion made for leave to introduce, and leave granted, Bill presented, read 1 ^o , 2 ^o , committed and reported, read 3 ^o , passed, and sent to Legislative Council by Message, 46; received from Council without amendment, 65; Assent reported, 77.			
CONTINGENT NOTICES MOVED , 56.			
CORONERS' BAIL FOR MANSLAUGHTER BILL OF 1861 :—			
Received from Council by Message, and read 1 ^o , 186; ordered to be printed, 267; read 2 ^o , committed, and reported with amendments, 287; read 3 ^o , passed, and returned to Council, with amendments, 346; Council agrees to amendments, 372.			
COUNCIL, LEGISLATIVE, BILL OF 1861 (See "LEGISLATIVE COUNCIL BILL OF 1861"; also, "MUNICIPAL.")			
MEMBERS OF, QUALIFICATION BILL :—			
Received from Legislative Council, and read 1 ^o , 372; discharged from paper, 427.			
APPOINTMENT OF FUTURE MEMBERS OF :—			
Mr. Walsh moved an Address in reference to, 422.			
COUNSEL :—			
Mr. Weekes moved that Counsel on behalf of the Bishop of Sydney be heard at the Bar in Committee of the whole, in reference to the Church and School Lands Bill, 117; Mr. Hart moved similar motion on behalf of the Archbishop and Clergy of the Roman Catholic Church, 118; Committee reported that Counsel had been heard, 129.			
COUNTS OUT (See "SESSIONAL ORDERS.")			
COURT, DISTRICT (See "ADMINISTRATION OF JUSTICE.")			
HOUSE :—			
Petition from Inhabitants of Black Creek, praying the establishment of, 351; ordered to be printed, 401	1	979	
SUPREME :—			
Rules of, laid on Table, 257	1	933	
VERDICTS AND JUDGMENTS BILL :—			
Received from Legislative Council and read 1 ^o , 134; read 2 ^o , committed, and reported, 151; read 3 ^o , passed, and returned to Council without amendment, 189; Assent reported, 215.			
COWPER, CHARLES, JUNIOR, ESQ. (See "MEMBERS SWORN.")			
CRIMINAL CASES IN WHICH THE CROWN DECLINED TO PROSECUTE (See "ADMINISTRATION OF JUSTICE.")			
CRIMINAL LUNATICS BILL OF 1861 :—			
Received from Legislative Council by Message, and read 1 ^o , 328; read 2 ^o , committed, and reported, 343; read 3 ^o , passed, and returned to Council with an amendment, 353; Council agrees to amendment, 372.			
CROFT, DR. JONATHAN :—			
Motion made by Mr. Blake for copies of Correspondence between the Local and Imperial Governments in reference to, 176; laid on Table (in part), 353; ordered to be printed, 413; Mr. Blake moved for a Select Committee to inquire into the case of—and motion by leave withdrawn, 421.			
CROOK v. SMITH :—			
Mr. Dalgleish moved for Correspondence between the Harbour Master and the Colonial Treasurer in reference to, 60; laid on Table, 133.			
CROWN, ENFORCEMENT OF CLAIMS AGAINST, BILL (See "CLAIMS.")			
CROWN LANDS :—			
WEST, BROTHERS :—			
Return to Order (of last Session) in reference to a Run called Duggin, in the Lachlan District, 65			
	2	1085	

VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I.		PAPERS.	
		VOL.	PAGE.
CROWN LANDS (Continued):—			
EAST MAITLAND RESERVES:—			
Return to Address of last Session relative to, 65.....		2	873
RIGHTS OF SQUATTERS:—			
Despatch in reference to, laid on Table, 17.....		2	873
PRE-EMPTIVE RIGHT:—			
Return to Address (of Session 1859-60) in reference to pre-emptive right exercised by Clark Irving, 65; ordered to be printed, 335.....		2	999
Ditto, ditto, Mr. C. G. T. Chauvel and others, 65; ordered to be printed, 335..		2	971
Petition presented in reference to Pre-emptive Right exercised at Muswellbrook, 301; ordered to be printed, 401.....		2	1049
TENDERS FOR RUNS:—			
Mr. Rusden moved for returns of Tenders for Runs remaining undisposed of, 31; laid on Table, 422.....		2	1051
Mr. Rusden moved for a Select Committee to inquire into the system of Tendering for Runs, 84; progress report brought up, 232; Mr. Rusden moved the adoption of the Report, negatived, 382.....		2	893
Mr. O'Brien moved for Map shewing reserves in Intermediate and Unsettled Districts, motion by leave withdrawn, 16; Maps of the Settled, Intermediate, and Squatting Districts, together with statement connected therewith, laid on Table, 157.....		2	891
Return to Address (Session 1859-60) relative to the boundaries of "Tala" or "Moolpa Run;" laid on Table, 354.			
SURVEY OF LAND IN SOUTHERN DISTRICTS:—			
Mr. O'Brien moved for Return shewing the number and names of Surveyors, &c., employed, 128.			
ALIENATION BILL:—			
Mr. Robertson moved for leave to introduce, and leave granted, 23; Bill presented and read 1 ^o , 27; read 2 ^o , 65; committed and progress reported, 95; Committee resumed and further progress reported, 107, 112, 118, 159; lapsed, 171; restored to Paper, 175; Committee resumed and further progress reported, 181, 186, 199; Bill reported, 216; read 3 ^o , passed, and sent to Legislative Council by Message, 232; received from Council with amendments, 399; referred to Committee of the Whole, and progress reported, 407; Committee agree to some and disagree to other of the amendments, 408; sent to Council with schedule of amendments, 414.			
PETITIONS presented in reference to,—			
From Wollongong, &c., 99; ordered to be printed, 106.....		2	887
Broughton Creek, &c., 99; ordered to be printed, 106.....		2	889
OCCUPATION BILL:—			
Mr. Robertson moved for leave to introduce, and leave granted, 24; Bill presented and read 1 ^o , 27; read 2 ^o , 66; committed and reported, 216; read 3 ^o , passed, and sent to Legislative Council by Message, 232; received from Council with amendments, 422; Committee report that they agree to some and disagree to other of the amendments, 423.			
CUMMINGS, WILLIAM, ESQ. (See "MEMBERS SWORN.")			
CURRIERS AND TANNERS BILL (See "TANNERS.")			
CUSTOMS, DUTIES OF, BILL OF 1861:—			
Suspension of Standing Orders in reference to, on motion of Mr. Weekes, 90; Motion made for leave to introduce, and leave granted, Bill presented, read 1 ^o , read 2 ^o , committed, reported, read 3 ^o , and sent to Council by Message, 90.			
CUSTOMS INLAND BONDING BILL, 1861:—			
Mr. Weekes moved for leave to introduce, and leave granted, 244; presented and read 1 ^o , 244; read 2 ^o , committed and progress reported, 288; discharged from paper, 400.			
D.			
DANGAR, T. ESQ. (See "MEMBERS SWORN.")			
DANIEL, S. B., ESQ. (See "MEMBERS SWORN.")			
DARLING HARBOUR RAILWAY TERMINUS (See "RAILWAY.")			
DARLINGHURST GAOL (See "HARRISON"; also, "GAOL"; also, "RISPIN, CHRISTOPHER.")			
DAYS FOR BUSINESS (See "SESSIONAL ORDERS.")			
DECLARATION, PROOF BY, ABOLITION BILL OF 1861:—			
Received from Legislative Council by Message, and read 1 ^o , 186; ordered to be printed, 267; read 2 ^o , committed, and reported without amendment, 287; read 3 ^o , passed, and returned to Council without amendment, 346; Assent reported, 390.			
DE COURCY, MRS., FAMILY OF THE LATE:—			
Mr. Hart moved for Committee of the Whole to consider of an Address for compensation to, 57; Committee postponed, 78; Resolution of Committee reported, 101.			
DEEDS, REGISTRATION OF,—AFFECTING REAL ESTATE LAW AMENDMENT BILL:—			
Received from Legislative Council by Message, and read 1 ^o , 119; read 2 ^o , committed, and reported, 170; read 3 ^o , passed, and returned to Council with an amendment, 176; Council agree to amendment, 200; Assent reported, 215.			
DELOHERY, CORNELIUS:—			
Petition of, referred to Select Committee on Grievances, 66.			
DENLIQUIN (See "ADMINISTRATION OF JUSTICE;" also "TELEGRAPH.")			
DENISON, SIR W.:—			
Message No. 1 with Despatch relative to his approaching departure for India, 6; referred to Select Committee, 19; Report brought up, 27; Address in reply adopted, 31; presentation of, reported, 35.....		1	633
		1	635

VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I.		PAPERS.	
		VOL.	PAGE.
D.			
DENOMINATIONAL SCHOOL BOARD (See "EDUCATION.")			
DEPARTURE OF GOVERNOR GENERAL (See "DENISON, SIR W.")			
DESPATCHES:—			
IN REFERENCE TO—			
Departure of His Excellency the Governor General for India, 6	1	633	
Military Assistance to New Zealand, 6	1	1313	
Artillery Force serving in the Colony, 6	1	1315	
Rights of Squatters, 17	2	873	
Pilotage and Harbour Dues, 33	2	603	
Administration of the Government, 225	1	645	
Royal Mint, Sydney Branch of, 273	2	357	
Exhibition of Works of Industry and Art of 1862, 359	2	405	
Telegraphic Communication between Europe and Australia, 371	2	467	
DESTITUTE CHILDREN'S ASYLUM:—			
List of Office Bearers and Directors for 1861, 45	2	685	
DIRECTORS, &c. (See "DESTITUTE ASYLUM.")			
DISEASE, CATTLE, PREVENTION BILL OF 1861 (See "CATTLE.")			
DISMEMBERMENT OF THE COLONY (See "COLONY.")			
DISTRICT COURTS (See "CARY, MR. JUSTICE;" also "ADMINISTRATION OF JUSTICE.")			
DIVISIONS IN THE HOUSE:—			
Adjournments of the House, 112, 113, 118, 238, 244, 250, 254, 263, 303, 322 (3), 338 (2), 339, 373 (2), 374 (2), 375 (3), 417.			
Of Debate, 47, 65, 66, 144, 176, 189, 250, 258, 274, 314, 337, 345, 373, 375.			
Chairman of Committees—Election of, 18.			
Salaries of Future Governors and Ministers, 40.			
Capital Punishments Abolition Bill, 52.			
Bridge over the Murrumbidgee at Gundagai, 57.			
Compensation to family of the late Mrs. De Courcy, 57.			
Funds for Proposed Reservoir at Narellan, 58.			
Ten and Sugar Duties, 72.			
Church and School Lands Bill, 77, 78, 100, 117, 170.			
Mrs. Eliza Lockyer, 78.			
Development of Salmon, 83.			
Suspension of Standing Orders, 90.			
Duties of Customs Bill of 1861, 90 (2).			
Colonial Spirits Duties Bill of 1861, 91.			
Proceedings Expunged from the Paper, 102.			
Sittings after 11 o'clock p.m., 133, 164, 165 (2).			
Identified Stolen Horses (Messrs. Brett and Heather), 149.			
Road between Hinton Point and Morpeth, 151.			
Pitt-street Tramway Bill, 163, 164.			
Municipalities Act Amendment Bill of 1861, 169.			
Cane Seats in Chamber, 176.			
Impounding Bill of 1861, 189.			
Wilson's Settlement Investment Bill, 194.			
Public Ferries Law Amendment Bill, 205.			
Commissioner at Newcastle Appointment Bill, 206.			
Precedence of Government Business, 221, 262.			
Liability of Mining Partnerships Limitation Bill, 226.			
Magistrates' Powers Limitation Bill, 233, 313.			
Legislative Council Bill of 1861, 244.			
Supply, 250.			
Pension to Lady Mitchell, 251, 360.			
State Aid Abolition Bill, 252.			
Bridge over the Nepean, 253.			
Chinese Immigration Regulation Bill, 253, 268, 302, 303, 328.			
Question of order in reference to Ballot for Select Committee, 261.			
Unpaid Magistracy, Motion for adoption of Report from Select Committee on, 274.			
Reverend W. Chaucer, Motion for Select Committee in reference to, 275.			
Customs Inland Bonding Bill of 1861, 288, 289.			
Question of Order in reference to reception of Petitions, 302.			
Church of England Synods Bill, 303.			
Liverpool and Campbelltown Railway, Correspondence, 310.			
Publicans' Laws Amendment Bill, 312.			
West Maitland Church Land Sale Bill, 314, 315.			
Export duty on Gold, repeal of, 327.			
Allowance to Mounted Volunteer Rifles, 330, 427.			
Wharf at Shell Harbour, 336.			
Assisted Immigration, 337, (3).			
Morpeth and Maitland Railway Company's Bill, 338 (2), 392 (2), 393, 402 (3).			
Gold Fields Bill, 346.			
Coal Fields Regulation Bill, 1861, 354.			
Appropriation Bill, 1860-61, 354.			
Emigration Agencies and Lecturers, 373 (2).			
Lambing Flat Diggings, 374.			
System of Tendering for Runs; Motion for adoption of Report from Select Committee on, 383.			
Special Meeting of Assembly, 389.			
Enforcement of Claims against the Crown Bill, 390, 391.			
Crown Lands Alienation Bill, 408.			
Dismemberment of the Colony, 414 (2).			
Intercolonial Shipping Telegrams, 422.			
State and Management of the Sydney Domain; Motion for adoption of Report from Select Committee on, 423.			
Railway Works, 424.			
Great Northern Railway Extension, 425.			

VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I.		PAPERS.	
	VOL.	PAGE.	
DIVISIONS (Continued):—			
IN COMMITTEE OF THE WHOLE:—			
Ways and Means.			
Resolution proposed on "Financial Statement"—Duties on Spirits and Teas, 429 (2).			
Duties of Customs Bill of 1861, 431 (4).			
Crown Lands Alienation Bill of 1861, 433 (2), 435 (6), 438 (9), 448, 453 (12), 461, 469 (3).			
Do. do. (Legislative Council's Amendments), 511 (10).			
Compensation to the Family of the late Mrs. de Courcy, 434 (2).			
New South Wales Census Bill for 1861, 437.			
Church and School Lands Bill of 1861, 445, 450.			
Pitt-street Tramway Bill, 448 (2).			
Commissioner at Newcastle Appointment Bill, 449 (4).			
Do. do. (Legislative Council's Amendments), 497.			
Chinese Immigration Regulation Bill, 459 (6), 485 (9), 492 (7).			
Impounding Bill, 465 (11), 472 (8).			
Crown Lands Occupation Bill, 470.			
Do. do. (Legislative Council's Amendments), 515 (5).			
Wahgunyah Murray Bridge Company's Bill, 475.			
Legislative Council Bill of 1861, 481 (10), 489 (3).			
Cattle Disease Prevention Bill, 489.			
Insolvency Commissioner's Bill of 1861, 491 (2).			
Coal Fields Regulation Bill, 500 (2).			
Appropriation Bill, 1860-61, 500.			
Proposed Wharf at Shellharbour, 501.			
Assisted Immigration (Resolution), 501 (2).			
Proposed Pension to Lady Mitchell, 502 (3).			
Gold Fields Bill, 1861, 503 (10).			
Enforcement of Claims against the Crown Bill, 507.			
Loan for Assisted Immigration, 509.			
Morpeth and Maitland Railway Company's Bill, 1861, 509 (5).			
Allowance to Mounted Volunteer Rifles for Forage, &c., 517 (2).			
SPENDS—Estimates in Chief			
Department of Public Works, 443.			
Department of Internal Communication, 443.			
Existing Liabilities—Establishments, 444 (2).			
New Works, 444.			
Public Buildings, 445 (2), 478 (3).			
Harbours and River Navigation—Public Works (to be provided for by Loan), 447.			
Dry Dock Establishment, 447.			
Treasury, 461.			
Customs, 462 (8), 479 (2).			
Colonial Distilleries, 464 (2).			
Sydney Branch of Royal Mint, 465 (2).			
Harbours, Light-houses, and Pilot Department, 471.			
Internal Communication, 471.			
Legislative Council, 477 (2).			
Legislative Council and Assembly, 478.			
Chief Secretary, 478 (3).			
—Explanatory Memorandum.			
Administration of Justice, 479 (2).			
—Additional Estimates, 1861.			
Pensions, 495.			
Miscellaneous Services (Department of Lands), 495 (2).			
Department of Public Works, 496.			
Miscellaneous Services (Department of Public Works), 496 (5), 499.			
Public Works, 499.			
DIXON, WILLIAM:—			
Petition from, relative to dismissal from office as timekeeper on Railway, 268; ordered to be printed, 274; referred to Select Committee on Grievances, 402	2	475	
DOCUMENTS IN CUSTODY OF CLERK (See "CLERK.")			
DOMAIN, SYDNEY:—			
Mr. Daniel moved for a Select Committee to inquire into the State and Management of, 127; Member of Council summoned as witness, 322; Message in reply from Council, 331; Report brought up, 355; Mr. Daniel moved the adoption of, 423.	2	1001	
DRINKWATER, EDWARD (See "COMMON.")			
DRIVING CATTLE BILL (See "CATTLE.")			
DUDLEY, HENRY WILLIAM:—			
Petition from, complaining of certain grievances in connection with the Sydney Railway Station, 100; ordered to be printed, and referred to the Select Committee on Grievances, 106	2	471	
DUES, HARBOUR (See "PILOTAGE.")			
DUNBAR, FREDERICK:—			
Petition of, referred to Select Committee on Grievances, 66.			
DUTIES OF CUSTOMS BILL OF 1861 (See "CUSTOMS DUTIES BILL," also "TEA AND SUGAR.")			
COLONIAL SPIRITS BILL OF 1861 (See "SPIRITS.")			
DUTY, EXPORT, ON GOLD (See "GOLD.")			
E.			
EDUCATION:—			
Report of the Board of National, for 1859, 6	2	687	
Report of Denominational School Board, 17	2	747	
Further Return, to order of Session 1859-60, in reference to Charitable and Educational Institutions, 421	2	773	
Report of Trustees of Sydney Grammar School for 1860, 427	2	769	
SCHOOL STATISTICS:—			
Further Return to Order of last Session in reference to, 181	2	751	

VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I.		PAPERS.	
		VOL.	PAGE.
ELECTION (See "SPEAKER"; also "CHAIRMAN.")			
ELECTIONS AND QUALIFICATIONS COMMITTEE:—			
Speaker's Warrant appointing, laid on Table, 23, 96, 105; Members of, sworn, 45, 46, 71, 118, 133; resignation of Members, 111; first meeting of, appointed, 45; Petition presented from William Palmer Moffat against the election of Thomas Ware Smart, Esq., as Member for the Glebe, and referred to Committee, 83; Report brought up, 144; leave obtained to adjourn <i>sine die</i> , 149		1	593
ELECTORS:—			
Return of number of, on Gold Fields, 238		1	745
ELECTRIC TELEGRAPH (See "TELEGRAPH.")			
EMIGRATION AGENCIES AND LECTURESHIPS:—			
Mr. Parkes moved for a Committee of the Whole, to consider of an Address in reference to the appointment of, 373; Resolution of Committee reported and adopted, 392.			
ENCROACHMENT ON MARKET STREET (See "NORTHWOOD, ALDERMAN.")			
ENFORCEMENT OF CLAIMS AGAINST THE CROWN BILL (See "CLAIMS;" also "CROWN.")			
ERROR IN TELLERS' LIST:—			
Correction of, 45.			
ESCHEATED LANDS (See "SEAL, GREAT, OF THE COLONY.")			
ESCORT OF GOLD (See "GOLD.")			
ESTIMATES (See "WAYS AND MEANS;" also "FINANCE"):—			
Message from Governor General, No. 3, submitting Estimates for 1861, also Supplementary, for 1860, 23; Message read by Clerk, 36		2	187
Message from Administrator of the Government, No. 3, submitting Additional Supplementary Estimate for 1860, 243		2	189
Message No. 7, submitting Additional Estimates for 1861, 311		2	193
Message No. 12, submitting a Supplementary Estimate for 1861, in aid of Assisted Immigration, 391; referred to Committee of the Whole, 399 ..		2	199
EVIDENCE—			
Taken before a Select Committee of last Session, referred to Select Committee upon the Petition of Mr. N. L. Kentish, 88.			
Ditto, ditto, referred to Select Committee on System of Tendering for the Public Service, 88.			
Ditto, ditto, referred to Select Committee on Petition of Mrs. Mary Jones, 59.			
Given at the Bar in Committee of the Whole, on Church and School Lands Bill reported to the House, 129.			
EXHIBITION OF INDUSTRY OF ALL NATIONS OF 1862:—			
Message No. 3, from the Administrator of the Government in reference thereto, 59		2	399
Letter from Edward Hamilton, Esquire, in reference to, 128		2	401
Despatch, dated 1st February, in reference to, 359		2	405
EXPERIMENTS ON COLONIAL TIMBERS:—			
Report from Deputy Master of the Sydney Branch of the Royal Mint respecting further, 238		2	339
EXPORT DUTY ON GOLD (See "GOLD.")			
EXPUNGING PROCEEDINGS, 101.			
EXTENSION OF RAILWAYS (See "RAILWAY.")			
F.			
FERRIS' PUBLIC LAW AMENDMENT BILL:—			
Mr. Terry moved for leave to introduce, and leave granted, 194; Bill presented and read 1 ^o , 194; negatived on motion for 2 ^o reading, 205.			
FERRY STEAM, PROPOSED AT RAYMOND TERRACE:—			
Petition presented, praying the establishment of, 231; ordered to be printed, 252		2	593
FIELD OF MARS (See "COMMON.")			
FINANCE (See "ESTIMATES;" also "WAYS AND MEANS"):—			
Particulars of the amount of Savings on Votes, 77		2	223
Estimated distribution of the Vote for Volunteers, 243		1	1319
Mr. Wilson moved Resolution relative to export duty on Gold, and debate adjourned, 260; debate resumed and motion carried, 327.			
Mr. Dickson moved for Return of Moneys paid from Revenue, for Telegraphic Messages, 310.			
Mr. Dickson moved for Return of Moneys paid from Revenue, for Legal Services to Government since the introduction of Responsible, 310.			
Trust Moneys Deposit Account, from 1 April, 1860, to 31 March, 1861, 327 ..		2	225
Mr. Piddington moved for Revenue Returns for 1860, 382.			
Mr. Piddington moved for Treasury Balances to 30 April, 1861, 382; laid on Table, 413		2	227
Mr. Lucas moved for Return of the amount of Money Voted and Expended between Parramatta Road and Bedlam Ferry since 1 January, 1856, 401.			
Message No. 4, recommending an increase to Salary of Chief Commissioner of Insolvent Estates, 243.			
Abstracts of Public Accounts of Colony, 413		2	229
FIRE, CARELESS USE OF, PREVENTION BILL:—			
Mr. Mate moved for leave to introduce, and leave granted, 194; Bill presented and read 1 ^o , 194; discharged from Paper, 329.			
FIRES, INQUESTS CONCERNING, BILL:—			
Mr. Dick moved for leave to introduce, and leave granted, 101; Bill presented and read 1 ^o , 101; read 2 ^o , committed, and reported, 170; read 3 ^o , passed, and sent to Legislative Council by Message, 177; received from Council without amendment, 257; Assent reported, 288.			
FLAX, GROWTH OF:—			
Mr. Allen moved for a Committee of the Whole to consider of an Address with a view to the promotion of, in this Colony, 811, 812; resolution reported from Committee, 328.			
ETT, HENRY, ESQ. (See "MEMBERS SWORN.")			

VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I.		PAPERS.	
		VOL.	PAGE.
FLOODS :—			
Mr. Driver moved for a Return of the names of the various sufferers relieved at Windsor, 58; laid on Table, 238		2	595
FUNDS (See "LIBRARY"; "ROADS"; also "IMMIGRATION.")			
G.			
GAOL, DARLINGHURST (See also "PRISONS") :—			
Petition presented from Thos. Harrison, late Turnkey, praying relief, 128; ordered to be printed, and referred to the Select Committee on Prisons 134.		1	1311
Petition from Christopher Rispiu to the same effect, 237.			
GLEBE ISLAND (See "ABATTOIRS.")			
GOLD :—			
EXPORT DUTY ON :—			
Mr. Wilson moved resolution for the Abolition of, 250; debate adjourned, 250; debate resumed, 327.			
UNDER ESCORT :—			
Petition presented from Samuel Robinson, complaining of his loss, and praying redress, 275; ordered to be printed, 282.		2	355
FIELDS :—			
Return of number of Electors on, 238		1	745
Mr. C. Cowper, junr., moved for Correspondence between the Chief Commissioner of Gold Fields and the Secretary for Lands, &c., in reference to Kiandra, 46; laid on Table, 343		2	369
Petition presented from Europeans at Baurangou, complaining of the influx of Chinese, 105.			
Petition from Inhabitants of Sydney, praying protection for the Chinese, 185; ordered to be printed, 200		2	357
Petition presented from a Chinese, complaining of aggressions from Europeans at Lambing Flat, 199; ordered to be printed, 234.		2	359
Mr. Hoskins moved for Correspondence between the Government and the Commandant of the Southern Patrol (Captain Zouch), and between Capt. McLeis and the Chief Commissioner of Southern Gold Fields, 233.			
Petition presented from a Chinese, complaining of aggressions from Europeans at Lambing Flat, 267; ordered to be printed, 274.		2	361
Petition presented from a Chinese Merchant in Sydney, complaining of aggressions from Europeans at Lambing Flat, 309.			
Petition presented from two Chinese, complaining of aggressions from Europeans at Lambing Flat, 335; ordered to be printed, 345.		2	363
Petition presented from a Licensed Chinese Storekeeper at Lambing Flat, complaining of aggressions from Europeans, 381; ordered to be printed, 401		2	365
Report from Commissioner in charge of Lambing Flat Gold Fields, respecting alleged losses by Chinese from aggressions of Europeans, 381.		2	367
Mr. Parkes moved a resolution for the appointment of Commissioners to investigate alleged losses of the Chinese by the late riots at Lambing Flat, 424.			
Mr. Cummings moved for a Select Committee to inquire whether the Lambing Flat Diggings are in the Western or Southern Districts of the Colony, and motion negatived, 374.			
FIELDS BILL OF 1861 :—			
Mr. Cowper moved for leave to introduce, and leave granted, 316; Bill presented, and read 1 ^o , 316; read 2 ^o , 345; committed, and progress reported, 334; Committee resumed, further progress reported, 372; Committee resumed, and further progress reported, 381; Committee resumed, and Bill reported, re-committed, reported 2 ^o , 382; read 3 ^o , passed, and sent to the Legislative Council by Message, 391; received from Council with amendments, 422; Committee report that they agree to some and disagree to other of the amendments made by the Council, 423.			
GOODS, DELIVERY OF, AT CAMPBELLTOWN (See "RAILWAY.")			
GOVERNMENT BUSINESS (See "SESSIONAL ORDERS;" also "ASSEMBLY.")			
GOVERNMENT (See "ADMINISTRATION OF GOVERNMENT.")			
GOVERNOR GENERAL :—			
Summons from, on opening of Parliament, 5.			
Opening Speech of, 7.			
Address in reply, 8.			
Reply to Address, 13.			
Approaching departure of for India (Despatch), 6		1	633
Select Committee to prepare Address to, appointed, 19.			
Report brought up, 27		1	635
Address adopted, 31.			
Address presented, and Reply reported, 35.			
Mr. Hoskins moved resolutions in reference to salaries of future, 39.			
TITLE OF :—			
Address to Queen in reference to, 415.			
GRAMMAR SCHOOL, SYDNEY (See "EDUCATION.")			
GRAY, SAMUEL WILLIAM, ESQ. (See "MEMBERS SWORN.")			
GRIEVANCES :—			
Mr. Parkes moved for a Select Committee to inquire into and report upon Petitions complaining of, 59; Petitions of Cornelius Delohery, James Pegg, and Frederick Dunbar, referred to Committee, 66; Petitions of Francis O'Meara, and James Ralls, referred to Committee, 150; Petition from Municipal Council at Newcastle referred to Committee, 161; Petition of James Boyle referred to Committee, 234; Petition of E. J. H. Knapp referred to Committee, 275; Petition of W. Dixon referred to Committee, 402; Progress Report brought up in the cases of James Pegg and James Ralls, 428		2	1121
GUARDS, MALL :—			
Mr. Hart moved for Correspondence relative to discharge of, on Northern line of Road, 401.			
GUNDAGAI (See "BRIDGE OVER THE MURRUMBIDGEE.")			

VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I.		PAPERS.	
		VOL.	PAGE.
H.			
HAMILTON, EDWARD, ESQ. :—			
Letter from, relative to Exhibition of 1862, laid on Table, 128		2	401
Ditto, acknowledging Vote of Thanks of Assembly, 222.			
Ditto, relative to Steam Postal Service, 231		2	417
HANNELL, JAMES, ESQ. (See "MEMBERS SWORN.")			
HARBOUR DUES (See "PILOTAGE.")			
HARBOUR MASTER (See also "CROOK.") :—			
Mr. Dalgleish moved for Correspondence between the Government and any persons complaining of the conduct of this officer, 128.			
Mr. Dalgleish moved for Correspondence between this officer and the Colonial Treasurer in reference to the trial <i>Smith v. Crook</i> , 60; laid on Table, 133.			
HARRISON, THOMAS—LATE TURNKEY—(See "GAOLS.")			
HAWKERS' LICENSES AMENDMENT BILL :—			
Mr. Buchanan moved for leave to introduce, and leave granted, 336; Bill presented and read 1 ^o , 336; discharged from Paper, 359.			
HAY, TOWNSHIP OF (See TELEGRAPH.)			
HEALTH OFFICER, SYDNEY :—			
Report from, for 1859, 83		2	675
HEATHER, RICHARD—IDENTIFIED STOLEN HORSES—(See "BRETT, RICHARD.")			
HEAT, WORDS OF, 268.			
HEBBLEWHITE, SAMUEL :—			
Petition presented from, relative to Randwick and Congee Road Trust, 143.			
HENRY, WILLIAM :—			
Mr. Parkes moved, that the Report of the Select Committee on the Petition of, be adopted, 149; debate adjourned, 149; debate postponed, 176; debate resumed, and again adjourned, 207; Order of the Day discharged from the Paper, 389.			
HEXHAM AND MINMI RAILWAY BILL (See "MINMI AND HEXHAM RAILWAY BILL.")			
HINTON ROAD (See "ROADS.")			
HOLROYD, ARTHUR TODD, ESQ. (See "MEMBERS SWORN.")			
HORSES, IDENTIFIED STOLEN (See "BRETT, RICHARD.")			
HOSKING'S TRUST BILL :—			
Petition presented from the Trustees praying leave to bring in Bill, 99; Mr. Windeyer moved for leave to introduce, and leave granted, 106; Bill presented and read 1 ^o , 106; referred to Select Committee, 128; Report brought up, 295; Bill read 2 ^o , recommitted, and reported, 312; read 3 ^o , passed, and sent to Legislative Council by Message, 328; received from Council without amendment, 393.		2	1231
I.			
IDENTIFIED STOLEN HORSES (See "BRETT, RICHARD.")			
IMMIGRATION (See also "EMIGRATION") :—			
Report from Agent for 1859, 193		2	653
ASSISTED :—			
Mr. Rotton moved for a Committee of the Whole, to consider an Address relative to, 336; resolution of Committee reported and adopted, 359.			
Message No. 12, from Administrator of the Government in reply to, 391. . .		2	199
VOLUNTARY AND ASSISTED, BILL :—			
Suspension of Standing Orders in reference to, on motion of Mr. Weekes, 399.			
Message No. 15, from Administrator of the Government in reference to, 407; referred to Committee of the Whole, resolution from, reported and adopted, 407; Mr. Weekes presented Bill, read 1 ^o and 2 ^o , committed, reported, read 3 ^o , passed, and sent to Legislative Council by Message, 407; returned by Council without amendment, 424.		2	671
HINESP. REGULATION BILL :—			
(See "CHINESE IMMIGRATION REGULATION BILL.")			
DEPARTMENT :—			
Office, cleaner of, (See "COCKBURN, JANE.")			
IMPOUNDING BILL OF 1861 :—			
Mr. Watt moved for leave to introduce, and leave granted, 60; Bill presented and read 1 ^o , 60; motion made for 2 ^o reading, and debate adjourned, 144; debate resumed and Bill read 2 ^o , 189; committed and progress reported, 205; Committee resumed, and further progress reported, 225, 226; further consideration of, postponed, 315; further postponed, 329.			
INDIA (See "DENISON, SIR W.")			
INDUSTRY, EXHIBITION OF 1862 (See "EXHIBITION.")			
INLAND BONDING CUSTOMS BILL (See "CUSTOMS INLAND, &c.")			
INQUESTS CONCERNING FIRES BILL (See "FIRES, INQUESTS CONCERNING BILL.")			
INSOLVENCY COMMISSIONER'S BILL OF 1861 :—			
Message No. 4, recommending, 243; Motion made for leave to bring in Bill, and leave granted, 216; presented and read 1 ^o , 216; read 2 ^o , committed, and reported, 295; read 3 ^o , and sent to Legislative Council by Message, 347; received from Council with amendments, 393; amendments agreed to, 400.		2	201
INSOLVENT LAWS (See "ADMINISTRATION OF JUSTICE.")			
INTERCOLONIAL SHIPPING TELEGRAMS (See "TELEGRAPH.")			
INTERMEDIATE DISTRICTS (See "CROWN LANDS.")			
INVENTIONS :—			
In Locomotion :—			
Petition presented from Edward Bell, Esq., C.E., in reference to, 139; ordered to be printed, 151		2	407
LETTERS OF REGISTRATION OF :—			
Return to Address of Session 1860, 359; Mr. Hart moved for a Return of descriptions and specification of Inventions, 425		2	409

VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I.		PAPERS.	
		VOL.	PAGE.
INVESTMENT, WILSON'S SETTLEMENT, BILL (See "WILSON'S SETTLEMENT INVESTMENT BILL.")			
IRVING, CLARK, ESQ. (See "MEMBERS SWORN"; also "CROWN LANDS.")			
J.			
JERVIS BAY (See "LIGHT-HOUSE.")			
JONES, MRS. MARY (See "POSTAL.")			
JUDGE'S, ADDITIONAL, APPOINTMENT BILL:— Received from Legislative Council by Message, 417.			
JUDGMENTS AND VERDICTS, SUPREME COURT, BILL (See "COURT, SUPREME, VERDICTS AND JUDGMENTS BILL.")			
JUSTICE (See "ADMINISTRATION OF.")			
K.			
KEIGHTLY, MR.:— Mr. T. Garrett moved for Correspondence between the Government and, in reference to the Sale of Land at Tamworth, 59.			
KEMPT, LIEUTENANT COLONEL (See "ADMINISTRATION OF THE GOVERNMENT.")			
KENTISH, MR. N. L.:— Mr. Dick moved for a Select Committee to inquire into and report upon the Petition of 39; Report brought up, 327			
		1	941
KIANDRA (See "GOLD FIELDS.")			
KISSING POINT (See "COMMON.")			
KNAPP, MR. E. J. H.:— Petition of, referred to Select Committee on Grievances, 275.			
L.			
LAMB, THE HONORABLE JOHN, R.N., M.L.C.:— Summoned as witness before Committee on Light-house, near Jervis Bay, 185; Message from Council granting leave, 186.			
LAMBING FLAT (See "GOLD FIELDS.")			
LABORERS (See "UNEMPLOYED.")			
LAND (See "TITLES TO LAND"; also "CROWN LANDS"; also "ESCHEATED LANDS"):—			
ORDNANCE ACT AMENDMENT BILL:— Presented and read 1 ^o , 6.			
RIGHTS OF SQUATTERS:— Despatch in reference to, dated 29 November, 1853, 17.			
		2	873
SURVEY OF, IN THE SOUTHERN DISTRICTS:— Mr. O'Brien moved for a List of the names of Surveyors and number of acres surveyed, &c., 128.			
SALE OF, AT NUNDELE:— Motion made by Mr. T. Garrett, in reference to, by Mr. Keightly, 59.			
PRIVATE, TAKEN FOR RAILWAY PURPOSES:— Mr. Parke's moved for Returns of, together with names of owners and compensation claimed or paid, &c., 175.			
CLAIMED BY MR. E. J. H. KNAPP:— (See "KNAPP, MR. E. J. H.")			
SALE OF, AT MUSWELLBROOK:— Petition presented from the Inhabitants of Muswellbrook relative to, 301; ordered to be printed, 401			
		2	1049
CLAIMED BY WILLIAM HENRY:— (See "HENRY, WILLIAM.")			
WEST MAITLAND CHURCH SALE BILL:— (See "MAITLAND, WEST, CHURCH LAND SALE BILL.")			
LANDS, CHURCH AND SCHOOL, BILL (See "CHURCH AND SCHOOL, &c.")			
LANG, REV. DR.:— Leave of Absence granted to, 312.			
LASCARS (See "ADMINISTRATION OF JUSTICE.")			
LAW, COMMON, PROCEDURE ACT EXTENSION BILL (See "COMMON LAW PROCEDURE BILL.")			
LAW, PROPERTY, AND TRUSTEES' RELIEF BILL OF 1861:— Mr. Blake moved for leave to introduce, and leave granted, 84; Bill presented and read 1 ^o , 84; read 2 ^o , 151; discharged from Paper, 393.			
LAWRENCE, SERGEANT MAJOR (See "POLICE.")			
LAYCOCK, J. C., ESQ. (See "MEMBERS SWORN.")			
LEAVE OF ABSENCE:— Granted to Members, 107, 111, 163, 207, 233, 312.			
LECTURESHIPS, EMIGRATION (See "EMIGRATION AGENCIES AND LECTURESHIPS.")			
LEGAL SERVICES:— Mr. Dickson moved for a Return of Moneys paid for, since the introduction of Responsible Government, 310.			
LEGISLATION, OBSTRUCTION TO:— Capt. Moriarty moved resolution in reference to, and motion by leave withdrawn, 423.			
LEGISLATIVE (See "COUNCIL, APPOINTMENT OF MEMBERS TO.")			
LEGISLATIVE COUNCIL, BILL OF 1861:— Mr. Cowper moved for leave to introduce, and leave granted, 27; Bill presented, and read 1 ^o , 27; read 2 ^o , 47; consideration of, in Committee postponed, 244; committed, and progress reported, 249; Committee resumed, and further progress reported, 257; Committee resumed, and further progress reported, 262; Committee resumed, and Bill reported, 281; Report adopted, 287; read 3 ^o , passed, and sent to Legislative Council by Message, 289.			
LETTERS OF REGISTRATION (See "INVENTIONS.")			

VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I.	PAPERS.	
	VOL.	PAGE.
LESLEY, W. C., ESQ. (See "MEMBERS SWORN.")		
LIABILITIES AND ASSETS (See "BANKS.")		
LIABILITY OF MINING PARTNERSHIPS LIMITATION BILL:—		
Mr. Wilson moved for leave to introduce, and leave granted, 193; Bill presented and read 1 ^o , 194; read 2 ^o , committed, and progress reported, 205; Committee resumed, and further progress reported, 226, 234, 263; Committee resumed, and Bill reported, 315; read 3 ^o , passed, and sent to Legislative Council by Message, 330; received from Council without amendment, 400.		
LIBRARY:—		
Mr. Cowper moved the appointment of Committee, 17; Report from, brought up in reference to reimbursement of Funds, 143; Report adopted, 150; Mr. Douglas moved an instruction to Committee relative to interchange of Colonial Statutes, 251.	1	689
LICENSES:—		
Petition presented from the N.S.W. Alliance for the Suppression of Intemperance, relative to Confectioners' 238; ordered to be printed, 251	2	1119
HAWKER'S AMENDMENT BILL:—		
Mr. Buchanan moved for leave to introduce, and leave granted, 336; Bill presented and read 1 ^o , 336; discharged from Paper, 353.		
LIGHT-HOUSE:—		
Mr. Gray moved for a Select Committee to inquire into the Erection of, near Jarvis Bay, 107; Capt. Meriarty moved that certain Correspondence be referred to Committee, 171, 185; Member of Council summoned as witness, 185; Message in reply, 186; Report from Committee brought up, 422	2	607
LIVERPOOL RAILWAY (See "RAILWAY.")		
LOAN, PUBLIC WORKS, BILL, 1861:—		
Mr. Weekes moved for leave to introduce, and leave granted, 371; Bill presented and read 1 ^o , 371; read 2 ^o , committed, and reported, 381; read 3 ^o , passed and sent to Legislative Council by Message, 391; returned by Council without amendment, 417.		
LOCKYER, MRS. ELIZA:—		
Petition presented from, praying relief, 45; ordered to be printed, 59; Mr. Hart moved that it be referred to Select Committee on Grievances—negated, 78	2	1147
LOCOMOTION, INVENTIONS IN (See "INVENTIONS.")		
LUNATICS CRIMINAL BILL OF 1861:—		
Received from Legislative Council by Message, and read 1 ^o , 328; read 2 ^o , committed, re-committed, and reported, 343; read 3 ^o , passed, and returned to Council by Message, with an amendment, 353; amendment agreed to by Council, 372.		
LUNN (See "ADMINISTRATION OF JUSTICE.")		
LYNCH, DANIEL (See "POSTAL.")		
M.		
MACDONALD RIVER (See "ROADS.")		
MACKENZIE'S MARRIAGE SETTLEMENT TRUSTEES BILL:—		
Petition presented praying leave to bring in, 99; Mr. Windeyer moved for leave to introduce, and leave granted, 106; Bill presented and read 1 ^o , 106; referred to Select Committee, 128; Report brought up, 250; Bill read 2 ^o , committed, and reported, 296; read 3 ^o , passed, and sent to Legislative Council by Message, 313; returned by Council without amendment, 393.	2	1225
MACLEAY, WILLIAM, ESQ. (See "MEMBERS SWORN.")		
MAGISTRACY:—		
Mr. Meston moved for a Select Committee to inquire into the working of the unpaid, in the Colony, 106; Motion made for Returns relative to, 150; laid on Table and referred to Committee, 189; Motion made that the Progress Report of last Session be referred to the Committee, 193; Report brought up, 225; Motion made for the adoption of the Report, negated, 274.	1	893
MAGISTRATE (See "POLICE MAGISTRATE.")		
MAGISTRATES POWERS LIMITATION BILL:—		
Mr. Buchanan moved for leave to introduce, and leave granted, 233; Bill presented and read 1 ^o , 233; read 2 ^o , 313; committed and reported, 329; read 3 ^o , passed, and sent to Legislative Council by Message, 360; returned by Council without amendment, 423.		
MAGUIRE, BRYAN (See "ASSEMBLY.")		
MAIL GUARDS (See "POSTAL"; also "GUARDS.")		
MAITLAND (See "RAILWAY.")		
MAITLAND, EAST, LAND RESERVES (See "CROWN LANDS.")		
MAITLAND AND MORPETH (See "RAILWAY.")		
MAITLAND, WEST, CHURCH LAND SALE BILL:—		
Petition presented praying leave to bring in, 105; Mr. Dick moved for leave to introduce, and leave granted, 127; Bill presented and read 1 ^o , 128; referred to Select Committee, 150; Report brought up, 215; Bill read 2 ^o , 253; committed and reported, 296; read 3 ^o , passed, and sent to Legislative Council by Message, 314; returned by Council without amendment, 382.	2	863
MANLY BEACH (See "WHARF.")		
MANSLAUGHTER, CORONERS' BAIL FOR, BILL OF 1861 (See "CORONERS' BAIL," &c.)		
MAPS (See "CROWN LANDS.")		
MARKET-STREET (See "NORTHWOOD, ALDERMAN.")		
MARKHAM, G., ESQ. (See "MEMBERS SWORN.")		
MARS, FIELD OF (See "COMMON.")		
MARTINDALE, CAPTAIN:—		
Mr. Lucas moved for Correspondence in reference to the Resignation of, 338.		
McARTHUR, ALEXANDER, ESQ. (See "MEMBERS SWORN.")		
MECHANICS (See "UNEMPLOYED.")		

VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I.		PAPERS.	
M.		VOL.	PAGE.
MEDICAL ADVISER TO GOVERNMENT :—			
Report on Vaccination for 1860 laid on Table, 111	2	681	
MEMBERS SWORN :—			
2, 5 (2), 6, 17, 18, 23, 35 (2), 36, 65, 107, 219, 287, 335.			
MEMBERS, PROPOSED PAYMENT OF :—			
Petition presented from Residents in the Northern Districts in reference to, 193; ordered to be printed, 300	1	629	
MEMBERS OF COUNCIL QUALIFICATION BILL :—			
Received from Council by Message, and read 1 ^o , 372; discharged from Paper, 427.			
MEMBERS OF COUNCIL :—			
Appointment of future (See "COUNCIL.")			
MERCHANT SEAMEN (See "SEAMEN.")			
MESSAGES :—			
TRANSMISSION OF, BETWEEN THE TWO HOUSES :—			
Mr. Cowper moved Sessional Order in reference to, 18.			
FROM THE GOVERNOR GENERAL :—			
No. 1. Approaching departure of His Excellency, 6	1	633	
2. Assent to Titles to Land Bill, 6.			
3. Estimates for 1860-61, Memo. Explanatory of, 23	2	187	
FROM THE ADMINISTRATOR OF THE GOVERNMENT (LIEUT.-COL. KEMPE) :—			
No. 1. Assumption of Administration of Government, 36	1	641	
2. Assent to Revenue Fund Bill, 77.			
3. Exhibition of Industry of all Nations, 1862, 89	2	399	
4. Assent to Census Bill, 139.			
5. " Common Law Procedure Bill, 199.			
6. " Registration of Deeds Bill, 215.			
7. " Supreme Court Verdicts and Judgments Bill, 215.			
FROM HIS EXCELLENCY SIR JOHN YOUNG :—			
No. 1. Assumption of the Administration of the Government by, 225	1	648	
2. Assent to Scab in Sheep Bill, 238.			
3. Additional Supplementary Estimate, 248	2	189	
4. Salary of Commissioner of Insolvent Estates, 243	2	201	
5. Assent to Inquests concerning Fires Bill, 288.			
6. " Cattle Disease Prevention Bill, 311.			
7. Additional Estimates for 1861, 311	2	193	
8. Assent to Sydney University Bill, 390.			
9. " Tolls Amendment Bill, 390.			
10. " Commissioner at Newcastle Appointment Bill, 390.			
11. " Pitt-street Tramway Bill, 390.			
12. Supplementary Estimate of Expenditure for 1861, 391	2	199	
13. Assent to Proof by Declaration Bill, 390.			
14. " Temporary Acts Continuance Bill, 391.			
15. Funds for Voluntary Emigration, 407	2	671	
FROM LEGISLATIVE ASSEMBLY TO COUNCIL :—			
Requesting the attendance of Members of the Legislative Council as witnesses before Select Committees, 185, 267, 312, 321, 322.			
Transmitting Consolidated Revenue Fund Bill, 1861, 46.			
" Common Law Procedure Act Extension Bill, 84.			
" Duties of Customs Bill of 1861, 90.			
" Colonial Spirits Duties Bill of 1861, 91.			
" Scab in Sheep Bill of 1861, 118.			
" Tolls Amendment Act Amendment Bill, 152.			
" Inquests concerning Fires Bill, 177.			
" Pitt-street Tramway Bill, 185.			
" Crown Lands Alienation Bill of 1861, 232.			
" Crown Lands Occupation Bill of 1861, 232.			
" Wahgunyah Murray River Bridge Company's Bill, 234.			
" Report and Evidence on ditto, 237.			
" Cattle Disease Prevention Bill, 282.			
" Wilson's Settlement Investment Bill, 282.			
" Legislative Council Bill of 1861, 289.			
" Church and School Lands Bill, 296.			
" Mackenzie's Marriage Settlement Trustees Bill, 313.			
" West Maitland Church Land Sale Bill, 315.			
" Chinese Immigration Regulation Bill, 328.			
" Hosking's Trust Bill, 328.			
" Cattle Driving Act Amendment Bill, 329.			
" Mimi and Hexham Railway Act Amendment Bill, 329.			
" Clarence and Richmond Rivers Steam Navigation Company's Bill, 330.			
" Liability of Mining Partnerships Limitation Bill, 330.			
" Insolvency Commissioner's Bill of 1861, 347.			
" Magistrates Powers Limitation Bill, 360.			
" Coal Fields Regulation Bill, 1861, 371.			
" Appropriation Bill, 1860-61, 372.			
" Municipal Rates Enforcement Bill of 1861, 382.			
" Public Works Loan Bill, 1861, 391.			
" Gold Fields Bill, 1861, 392.			
" Voluntary and Assisted Immigration Fund Bill, 408.			
Returning New South Wales Census Bill of 1861, 118.			
" Registration of Deeds Affecting Real Estate Law Amendment Bill, 177.			
" Supreme Court Verdicts and Judgments Bill, 190.			
" Commissioner at Newcastle Appointment Bill, 206.			
" Sydney University Incorporation Act Amendment Bill of 1861, 313.			
" Coroners' Bail for Manslaughter Bill of 1861, 346.			
" Proof by Declaration Abolition Bill of 1861, 346.			
" Temporary Acts Continuance Bill of 1861, 347.			
" Criminal Lunatics Bill of 1861, 353.			
" Enforcement of Claims against the Crown Bill, 400.			

VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I.		PAPERS.	
		VOL.	PAGE.
M.			
MESSAGES (Continued):—			
FROM LEGISLATIVE ASSEMBLY TO COUNCIL—(Continued):—			
Agreeing to Amendments in Common Law Procedure Bill, 170.			
" Scab in Sheep Bill of 1861, 206.			
" Tolls Amendment Act Bill, 314.			
Does not insist on Amendments in Commissioner at Newcastle Bill, 330.			
Agreeing to Amendments in Pitt-street Tramway Bill, 346.			
" Amendments in Insolvency Commissioner's Bill, 400.			
" and disagreeing to Amendments in Crown Lands Alienation Bill, 414.			
" Amendments in Minmi and Hexham Railway Bill, 416.			
" Amendments in Wahgunyah Murray River Bridge Company's Bill, 421.			
FROM LEGISLATIVE COUNCIL TO ASSEMBLY:—			
In reply to Messages requesting the attendance of Members of the Legislative Council as Witnesses before Select Committees, 186, 268, 314, 322, 331.			
Returning Consolidated Revenue Fund Bill, 1861, 65.			
" Common Law Procedure Act Extension Bill, 164.			
" Scab in Sheep Bill, 200.			
" Inquests concerning Fires Bill, 267.			
" Tolls Amendment Act Amendment Bill, 295.			
" Pitt-street Tramway Bill of 1861, 295.			
" Cattle Disease Prevention Bill of 1861, 308.			
" Wilson's Settlement Investment Bill, 372.			
" West Maitland Church Land Sale Bill, 382.			
" Hosking's Trust Bill, 393.			
" Clarence and Richmond Rivers Steam Navigation Company's Bill, 393.			
" Mackenzie's Marriage Settlement Trustees Bill, 393.			
" Insolvency Commissioner's Bill of 1861, 393.			
" Crown Lands Alienation Bill of 1861, 399.			
" Minmi and Hexham Railway Act Amendment Bill, 399.			
" Liability of Mining Partnerships Limitation Bill, 400.			
" Cattle Driving Act Amendment Bill, 400.			
" Appropriation Bill 1860-61, 413.			
" Wahgunyah Murray River Bridge Company's Bill, 413.			
" Public Works Loan Bill of 1861, 417.			
" Crown Lands Occupation Bill of 1861, 422.			
" Gold Fields Bill, 1861, 422.			
" Magistrates' Powers Limitation Bill, 423.			
" Voluntary and Assisted Immigration Fund Bill, 424.			
Disagreeing to Amendments in Commissioner at Newcastle Bill, 321.			
Agreeing to Amendments in Sydney University Bill, 325.			
" " Coroners Bail Bill, 372.			
" " Criminal Lunatics Bill, 372.			
" " Enforcement of Claims Bill, 424.			
" " Registration of Deeds Bill, 200.			
Transmitting Commissioner at Newcastle Appointment Bill, 112.			
" Registration of Deeds affecting Real Estate Law Amendment Bill, 112.			
" Supreme Court Verdicts and Judgments Bill, 134.			
" Temporary Acts Continuance Bill of 1861, 186.			
" Proof by Declaration Abolition Bill of 1861, 186.			
" Coroner's Bail for Manslaughter Bill of 1861, 186.			
" Members of Council Qualification Bill, 372.			
" Additional Judge's Appointment Bill, 417.			
" Church of England Synods Bill, 200.			
" Report and Evidence on ditto, 239.			
" Sydney University Incorporation Act Amendment Bill of 1861, 243.			
" Admission of Barristers Law Amendment Bill, 315.			
" Enforcement of Claims against the Crown Bill, 327.			
" Criminal Lunatics Bill of 1861, 328.			
MESTON, ROBERT, ESQ. (See "MEMBERS SWORN.")			
METROPOLIS (See "WATER SUPPLY.")			
MILITARY:—			
Despatch relative to, Assistance to New Zealand; laid on Table, 6.....	1	1313	
MINING PARTNERSHIPS LIABILITY LIMITATION BILL (See "LIABILITY.")			
MINISTERS, RESPONSIBLE:—			
Mr. Hoskins moved resolutions in reference to Salaries of, 39.			
MINMI AND HEXHAM RAILWAY ACT AMENDMENT BILL (See "RAILWAY.")			
MINT, SYDNEY BRANCH OF ROYAL:—			
Despatch, dated 13 January, 1861, in reference to, 273.....	2	327	
Report of experiments on Colonial Timbers, 238.....	2	339	
MITCHELL, LADY:—			
Mr. Irving moved for a Committee of the Whole to consider of an Address in reference to Pension for, 251; Resolution reported, 360.			
MOFFAT V. SMART (See "ELECTIONS AND QUALIFICATIONS.")			
MONEY (See "LEGAL SERVICES;" also, "TRUST MONEYS;" also, "ROADS.")			
MORPETH (See "ROADS.")			
MORPETH AND MAITLAND RAILWAY COMPANY'S BILL (See "RAILWAYS.")			
MOTIONS DROPPED:—			
78, 83, 128 (2), 150, 176, 193, 233 (2), 273, 311 (2), 330, 336, 348, 372, 374, 400, 401 (5) 402 (2), 424 (2).			

VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I.		PAPERS.	
		VOL.	PAGE.
MOTIONS WITHDRAWN :—			
38, 46, 52, 57, 58 (2), 59 (2), 60, 78 (2), 83, 100, 127, 128, 150, 151 (2), 171 (2), 194 (2), 221, 226, 232, 250, 251, 295, 310 (3), 311, 335, 336, 337, 343, 371, 374, 399 (2), 401 (2), 421, 423 (2), 424, 427, 428.			
MUNICIPAL COUNCIL, SYDNEY :—			
Report relative to Sewerage and Water Supply, 343		2	1113
MUNICIPAL RATES ENFORCEMENT BILL OF 1861 :—			
Mr. Cowper moved for leave to introduce, and leave granted, 343; Bill presented and read 1 ^o , 347; read 2 ^o , committed, and progress reported, 355; Committee resumed, and Bill reported, 372; read 3 ^o , passed, and sent to Legislative Council by Message, 381.			
MUNICIPALITIES ACT AMENDMENT BILL OF 1861 :—			
Mr. Lucas moved for leave to introduce, and leave granted, 105; Bill presented and read 1 ^o , 105; Petition presented from Samuel Hebblewhite against, 143; ordered to be printed, 150; Mr. T. Garrett moved for Copies of Correspondence with Municipal Councils, in reference to this Bill; and motion by leave withdrawn, 150; Petition presented in favour of the Bill from the Municipality of Waverley, 157; Petition presented in favour of, from Municipality of Waverley, and Rate-payers of Waverley, 169; Bill negatived on motion for second reading, 169.			
MUNICIPALITY, SHOALHAVEN :—			
Mr. J. Garrett moved for a Select Committee to inquire into the Petition of Alexander Berry, Esq., 27.			
Mr. J. Garret moved for the Petition of J. Graham, presented last Session, to be printed and referred to Committee, 27			
Petition presented from A. Berry, Esq., praying leave to be heard before Committee, 32; ordered to be printed and referred to Committee, 38			
Mr. T. Garrett moved that the Mayor of Shoalhaven have leave to appear before Committee; motion by leave withdrawn, 60.			
Petition presented from the Mayor of Shoalhaven, praying to be heard before the Committee, 89; leave granted, 95; Mr. T. Garrett moved that certain documents be referred to the Committee, 101.			
MURRAY, T. A., ESQ. (See "SPEAKER.")			
MURRUMBIDGEE (See "BRIDGES.")			
MUSEUM :—			
Report from the Trustees of, for 1860; laid on Table, 231		2	385
MUSWELLBROOK (See "COMMON;" also "CROWN LANDS.")			
N.			
NAMES OF MEMBERS (See "SESSIONAL ORDERS.")			
NARELLAN (See "RESERVOIR.")			
NATIONAL EDUCATION (See "EDUCATION.")			
NEPEAN (See "BRIDGES.")			
NEWCASTLE, COMMISSIONER AT, APPOINTMENT BILL :—			
Received from Legislative Council by Message, and read 1 ^o , 112; read 2 ^o , 143; committed and reported, 170; debate on motion for third reading adjourned, 176; Bill read 3 ^o , passed, and returned to Council with amendments, 236; Council disagrees to amendments, 321; Assembly does not insist upon amendments, 329; Assent reported, 390.			
NEWCASTLE, CITY OF :—			
Petition presented from Municipal Council relative to certain obstructions to the improvement of, 133; ordered to be printed and referred to the Select Committee on Grievances, 151		2	1111
NEW SOUTH WALES (See "COLONY;" also, "ROADS.") :—			
Statistical view of the progress of, from 1855 to 1859, laid on Table, 32		2	185
NEW SOUTH WALES CENSUS BILL FOR 1861 (See "CENSUS BILL.")			
NEW ZEALAND (See "MILITARY.")			
NORNA, BARQUE (See "ADMINISTRATION OF JUSTICE.")			
NORTH, MR. W., P.M. (See "ADMINISTRATION OF JUSTICE.")			
NORTH, GREAT ROAD (See "ROADS.")			
NORTHERN MAIL GUARDS (See "GUARDS;" also, "POSTAL.")			
NORTHERN RAILWAY EXTENSION (See "RAILWAY.")			
NORTHWOOD, ALDERMAN :—			
Return to Order of Session 1860, relative to encroachments on Market-street, 65.			
O.			
OATH :—			
Commission to administer by Commissioners to Members, 2; Speaker's Commission to administer, 5; Deputy Speaker's ditto, 51.			
OBSERVATORY :—			
Third Report on Sydney, 6		2	395
OBSTRUCTION TO LEGISLATION (See "LEGISLATION.")			
OBSTRUCTION, RAILWAY, AT MAITLAND (See "RAILWAY.")			
OFFICE BEARERS (See "DESTITUTE ASYLUM.")			
O'MEARA, MR. FRANCIS :—			
Petition of, referred to Select Committee on Grievances, 150.			
OPENING OF PARLIAMENT (See "PARLIAMENT;" also, "ASSEMBLY.")			
ORDER, POINTS OF :—			
RELATIVE TO :—			
Admissibility of certain amendments to motions, 40.			
Reception of Petitions, 99, 302.			
Restoration of Order of the Day, lapsed by adjournment of the House, after being read, 176.			
Omission or reduction of items in Committee of Supply, 199.			
Proceeding during the process of balloting for Select Committee, 261;			

VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I.	PAPERS.	
	VOL.	PAGE.
ORDER, POINTS OF (<i>Continued</i>):—		
RELATIVE TO:—		
Member giving his voice with the <i>Noes</i> and voting with the <i>Ayes</i> , 262, 406.		
Notices of Motion, change of day, 267.		
Admissibility of Bill containing certain pecuniary provisions, 268.		
Disorderly Words reported from Committee of the Whole, 268.		
Introduction of a Bill with pecuniary provisions therein, 302.		
ORDERS, STANDING AND SESSIONAL (See "STANDING ORDERS"; also "SESSIONAL ORDERS.")		
ORDNANCE LAND ACT AMENDMENT BILL :—		
Bill presented and read 1 ^o , 6.		
RETURNS :—		
Laid on Table, 17.....	1	1321
P.		
PARLIAMENT (See "ASSEMBLY"; also "POINTS OF ORDER.")		
PARRAMATTA RIVER (See "ROADS"; also "TRAFFIC.")		
PARTNERSHIPS, LIABILITY OF MINING, LIMITATION BILL (See "LIABILITY OF MINING PARTNERSHIPS BILL.")		
PATROL (See "POLICE.")		
PAYMENT OF MEMBERS (See "ASSEMBLY.")		
PAYMENTS (See "LEGAL SERVICES.")		
PEGG, JAMES :—		
Petition referred to Select Committee on Grievances, 66; Progress Report brought up, 428.....	2	1121
PEISLEY, JOHN, ESQ. (See "MEMBERS SWORN.")		
PENSION (See "MITCHELL, LADY.")		
PETITIONS :—		
Weekly Abstract of.....	1	519 to 522
General Summary of Ditto.....	1	553
PETTY SESSIONS, CONDOBOLIN (See "ADMINISTRATION OF JUSTICE.")		
PIDDINGTON, W. R., ESQ. :—		
Appointed Deputy Chairman of Committees of the Whole House, 281, 287, 301.		
PILOTAGE AND HARBOUR DUES :—		
Despatches in reference to, 83.....	2	603
PILOT BOARD :—		
Mr. Dalgleish moved for the Report of, on the Working of the Department, 176.		
PILOTS :—		
Mr. Watt moved for a Return of Vessels entering the Port requiring Pilots, since 1 January, 1852, 78; laid on Table, 231.....	2	605
Mr. Watt moved for Correspondence in reference to the appointment of an additional, for Port Jackson, 78; laid on Table, 249.		
PITT-STREET TRAMWAY BILL OF 1861 :—		
Mr. Arnold moved for leave to introduce, and leave granted, 117; Bill presented and read 1 ^o , 117; Petition presented in favour of, from Inhabitants of Pitt-street, 133; ordered to be printed, 139; Petition presented against, from Residents in Pitt-street, 157; Bill read 2 ^o , committed, and progress reported, 163; Committee resumed, and Bill reported, 171; Report adopted, 177; Bill read 3 ^o , passed, and sent to Legislative Council by Message, 185; received from Council by Message, with amendments, 295; amendments agreed to, 346; Assent reported, 390.	2	533
PLANS (See "RAILWAY"; also "CROWN LANDS.")		
POLICE :—		
SERGEANT MAJOR LAWRENCE :—		
Motion made by Mr. Rotton for Correspondence in reference to dismissal of, from the Western Patrol, 423.		
POLICE COURT, SYDNEY , (See "ADMINISTRATION OF JUSTICE.")		
POLICE MAGISTRATE (See also "ADMINISTRATION OF JUSTICE"):—		
Mr. Meston moved for a Committee of the Whole to consider of an Address for the Salary of, at Tentersfield; motion by leave withdrawn, 83; similar motion made by Mr. Dick, relative to Tamworth, 374.		
PORT JACKSON (See "PILOT"; also "VESSELS ENTERING.")		
POSTAL :—		
Further Correspondence relating to Steam Service, 139.....	2	418
Letter from Edward Hamilton, Esq., in reference to, 231.....	2	417
Mr. Stewart moved for a Select Committee to inquire into the Petition of Mrs. Mary Jones, 59; Report brought up, 309.....	2	419
Petition from Daniel Lynch, complaining of his discharge from the General Post Office, Sydney, 381.		
Mr. Hart moved for Correspondence relative to discharge of Mail Guards on the Northern Road, 401.		
POWERS, MAGISTRATES, LIMITATION BILL (See "MAGISTRATES' POWERS LIMITATION BILL")		
PRECEDENCE (See "SESSIONAL ORDERS"; also "ASSEMBLY.")		
PRE-EMPTIVE RIGHT (See "CROWN LANDS.")		
PREVIOUS QUESTION , 39, 57, 77, 312.		
PRISONS :—		
Mr. Parkes moved for a Select Committee to inquire into the Management of, 38; Motion made that the Committee have leave to make visits of inspection, 52; Petition presented from Thomas Harrison, late Turnkey at Darlinghurst Gaol, 128; ordered to be printed and referred to Committee, 134; motion made for leave for Special Sittings, 311; Member of Legislative Council summoned as witness, 312; Message from Council, in reply, 314; Report brought up, 428.....	1	1311
	1	1027

VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I.		PAPERS.	
		VOL.	PAGE.
PRIVATE BUSINESS (See "SESSIONAL ORDER.")			
PRIVILEGE, QUESTION OF:—			
Mr. Gray moved for a Select Committee to inquire into certain language used by His Honor the Chief Justice in the Supreme Court, 257; Member of Legislative Council summoned as witness, 267; Message in reply, 268; Report brought up, 273		1	615
PROCEEDINGS IN SUPPLY (See "SESSIONAL ORDER.")			
PROCEDURE, COMMON LAW, ACT EXTENSION BILL (See "LAW.")			
PROOF BY DECLARATION ABOLITION BILL OF 1861:—			
Received from Legislative Council by Message, and read 1 ^o , 186; ordered to be printed, 267; read 2 ^o , committed and reported, 257; read 3 ^o , passed, and returned to Council without amendment, 346; Assent reported, 390.			
PROPERTY LAW AND TRUSTEES' RELIEF BILL OF 1861:—			
Mr. Blake moved for leave to introduce, and leave granted, 84; Bill presented and read 1 ^o , 84; read 2 ^o , 151; discharged from Paper, 303.			
PROROGATION:—			
Motion for adjournment preliminary to, 427.			
PUBLIC ACCOUNTS (See "FINANCE.")			
PUBLIC FERRIES LAW AMENDMENT BILL (See "FERRIES.")			
PUBLIC HOUSE LAWS AMENDMENT BILL OF 1861:—			
Mr. Rusden moved for leave to introduce, and leave granted, 274; Bill presented and read 1 ^o , 281; negatived on motion for second reading, 312.			
PUBLIC SERVICE:—			
Mr. Windeyer moved for a Select Committee to inquire into the System of Tendering for, &c.; Report brought up, 393		2	1331
PUBLIC WORKS LOAN BILL, 1861 (See "LOAN BILL.")			
PUNISHMENTS, CAPITAL, ABOLITION BILL:—			
Mr. Parkes moved for leave to introduce, and leave granted, 19; Bill presented and read 1 ^o , 19; negatived on motion for second reading, 52.			
PURCELL (See "ADMINISTRATION OF JUSTICE.")			
PYRMONT RAILWAY TERMINUS (See "RAILWAY.")			
Q.			
QUALIFICATION (See "MEMBERS OF COUNCIL QUALIFICATION BILL;" also, "ELECTIONS AND QUALIFICATIONS.")			
QUEEN:—			
Address to, in reference to title of Governor, 415.			
QUORUM (See "ASSEMBLY.")			
R.			
RAILWAYS (See also "MRS. DE COURCY"):—			
EXTENSION OF GREAT NORTHERN:—			
Petition presented last Session, ordered to be printed, 31		2	469
Mr. Sutherland moved for Returns in reference to, 425.			
DUDLEY, H. W.:—			
Petition presented from, in reference to disadvantages connected with his tenure of the Refreshment Room at Sydney Station, 100; ordered to be printed, and referred to the Select Committee on Grievances, 106		2	471
PLANS, SPECIFICATIONS, &c., FOR EXTENSIONS:—			
Mr. Cummings moved for production of, motion by leave withdrawn, 171.			
PRIVATE LANDS TAKEN FOR:—			
Mr. Parkes moved for Tabulated Returns of, 475.			
OBSTRUCTION TO GAOL RESERVE IN MAITLAND:—			
Petition presented in reference to, 193; ordered to be printed, 200		2	527
LIVERPOOL AND CAMPBELLTOWN:—			
Mr. Lucas moved for a Return of all Moneys expended upon, 234.			
Mr. Dalgleish moved for sections of, 310.			
Mr. Dalgleish moved for Return shewing the water-ways of Bridges, &c., on Liverpool and Campbelltown Line, 424.			
DELIVERY OF GOODS AT CAMPBELLTOWN:—			
Mr. Leary moved for Correspondence in reference to, 252; laid on Table, 399.			
DIXON, WILLIAM:—			
Petition presented from, complaining of his dismissal from office as time-keeper, 268; ordered to be printed, 274; referred to Select Committee on Grievances, 402		2	475
EXTENSION LINES AND WORKS:—			
Mr. Rotton moved for comparative sections, shewing the levels, also tracings of the viaducts, &c., 335; Mr. Cummings moved resolutions in reference to, 416.			
MIRMI AND HEXHAM RAILWAY ACT AMENDMENT BILL:—			
Petition presented, praying leave to bring in, 83; Mr. Parkes moved for leave to introduce, 91; Bill presented and read 1 ^o , 95; referred to Select Committee, 107; Petition presented from H. B. Bradley, Esq., against, referred to Select Committee, 111; Report brought up, 225; Bill read 2 ^o , committed, and progress reported, 254; Committee resumed and Bill report 3, 315; read 3 ^o , passed, and sent to Legislative Council by Message, 329; received from Council with an amendment, 399; amendment agreed to, 416.		2	477
MORPETH AND MAITLAND RAILWAY COMPANY'S BILL:—			
Petition presented, praying leave to bring in, 327; Mr. Parkes moved for leave to introduce, and leave granted, 338; Bill presented and read 1 ^o , 338; referred to Select Committee, 348; Report brought up, 360; Bill read 2 ^o , 392; committed, and progress reported, 402; dropped in Committee of the Whole House, 427.		2	495

VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I.		PAPERS.	
	VOL.	PAGE.	
R.			
RAILWAYS, &c. (Continued):—			
PLYMOUTH TERMINUS:—			
Petition presented from Directors of Bridge Company, praying the completion of, 381; ordered to be printed, 401	2	529	
Petition presented from Inhabitants of Sydney, similar prayer, 389; ordered to be printed, 424	2	531	
Mr. Sutherland moved resolutions in reference to, 428.			
RALFE, JAMES:—			
Petition of, referred to Select Committee on Grievances, 150; Report brought up, 423	2	1121	
RATES, MUNICIPAL ENFORCEMENT BILL OF 1861 (See "MUNICIPAL RATES BILL.")			
RAYMOND TERRACE (See "FERRY.")			
REFRESHMENT ROOM (See "ASSEMBLY"; also "RAILWAY.")			
REGISTRATION OF DEEDS AFFECTING REAL ESTATE LAW AMENDMENT BILL (See "DEEDS REGISTRATION BILL.")			
REGISTRATION OF INVENTIONS (See "INVENTIONS.")			
RELIEF (See "FLOOD.")			
RELIGION (See "STATE AID.")			
REPORTS:—			
FROM—			
Board of National Education, for 1859, 6	2	687	
Ditto Denominational " 17	2	747	
Astronomer, Sydney, 6	2	385	
Health Officer, Sydney, for 1859, 83	2	675	
Medical Adviser to Government, on Vaccination, 111	2	681	
Immigration Agent, for 1859, 133	2	653	
Trustees of the Australian Museum, for 1860, 231	2	385	
Report from Deputy Master of the Mint in reference to Colonial Timber, 238	2	339	
Municipal Council, Sydney—Sewerage and Water Supply, 343	2	1113	
Commissioner in charge of Southern Gold Fields, 381	2	367	
Senate of University of Sydney, for 1860, 416	2	765	
Trustees of Sydney Grammar School, for 1860, 427	2	769	
STANDING AND SELECT COMMITTEES:—			
Approaching Departure of Governor General for India, 27	1	635	
Standing Orders Committee, with proposed Standing Orders, 89	1	677	
Library Committee, Reimbursement to Funds, 143	1	589	
Elections and Qualifications Committee, Moffat v. Smart, 149	1	593	
Address in reply to Governor General's Opening Speech, 8	1	635	
Wilson's Settlement Investment Bill, 89	2	1217	
Colonial Bank of Australasia Incorporation Bill, 99	2	327	
Mackenzie's Marriage Settlement Trustees Bill, 250	2	1225	
Clarence and Richmond Rivers Steam Navigation Company's Bill, 251	2	1241	
State and Management of the Sydney Domain, 355	2	1001	
Morpeth and Maitland Railway Company's Bill, 360	2	495	
Claims of the Rev. W. B. Clarke, 383	2	1153	
Present System of Tendering for the Public Service, 393	2	1331	
Working of the Insolvent Law, 416	1	783	
Light-house, near Jervis Bay, 422	2	607	
Public Prisons in Sydney and Cumberland, 428	1	1027	
Grievances (James Pegg and James Ralfe), 428	2	1121	
Seamen, 428	2	1247	
Wahgunyah Murray River Bridge Company's Bill, 205	2	577	
Unpaid Magistracy, 225	1	895	
Minni and Hexham Railway Act Amendment Bill, 225	2	477	
System of Tendering for Runs, 232	2	893	
Privilege, 273	1	615	
Hosking's Trust Bill, 295	2	1231	
Mr. N. L. Kentish, 327	1	941	
West Maitland Church Land Sale Bill, 215	2	563	
Mrs. Mary Jones, 309	2	419	
REPRIEVE OF "SWAN" (See "ADMINISTRATION OF JUSTICE.")			
RESCISSION OF SESSIONAL ORDER (See "ASSEMBLY.")			
RESERVES, LAND (See "CROWN LANDS.")			
RESERVOIR:—			
Mr. Leary moved for a Committee of the Whole, in reference to the erection of, at Narellan, 68.			
RESOLUTIONS:—			
Of Supply, 36, 45, 134, 157, 289, 343.			
Of Ways and Means, 71, 288, 317.			
REVENUE (See "FINANCE.")			
REVENUE CONSOLIDATED, FUND BILL, 1861 (See "CONSOLIDATED REVENUE BILL.")			
REVENUES, SYDNEY, IMPROVEMENT BILL OF 1861:—			
Mr. Parkes moved for a Committee of the Whole, and to consider of, 66; resolution reported, 100; Mr. Parkes moved for leave to introduce, and leave granted, 127; Bill presented and read 1 ^o , 127; referred to Select Committee, 169.			
RICHMOND AND CLARENCE RIVERS STREAM NAVIGATION COMPANY'S BILL (See "CLARENCE AND RICHMOND RIVERS COMPANY'S BILL.")			
RIFLES, MOUNTED VOLUNTEER:—			
Mr. Sutherland moved for a Committee of the Whole to consider of an Address for allowance to, 330; resolution reported and adopted, 427.			
RIGHTS OF SQUATTERS (See "CROWN LANDS.")			
RISPIN, CHRISTOPHER (See "GAOL, DARLINGHURST.")			
RIVERS (See "SALMON.")			

VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I.		PAPERS.	
		VOL.	PAGE.
ROADS :—			
PARRAMATTA RIVER TO GREAT NORTH :—			
Mr. Shepherd moved for documents in reference to, 60; laid on Table, 422 ..	2	551	
Mr. Lucas moved for a return of money voted for repair of, between Parramatta Road and Bedlam Ferry, 401.			
TRUST ACCOUNTS :—			
Laid on Table, 65	2	535	
SHOALHAVEN DISTRICT :—			
Mr. T. Garrett moved for a return of moneys expended upon, 150.			
HINTON PUNT TO MORFETH :—			
Mr. Buchanan moved for a Committee of the Whole to consider of an Address for repair of, 150.			
FUNDS, CARCOAR :—			
Mr. Watt moved for returns in reference to, 151.			
SUBORDINATE, OF NEW SOUTH WALES :—			
Return showing classification of, for 1861, 169	2	548	
MACDONALD RIVER DISTRICT :—			
Petition presented complaining of the state of, 181; ordered to be printed, 194	2	549	
GREAT NORTH :—			
Mr. Lucas moved for Correspondence in reference to the Trustees of a portion of, 401.			
ROBERTSON, THE HON. JOHN, ESQ. :—			
Resignation of Seat reported, 243.			
ROBINSON SAMUEL (See "GOLD.")			
ROD, BLACK (See "USHER.")			
ROTTON, HENRY, ESQ. (See "MEMBERS SWORN.")			
RULES OF COURT (See "COURT, SUPREME.")			
RUN, TALA (See "CROWN LANDS.")			
RUNS (See "CROWN LANDS.")			
RUSDEN, F. T., ESQ. (See "MEMBERS SWORN.")			
RYAN, J. N., ESQ. (See "MEMBERS SWORN.")			
RYAN, JOHN (See "ASSEMBLY.")			
S.			
SALARIES (See "GOVERNOR GENERAL"; also "MINISTERS.")			
SALARY (See "POLICE MAGISTRATE"; also "ADMINISTRATION OF JUSTICE.")			
SALMON :—			
Mr. Wilson moved resolution in reference to development of, in the rivers of the Colony, 83.			
SAVINGS (See "FINANCE")			
SCAB IN SHEEP BILL OF 1861 :—			
Mr. Morris moved for leave to introduce, and leave granted, 101; Bill presented and read 1 ^o , 101; read 2 ^o , committed and reported, 107; read 3 ^o , passed, and sent to Legislative Council by Message, 118; received from Council with amendments, 200; amendments agreed to, 206; Assent reported, 238.			
SCHOOL, DENOMINATIONAL, BOARD (See "EDUCATION.")			
SCHOOL AND CHURCH LANDS BILL (See "CHURCH AND SCHOOL LANDS BILL.")			
SCHOOL STATISTICS (See "EDUCATION.")			
SCOTT, A. W., ESQ. (See "MEMBERS SWORN.")			
SEAL, GREAT, OF THE COLONY :—			
Correspondence between His Excellency and the Colonial Secretary, relative to the use of, 36.	1	647	
Mr. Redman moved resolution in reference to use of, by Governor General, against the wishes of his Responsible Advisers,—motion negatived, 58.			
Mr. Parkes moved for Correspondence between the Imperial and Local Governments, in reference to the property of the late John Tawell, 68; laid on Table, 354	1	658	
Mr. Cowper moved for a Select Committee to prepare an Address to Her Majesty, in reference to the use of, debate adjourned 111, debate resumed, and Order of the Day discharged from the Paper, 416.			
SEAMEN, MERCHANT :—			
Mr. Dalgleish moved for a Select Committee to inquire into the working of the various Acts in reference to, 59.			
Mr. Dalgleish moved instruction to Committee, 106; Progress Report brought up, 428.	2	1247	
SEATS VACANT :—			
Resignation of James Byrnes, Esq., reported, 237.			
of Hon. John Robertson, Esq., reported, 243.			
CANE (See "ASSEMBLY.")			
SESSIONAL ORDERS :—			
IN REFERENCE TO :—			
Business Days, 17.			
Government Business Days, 17.			
Private Business Days, 18.			
Transmission of Messages between the two Houses, 18.			
Bell to be rung before counting out, 18.			
Names to be recorded at counts out, 18.			
Days for Committee of Supply, 18.			
Proceedings in Committee of Supply, 18.			
SETTLEMENT, WILSON'S, INVESTMENT BILL (See "WILSON'S SETTLEMENT INVESTMENT BILL"; also "MACKENZIE'S MARRIAGE SETTLEMENT BILL.")			
SEWERAGE (See "MUNICIPAL"; also "WATER.")			
SHEEP, SCAB IN, BILL (See "SCAB IN SHEEP BILL.")			
SHELLHARBOUR (See "WHARF.")			

VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I.		PAPERS.	
		VOL.	PAGE.
S.			
SHERIFF (See "ADMINISTRATION OF JUSTICE.")			
SHIPPING TELEGRAMS (See "TELEGRAPH.")			
SHOALHAVEN DISTRICT (See "ROADS.")			
SHOALHAVEN MUNICIPALITY (See "MUNICIPALITY, SHOALHAVEN.")			
SMART V. MOFFAT (See "ELECTIONS AND QUALIFICATIONS.")			
SMITH V. CROOK :—			
Mr. Dalgleish moved for Correspondence between the Harbour Master and the Colonial Treasurer in reference to, 60; laid on Table, 133.			
SPEAKER :—			
Election of, 3.			
Presentation of, 5.			
Commission to Administer Oath, 5.			
Warrants for the appointment of Elections and Qualifications Committee, 23, 96, 105.			
Temporary absence of, 281, 287, 301.			
Casting Vote of, 144, 189, 251.			
RULING OF :—			
In reference to amendments being relevant to the question, 40.			
" language of Petition, 100.			
" reduction of an item in Committee of Supply, 199.			
" Member giving his vote in opposition to his voice, 262, 406.			
" Proceedings during the process of balloting for a Select Committee, 261.			
" change of day for Notice of Motion, 267.			
" disorderly words used in Committee of the Whole, 268.			
" in reference to admissibility of Bill containing certain pecuniary provisions, 268.			
DEPUTY :—			
Commission to administer Oath, 51.			
Takes the Chair during temporary absence of Mr. Speaker, 281, 287, 301.			
Ruling of, in reference to reception of Petition praying for pecuniary relief, 302, as to the admissibility of Chinese Bill, having reference to certain pecuniary provisions contained therein, 302.			
SPEECH (See "GOVERNOR GENERAL.")			
SPIRITS COLONIAL, DUTIES BILL OF 1861 :—			
Suspension of Standing Orders in reference to, on motion of Mr. Weekes, 90.			
Mr. Weekes moved for leave to introduce, and leave granted, 91; Bill presented and read 1 st and 2 ^d , committed, reported, read 3 ^d , passed, and sent to Legislative Council by Message, 91.			
SQUATTERS' RIGHTS (See "CROWN LANDS.")			
STANDING ORDERS :—			
Adoption, <i>pro. tem.</i> , of last Session's Orders, 17.			
Appointment of Committee, 17.			
Report brought up, with proposed, 89			
Suspension of, 46, 89, 90, 93, 399.			
Proposed Standing Orders adopted, 107.			
Governor's approval reported, 127.			
Member added to Committee, 281.			
STATE AID TO RELIGION ABOLITION BILL :—			
Mr. Buchanan moved for leave to introduce—motion negatived, 39.			
Mr. Buchanan again moved for leave to introduce—motion negatived, 252.			
STATISTICS (See also "EDUCATION") :—			
Return of the Progress of the Colony from 1855 to 1859, 32.			
STEAM FERRY (See "FERRY.")			
STEAM NAVIGATION, CLARENCE AND RICHMOND RIVERS, COMPANY'S BILL (See "CLARENCE AND RICHMOND RIVERS COMPANY'S BILL.")			
STEAM POSTAL SERVICE (See "POSTAL.")			
STEPHEN, SIR ALFRED (See "PRIVILEGE.")			
STOREKEEPER, COLONIAL :—			
Return to Order of last Session, in reference to Department of, laid on Table, 17.			
SUFFERERS (See "FLOODS.")			
SUGAR DUTIES (See "TEA AND SUGAR.")			
SUPPLY (See also "SESSIONAL ORDERS") :—			
Days appointed for Committee of, 18.			
Proceedings in Committee of, 18.			
House went into Committee of, 36, 45, 183, 139, 157, 193, 221, 231, 238, 244, 289, 321, 343.			
Order of the Day discharged from Paper, 353.			
Motion made by Mr. Weekes for Committee of, negatived, 250.			
SUPREME COURT VERDICTS AND JUDGMENTS BILL (See "COURT, SUPREME.")			
SUPREME COURT RULES (See "COURT, SUPREME.")			
SURVEY OF LAND (See "CROWN LANDS.")			
SURVEYOR (See "BROWNRIGG, MR. W. M.")			
SUTTOR, W. H., ESQ. (See "MEMBERS SWORN.")			
"SWAN," REPRIEVE OF (See "ADMINISTRATION OF JUSTICE.")			
SYDNEY DOMAIN (See "DOMAIN, SYDNEY.")			
HARBOUR MASTER (See "HARBOUR MASTER.")			
GRAMMAR SCHOOL (See "EDUCATION.")			
MUNICIPAL COUNCIL (See "MUNICIPAL COUNCIL.")			
POLICE COURT (See "ADMINISTRATION OF JUSTICE.")			
REVENUES IMPROVEMENT BILL OF 1861 (See "REVENUES IMPROVEMENT BILL.")			
UNIVERSITY INCORPORATION ACT AMENDMENT BILL OF 1861 (See "UNIVERSITY INCORPORATION ACT AMENDMENT BILL.")			
SYNODS, CHURCH OF ENGLAND, BILL (See "CHURCH OF ENGLAND SYNODS BILL.")			

1 577

2 185

2 1

VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I.		PAPERS.	
		VOL.	PAGE.
T.			
"TALA" RUN (See "CROWN LANDS.")			
TAMWORTH (See "POLICE MAGISTRATE.")			
TANNERS AND CURRIERS BILL :—			
Mr. Lucas moved for a Select Committee to consider the evidence taken during Session 1859-60, 233.			
Petition presented from John Page, in reference to, 335; ordered to be printed, 348			
		2	1749
Petition presented from Hercules Watt, in reference to, 316; ordered to be printed, 402			
		2	1151
TAWELL, JOHN (See "SEAL, GREAT, OF THE COLONY.")			
TEA AND SUGAR DUTIES :—			
Petition presented, praying for repeal of, 111.			
TELEGRAPH, ELECTRIC :—			
Correspondence in reference to communication with Europe, 45			
		2	455
Despatch relative to Communication between Europe and Australia, 371			
		2	467
Mr. Dickson moved for Returns relative to, 310.			
Mr. Dick moved resolutions with reference to Inter-Colonial Shipping Telegrams, 422.			
Mr. Morris moved for Correspondence relative to Telegraph between Hay and Deniliquin; motion by leave withdrawn, 423.			
TELLERS' LIST :—			
Correction of error in, 45.			
TEMPORARY ACTS CONTINUANCE BILL OF 1861 :—			
Received from Legislative Council by Message, and read 1 ^o , 186; ordered to be printed, 267; read 2 ^o , committed and reported, 288; read 3 ^o , passed and returned to Council without amendment, 347; Assent reported, 391.			
TENDERING FOR THE PUBLIC SERVICE (See "PUBLIC SERVICE.")			
TENDERING FOR RUNS (See "CROWN LANDS.")			
TENTERFIELD (See "POLICE MAGISTRATE.")			
THANKS (See "HAMILTON, EDWARD, ESQ.")			
TIMBER, FOREIGN :—			
Mr. Lucas moved resolution in reference to the use of, on the public works, motion by leave withdrawn, 59.			
COLONIAL :—			
Report of further experiments on, at Sydney Branch of Royal Mint, 238...			
		2	339
TITLE (See "GOVERNOR.")			
TITLES TO BILLS :—			
Amendments made in, 164, 170, 282, 329.			
TITLES TO LAND ACT AMENDMENT BILL OF 1860 :—			
Assent reported, 6.			
TOLLS AMENDMENT ACT AMENDMENT BILL :—			
Mr. Lucas moved for leave to introduce, and leave granted, 31; Bill presented and read 1 ^o , 31; read 2 ^o , committed and reported, 100; read 3 ^o , passed, and sent to Legislative Council by Message, 152; received from Council by Message, with amendments, 295; amendments agreed to, 314; Assent reported, 390.			
TRAFFIC ON PARRAMATTA RIVER :—			
Mr. Shepherd moved resolution in reference to obstruction to, motion by leave withdrawn, 250.			
TRAMWAY, PITT-STREET, BILL OF 1861 (See "PITT-STREET TRAMWAY BILL.")			
TRANSMISSION OF MESSAGES ("See "MESSAGES.")			
TREASURY BALANCES (See "FINANCE.")			
TRUST (See also "ROAD TRUST.")			
		2	225
MONEY'S DEPOSIT ACCOUNT, 327			
HOSKING'S BILL (See "HOSKING'S TRUST BILL.")			
TRUSTEES (See "PROPERTY LAW AND TRUSTEES RELIEF BILL"; also "MACKENZIE'S MARRIAGE SETTLEMENT BILL"; also "ROADS.")			
TURNER AND WOOD (See "ADMINISTRATION OF JUSTICE.")			
TURNKEY (See "GAOL, DARLINGHURST.")			
U.			
UNEMPLOYED :—			
Petition presented from Mechanics and Labourers in Sydney, praying that the Public Works may be proceeded with, 312; ordered to be printed, 402			
		2	1315
UNIVERSITY, SYDNEY :—			
Report from Senate for 1860, laid on Table, 416			
		2	765
INCORPORATION ACT AMENDMENT BILL OF 1861 :—			
Received from Legislative Council by Message, and read 1 ^o , 243; read 2 ^o , committed and reported, 296; read 3 ^o , passed, and returned to Council with an amendment, 313; amendment agreed to, 328; Assent reported, 390.			
UNPAID MAGISTRACY (See "MAGISTRACY.")			
USHER :—			
Delivers Message from Commissioners on Opening of Parliament, 1.			
Ditto ditto from Governor General, 5.			

VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I.		PAPERS.	
		VOL.	PAGE.
V.			
VACANT SEATS (See "SEATS VACANT.")			
VACCINATION:—			
Report from Medical Adviser to Government on, 111	2	681	
VERDICTS, SUPREME COURT, AND JUDGMENTS BILL (See "COURT, SUPREME.")			
VESSELS ENTERING PORT JACKSON (See "PILOTS.")			
VOLUNTARY AND ASSISTED IMMIGRATION FUND BILL. (See "IMMIGRATION.")			
VOLUNTEERS (See also "RIFLES") :—			
Schedule of the Distribution of Vote for, 243	1	1319	
MOUNTED RIFLES:—			
Mr. Sutherland moved for a Committee of the Whole to consider of an Address for Allowance to, 330; resolution reported and adopted, 427.			
VOTES (See "SPEAKER;" also "HAMILTON, EDWARD, ESQ.") :—			
And Proceedings of Assembly	1	1 to 428	
Speaker's casting, 144, 189, 251.			
Of Thanks (reply to), 222.			
Savings on, of Parliament, 77	2	223	
W.			
WAHGUNYAU MURRAY RIVER BRIDGE COMPANY'S BILL :—			
Mr. Hay moved for leave to introduce, and leave granted, 95; Bill presented and read 1 ^o , 96; referred to Select Committee, 128; Report brought up, 205; day for second reading fixed, 215; read 2 ^o , committed, and reported, 226; read 3 ^o , passed, and sent to Legislative Council by Message, 234; Report and Evidence sent to Council by Message, 237; received from Council with amendments, 113; amendments agreed to, 421.	2	577	
WALSH, C. H., ESQ., (See "MEMBERS SWORN.")			
WARRANTS (See "SPEAKER;" also "ADMINISTRATION OF JUSTICE.")			
WATER SUPPLY (See also "MUNICIPAL COUNCIL") :—			
Fourth Report in reference to Sewerage and Water Supply from Municipal Council, Sydney, 343	2	1113	
Petition presented relative to supply of, to the Metropolis, 413; ordered to be printed, 428	2	1117	
WATT, W. R., ESQ. (See "MEMBERS SWORN.")			
Mr. HERCULES:—			
Petition presented from, relative to Tanners and Curriers Bill, 310; ordered to be printed, 402	2	1151	
WAYS AND MEANS:—			
House in Committee of, 71, 288, 347.			
Estimates of, for 1861, 77, 288	2	203, 213	
WEST, BROTHERS (See "CROWN LANDS.")			
WHARFS:—			
Petition presented praying the erection of, at Windsor, 257; ordered to be printed, 276	2	591	
Mr. Shepherd moved for a Committee of the Whole to consider of an Address relative to the building of, at Manly Beach, motion by leave withdrawn, 251.			
Mr. Gray moved for a Committee of the Whole to consider of an Address relative to the building of, at Shellharbour, 336; resolution reported, 359.			
Mr. Walker moved for a Committee of the Whole to consider of an Address relative to the building of, at Windsor, 373; resolution reported, 391.			
WHEELS, BROAD (See "TOLLS AMENDMENT ACT AMENDMENT BILL.")			
WILSON'S SETTLEMENT INVESTMENT BILL :—			
Petition presented, praying leave to bring in, 35; Mr. Parkes moved for leave to introduce, and leave granted, 46; Bill presented and read 1 ^o , 51; referred to Select Committee, 59; Report brought up, 89; day fixed for 2nd reading, 89; Bill read 2 ^o , and lapsed for want of a Quorum on motion for committal, 194; restored to Paper, 207; committed and reported, 226; Report adopted, 234; Petition presented in favour of, from Joseph Wilson, 243; Bill recommitted and reported 2 ^o , 254; read 3 ^o , passed, and sent to Legislative Council by Message, 282; returned by Council without amendment, 372.	2	1217	
WINDSOR (See "FLOODS;" also "WHARFS.")			
WISDOM, R., ESQ. (See "CHAIRMAN OF COMMITTEES;" also "SPEAKER, DEPUTY.")			
WOOD AND TURNER (See "ADMINISTRATION OF JUSTICE.")			
WORDS OF HEAT (See "ORDER, QUESTIONS OF.")			
WRIT:—			
Leave granted to Clerk to furnish the Crown Solicitor with the original Writ for the Electorate of East Macquarie, 157.			
Y.			
YOUNG, SIR JOHN (See "ADMINISTRATION OF GOVERNMENT.")			
Z.			
ZOUCH, CAPTAIN (See "GOLD FIELDS.")			

1861.

Legislative Assembly.

NEW SOUTH WALES.

DEPARTMENT OF THE COLONIAL STOREKEEPER.
(RETURN IN REFERENCE TO.)

Ordered by the Legislative Assembly to be Printed, 15 January, 1861.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 23 October, 1860, That there be laid upon the Table of this House,—

“Copies of all Minutes, Reports, Letters, and all other Documents having reference to the Investigations which have lately taken place at the instance of the Government into the Department of the Colonial Storekeeper; also, Copies of all Minutes and Decisions of the Executive Council in relation to the same subject.”

(*Mr. A. Campbell.*)

2

DEPARTMENT OF THE COLONIAL STOREKEEPER.

UNDER SECRETARY TO THE TREASURY to AUDITOR GENERAL, IMMIGRATION AGENT, AND REGISTRAR GENERAL.

The Treasury, New South Wales,
31 January, 1860.

GENTLEMEN,

The Government having reason to believe, from information they have received, that large quantities of stores on account of the Public Service have, at various times, been tendered for and supplied by Mr. Buchanan and the late Chief Clerk of the Colonial Storekeeper's Department, Mr. John Weston, under the assumed names of "James Staunton," and "Staunton & Co.," I am directed by the Treasurer to request that you will form yourselves into a Board of Inquiry, for the purpose of investigating all matters relating to the charges in question.

I am also to inform you, that, pending your Report, the Colonial Storekeeper is placed under suspension.

I have, &c.,
HENRY LANE,
Under Secretary.

UNDER SECRETARY TO THE TREASURY to COLONIAL STOREKEEPER.

The Treasury, New South Wales,
31 January, 1860.

SIR,

The Government having reason to believe, from information received, that large quantities of stores on account of the Public Service have, at various times, been tendered for and supplied by you and Mr. John Weston, under the assumed names of "James Staunton," and "Staunton & Co.," I am directed to acquaint you that the Treasurer has requested the undernamed officers to form themselves into a Board of Inquiry, for the purpose of investigating all matters relating to the charges in question, viz. :—

Auditor General,
Agent for Immigration,
Registrar General;

and that pending this investigation you are suspended from the office of Colonial Storekeeper.

I have, &c.,
HENRY LANE,
Under Secretary.

UNDER SECRETARY TO THE TREASURY to COLONIAL STOREKEEPER.

The Treasury, New South Wales,
2 February, 1860.

SIR,

In reply to your letter of yesterday's date, protesting against the nomination of the Auditor General as a Member of the Board appointed to investigate the charges brought against you, for the reason that his impartiality would be necessarily affected by the ill-feeling which, you state, exists between you, I am directed to inform you that the Honorable the Treasurer feels convinced, from his long knowledge of Captain Mayne, that he will conduct the inquiry in an impartial manner, and that no other feeling than a correct sense of the duty imposed upon him will influence his decision in the investigation.

I have, &c.,
HENRY LANE,
Under Secretary.

COLONIAL STOREKEEPER to COLONIAL TREASURER.

Sydney, 27 March, 1860.

SIR,

As you have had placed in your hands the Report of the Board who inquired into the charges brought against me, I beg to request you will afford me the opportunity of replying to, and commenting upon, the deductions and inferences they may have chosen to make; such opportunity to be allowed me previous to the Government's taking the matter into consideration, and finally giving a decision.

I ground this claim upon simple justice, but I am not without other pleas to advance in its support :—

1st. The grossly degrading and unwarrantable treatment—such in fact as is reserved for malefactors only—to which I was subjected by the late Treasurer, his advisers, and agents, preliminary to this inquiry, and before a scintilla of evidence had been taken to support a *prima facie* case.

2nd.

2nd. The active participation of this Board (or rather a majority) by act and deed, counsel and voice, in such unprecedented proceedings, thereby prejudging me, and leaving themselves no option but to take up the inquiry with a foregone determination to make out a case, were it only to shroud their own discreditable actings in the dust of my condemnation.

3rd. The Star Chamber method of prosecuting the inquiry—witnesses getting the Board's support in their refusals to answer questions addressed them on my behalf—whilst leading questions, questions as to belief, opinion, thoughts, and suspicions, were indulged in *ad libitum* by the Chairman, in defiance of protest to the contrary.

4th. At the last day's sitting, when the Board broke up, the question as to further proceedings was left still an open one—so great was the anxiety and intense the caution of the Chairman to hedge himself in a perfect forest of safeguards.

No intimation was made whether the charges were considered supported in whole or in part by evidence, nor was expression given to any desire to have aught that might be held dubious explained if possible. Clearly in a matter of this grave import to me, and to which the Government had cruelly given a significance and character which it is now palpable the information they possessed did not warrant, I was not called on to volunteer either evidence or statements (though I in fact did both), but rather to leave the charges to be proved by those behind the scenes who instigated them. And, moreover, as the Board's functions were the fourfold yet conjoint ones of judge, jury, prosecuting counsel, and detective in charge of case, I maintain that justice requires I should be allowed the privilege of my answer accompanying their conclusions, and of both being at one and the same time considered by the Court of *last* instance—the Government.

I have, &c.,
JNO. BUCHANAN,
C. S.

PROCEEDINGS of the Executive Council, on the 5th April, 1860, with respect to the Report of a Board appointed to inquire into certain alleged irregularities in the Department of the Colonial Storekeeper.

Minute No. 60-17. Confirmed, 16 April, 1860.

HIS Excellency the Governor General next lays before the Council the Report of a Board appointed to inquire into the following charges, which have been brought under the notice of the Honorable the Colonial Treasurer and the Government, viz. :—That large quantities of stores on account of the public service have, at various times, been tendered for and supplied by Mr. Buchanan, the Colonial Storekeeper, and Mr. Weston, the late Chief Clerk in his Department, under the assumed names of "James Staunton" and "James Staunton & Co."

2. The Board, which consisted of the Auditor General, the Immigration Agent, and the Registrar General, report that, unsatisfactory and inconclusive as is the evidence which they have taken in their inquiry, it has left no doubt in their minds that stores on account of the public service have, under the name of "James Staunton," been tendered for and supplied by Mr. J. Weston, while holding the office of Chief Clerk in the Colonial Storekeeper's Department; and that although it has failed to establish complicity or connivance on the part of Mr. Buchanan with those acts of Mr. Weston, yet that it has produced in their minds grave suspicions of such complicity or connivance on his part.

3. The Board state the grounds upon which they are led to this latter conclusion, and close their Report by drawing attention to the extremely loose and unsatisfactory practice which the evidence of some of the subordinate officers of the department shews to have been pursued with regard to—1st, the notification of the acceptance of tenders; 2nd, the proper record of receipts of stores from persons supplying them; and 3rd, the adoption of reliable means for checking accounts of stores supplied.

4. Apart from this special allusion to the want of proper supervision and arrangement, and without permitting their minds to be biassed by the Report of the Board in reference to those matters which at present give rise to suspicion only, the Council see ample reason to believe that the department generally is in a thoroughly disorganized state; and that there is full ground for questioning, at all events, Mr. Buchanan's efficiency in the management of his department. Convinced, therefore, of the necessity for further investigation, they advise that a full and searching inquiry be at once instituted into the general management of the business connected with the Colonial Store; and bearing in mind the lengthened period during which Mr. Buchanan has been in the public service, and the confidence which has hitherto been reposed to him, it is with much regret that they feel constrained further to advise that, pending the result of such investigation, Mr. Buchanan remain under suspense.

MICL. FITZPATRICK,
Acting Clerk of the Council.
No. 60-314.

Approved,—
W. D.
18 April, 1860.

PROCEEDINGS of the Board appointed to investigate the charge against the Colonial Storekeeper,—“that large quantities of stores on account of the Public Service have, at various times, been tendered for and supplied by Mr. Buchanan and the late Chief Clerk of the Colonial Storekeeper’s Department, Mr. John Weston, under the assumed names of ‘James Staunton,’ and ‘Staunton and Co.’”

2 FEBRUARY, 1860.

PRESENT:—

The Auditor General.

The Immigration Agent.

The Registrar General.

The Board having met (Mr. Buchanan being present), their intention of examining Mr. Buchanan himself, in the first instance, being intimated to him, and he claiming to have the evidence of witnesses taken down literally, the Board, after consultation, decide on having the attendance of a Short-hand Writer, and adjourn their proceedings until Eleven o’clock, a.m., to-morrow, the 3rd instant.

W. C. MAYNE, Auditor General.

H. H. BROWNE, Immigration Agent.

CHRIS. ROLLESTON, Registrar General.

The desire of the Treasurer, conveyed in the letter hereto appended, marked A, having been communicated to the Board in Mr. Buchanan’s presence, and he being referred to for information as to where the document required was to be found, pointed out the press where it was deposited. The seals on that press having been broken by the Board, the Schedule of Tenders sought by the Treasurer, together with the two original tenders, was found therein, and enclosed by the Board to the Treasurer.

W. C. MAYNE, Auditor General.

H. H. BROWNE, Immigration Agent.

CHRIS. ROLLESTON, Registrar General.

[Letter referred to.]

A.

The Treasury, New South Wales,
2 February, 1860.

My Dear Sir,

The Treasurer desires to see the Schedule of Tenders for the supply of the five hundred reams of paper (one hundred of which were obtained from Sands and Kenny), and begs that so soon as you have access to the store papers, and found the document referred to, you will, if the Board consent, forward it to him (at the Assembly) for inspection by himself and the Attorney General.

Most truly yours,

CAPTAIN MAYNE.

HENRY LANE.

P.S.—I enclose, for your perusal, the Treasurer’s Report of the case to the Governor General, and His Excellency’s Minute thereon.

H. L.

Please return the paper to-morrow.

Read at Board in Mr. Buchanan’s presence, 2nd February, 1860.

HENRY LANE, Esq.,

Sydney, 1 February, 1860.

Under Secretary, Treasury.

Sir,

Referring to your letter of this morning’s date, I beg to enter my protest against the Auditor General’s appearing as a Member of the Board of Inquiry to investigate the charges brought against me. The ill-feeling existing for a very long time past between us—the fact of which is notorious to many persons—leaves no question but that he cannot possess that essential attribute for his position—impartiality.

I have no objection to any other Officer in the Public Service filling his place.

I have, &c.,

JNO. BUCHANAN.

From my long knowledge of Captain Mayne, I am satisfied that he will conduct the Inquiry in an impartial manner, and no other feeling than a correct sense of the duty imposed upon him will influence his decision in the investigation.

S. S.

Feb. 2nd, 1860.

AUDITOR GENERAL to UNDER SECRETARY TO THE TREASURY.

Audit Office, Sydney,

21 March, 1860.

SIR,

I have the honor to forward herewith, for the information of the Honorable the Treasurer, the Report of the Board of Inquiry constituted to investigate charges affecting the Colonial Storekeeper; together with the Evidence taken by them.

I have, &c.,

W. C. MAYNE, A.G.

1860.

**INQUIRY INTO THE CONDUCT OF THE COLONIAL
STOREKEEPER'S DEPARTMENT.**

REPORT.

THE Board appointed to investigate charges that large quantities of stores on account of the Public Service had, at various times, been tendered for and supplied by Mr. Buchanan and the late Chief Clerk of the Colonial Storekeeper's Department, Mr. John Weston, under the assumed names of "James Staunton" and "Staunton and Co," have taken, and have carefully considered the Evidence, which, with the several Appendices, is attached hereto. to pages 12.

2. Unsatisfactory, illogical, and inconclusive in much (even in parts contradictory), as that evidence is, it has left no doubt on the minds of the Board, that stores on account of the Public Service have, under the name of "James Staunton," been tendered for and supplied by Mr. John Weston, while holding the appointment of Chief Clerk in the Colonial Storekeeper's Department.

3. That Evidence, in the opinion of the Board, has not established complicity or connivance on the part of Mr. Buchanan with those acts of Mr. Weston; but it has produced in the minds of the Board grave suspicions of such complicity or connivance on his part.

4. Prominent among the grounds for those suspicions (grounds not removed or weakened by any evidence directly adduced, or by any elicited in cross-examination, on behalf of Mr. Buchanan) are—

1st. The resemblance in handwriting between the signatures "James Staunton," affixed to the tenders and accounts, and Mr. Buchanan's writing—a resemblance particularly observable in the Christian name. Comparison between the letters "a-m-e-s" in the word "names," in the fifth line of Mr. Buchanan's Minute on the note to him from the Under Secretary of the Treasury, with the same letters in "James" in those signatures, the Board consider strikingly to exhibit this. Appendix No. 2.

2nd. The refusal of Mr. Weston (on alleged grounds which were distinctly contradicted) to attend and give evidence, when it was obviously in his power—if he had written the signatures "James Staunton," affixed to the tenders and accounts, and shewing the resemblance referred to—to have proved that he did so, by writing in the presence of the Board that signature. Appendix No. 13.
Mr. E. Jones—
Further evidence

3rd. The calling for tenders in a way which was calculated to, and which actually did, deter leading members of the trade from competing to supply stationery. Appendix No. 14.
Mr. Sand's Evi-
dence—Questions
69 to 72, 91, 230
to 232.

5. As regards the first of these grounds, the Board, while stating the suspicion produced (and abiding) in their own minds, consider it right to point attention to the uncertainty which must ever attach to conclusions based on resemblance of handwriting; since such resemblance in a fictitious signature may be the result of design (though in this particular case, what object could have been contemplated in introducing resemblance to Mr. Buchanan's writing is not apparent to the Board); and they feel bound to direct notice to the whole of that part of the Evidence which goes to raise an inference that the signature "James Staunton" may have been written by Mr. Weston, who would appear to have been practising writing that name. Mr. M'Nabb's
Evidence—32 to
35, 111 to 140.

Mr. A. Jones'
Evidence—Ques-
tions 134 and 135,
182 to 185, 298 to
297, 325 to 328.

6. The Evidence, the Board have to observe, is presented in the most disadvantageous and least satisfactory light possible; in parts, indeed, it is barely intelligible to any but those by whom it was given or taken;—this has resulted from the demand urged by Mr. Buchanan that the Evidence should be rendered verbatim; a demand with which, in the circumstances, and urged as it was, the Board deemed it expedient not to refuse compliance.

Evidence of
Mr. A. Campbell,
Mr. Garnett, Mr.
Jenkins.

7. Before concluding their Report, the Board would draw attention to the extremely loose and unsatisfactory practice which the Evidence shews has been pursued in the Department, with regard to notifications of the acceptance of tenders, to proper record of receipt of stores from persons supplying, and to adoption of reliable means for effective checking of accounts for stores supplied.

20 *March*, 1860.

W. C. MAYNE,
Auditor General.

H. H. BROWNE,
Immigration Agent.

CHRIS. ROLLESTON,
Registrar General.

APPENDIX TO THE REPORT.

No. 1.

The Treasury, New South Wales,
10 June, 1858.

BLUE CLOTHING.

NOTICE is hereby given, that Tenders will be received at this Office, until noon of Tuesday, the 15th instant, from persons willing to provide for the Public Service:—

- 400 coarse blue cloth trousers.
- 400 ditto ditto hip jackets, single-breasted.
- 400 ditto ditto waistcoats,

according to patterns on view at the Colonial Store.

Tenders to be marked on the cover, "Tender for Clothing," and to state the time that will be required for delivery.

Cloth in any respect inferior to the sample on view, will not be received, and, if necessary, security for the fulfilment of the Contract will be taken.

HENRY LANE,
Secretary to the Treasury.

SCHEDULE of TENDERS received in pursuance of Notice dated 10th June, 1858, published in the Government Gazette, and opened in the presence of the undersigned, for supplying BLUE CLOTHING required for the Public Service.

QUANTITY ADVERTISED FOR.	QUANTITY OFFERED.	No. 1. G. Chisholm & Co.	No. 2. J. W. & S. Thompson.	No. 3. James Staunton.	No. 4. J. Hellman.	OBSERVATION.
Trousers, 400 pairs.	Trousers .. 100	11s. 6d.	.....	.....	....	*1st only of the supply required. Failed to complete a similar contract last year. The samples now submitted correspond with the supply then rejected. Samples submitted of pilot cloth of inferior quality. Sample of good quality, but price high. According to store patterns. Samples submitted of pilot cloth of inferior quality.
	Do. .. 200	.....	9s.	.....	....
	Do. .. 200	.....	14s.	.....	....
	Do. .. 400	.....	.....	12s.	....
Waistcoats, 400.	Do. .. 200	.....	.....	.....	8s. 9d.	*See foregoing observation.
	Waistcoats.. 100	7s.	.....	.....	....	According to store patterns.
Jackets, Hip, 400.	Do. .. 400	.....	.....	7s.	....	*See foregoing observation.
	Jackets .. 100	19s. 6d.	.....	.....	....	According to store patterns.
	Do. .. 400	.....	.....	20s.	....	According to store patterns.
Cloth, Blue Army ..	Do. .. 200	.....	.....	.....	23s.	According to store patterns.
	Cloth, Blue } 60 yds.	.....	7s. 6d. 7/8 yd.	.....	....	Not required.
	Do. .. 100	.....	12s. 7/8 yd.	.....	....	Not required.

16 June, 1858.

The tender of Mr. James Staunton, being the only complete one, and considered not unreasonable, is recommended for acceptance.

JNO. BUCHANAN.
HENRY LANE.

Approved,
Rr. C.

No. 1.—15 June, 1858.—J. B. H. L.

275, Pitt-street, Sydney,
June 15, 1858.

Tender from Geo. Chisholm & Co. to the Colonial Treasurer, for Blue Clothing.

- We tender to supply, at once if necessary:—
- 100 pr. trousers, as sample.
 - 84 vests do.
 - 26 jackets do.

Or,

Or, to supply 100 suits complete, within 14 days from date of acceptance, at 38s. per suit :—
Trousers, per pair, 11s. 6d.
Vests, each, 7s.
Coats, each, 19s. 6d.

N.B.—We have seen the sample on view, and consider the cloth of the above to be superior in quality.

No. 2.—15 June, 1858.—J. B. H. L.

Tender for Clothing to be supplied to the Colonial Store, by J. W. & S. Thompson :—

200 pair blue cloth trousers, as per sample,	9s. per pair.
200 do. do. do.	14s. per pair.
60 yards blue army cloth	do. do. 7s. 6d. per yard.
100 do. do. do.	do. do. 12s. per yard.

224, Pitt-street,
15 June, 1858.

J. W. & S. THOMPSON.

No. 3.—15 June, 1858.—J. B. H. L.

Sydney, 15 June, 1858.

To the Secretary to the Treasury.

Pursuant to notice in the *Government Gazette* of 10th instant, I beg to tender for the supply of the Blue Clothing therein mentioned as follows :—

Jackets, @ 20s. each.
Trousers, @ 12s. each.
Waistcoats, @ 7s. each.

I am, &c.,
JAMES STAUNTON.
(Similar. H. L.)

No. 4.—15 June, 1858.—J. B. H. L.

Parramatta, 15 June, 1858.

In conformity with your notice of the 10th instant, I hereby tender for the undermentioned articles :—

200 pairs of blue cloth trousers, at 8s. 9d.
200 do. hip jackets, 23s.

J. HELLMANN.

Honorable Secretary to the Treasury.

No. 2.

The Treasury, New South Wales,
15 December, 1859.

TENDERS will be received at this Office, till noon of Tuesday, the 20th instant, from persons disposed to provide for the public service.

500 reams of blue wove double foolscap, of not less than 24 lbs. weight per ream.

Samples of the paper that may be offered to be left at the Colonial Storekeeper's Office.

Tenders to be endorsed "*Tender for Paper.*"

Delivery into the Colonial Store, of the entire supply, will be required to be made within 14 days after notice of acceptance of offer.

SAUL SAMUEL.

SCHEDULE of TENDERS received in pursuance of Notice dated 15th instant, for supplying DOUBLE FOOLSCAP PAPER for the Public Service.

SUPPLY REQUIRED.	No. 1. SANDS AND KENNY.	No. 2. STAUNTON AND CO.	RECOMMENDATION.
500 reams blue wove double foolscap..	{ 100 reams at 8½d. per lb., with 10s. 6d. per case in addition }	500 reams, at 1s. 2d. per lb.	{ Messrs. Sands and Kenny's tender recommended for acceptance. As the quantities they offer, it is stated, must be sent for to Melbourne, and a supply being required here at once, it is further recommended that the Storekeeper be empowered to treat for the purchase of enough for immediate wants, at a rate not exceeding 1s. per lb.

Treasury, 20 December, 1859.

Approved,—S.S.
December 22, 1859.

JNO. BUCHANAN,
HENRY LANE.

The Treasury, New South Wales,
21 December, 1859.

My dear Buchanan,

Before submitting this, allow me to ask why Sands and Co. will not supply the remaining 400 reams at the price tendered, 8½d., instead of 1s., as recommended by you.

Most truly yours,
HENRY LANE.

They have not got it to offer. Mr. Sands tells me the price he names is less than English cost to us, and he gives it so low because he is desirous, I believe, to clear out his stock for the Victorian Government, whose contract he no longer holds.—J.B.

Sydney.

Sydney, 27 December, 1859.

Sir, We beg to state that we are willing to supply one hundred reams blue wove double foolscap—weight, 28 lbs. per ream—at the rate of eight-pence half-penny per lb. (8½d.), or, nineteen shillings and ten-pence (19s. 10d.) per ream.
The six cases containing the above quantity, to be charged, in addition, ten shillings and sixpence (10s. 6d.) each.

We have forwarded a sample of the paper to the Colonial Storekeeper as required.

The Honorable the Colonial Treasurer.

We have, &c.,
SANDS AND KENNY.

Sydney, 20 December, 1859.

Pursuant to Notice of the 15th instant, we beg to tender for the blue wove double foolscap, at the rate of (1s. 2d.) one shilling and two-pence per lb.

We are, &c.,
STAUNTON & CO.

The Secretary to Treasury.

No. 3.

No. 29,574.
£486 17s.

6 February, 1858.

AUSTRALIAN JOINT STOCK BANK.

Pay James King, or bearer, Four hundred and eighty six pounds seventeen shillings, for Stores, being on account of the Public Service.

Entd.

JNO. BUCHANAN,
Office of Colonial Stores.

No. 4.

No. 57,241.
£140 0s. 0d.

General Account.
14 December, 1858.

AUSTRALIAN JOINT STOCK BANK.

Pay J. Staunton, or bearer, One hundred and forty pounds sterling, for Stores, being on account of the Public Service.

Entd.—J. W.

JNO. BUCHANAN,
Office of Colonial Stores.

No. 47,267.
£271 17s. 6d.

6 October, 1858.

AUSTRALIAN JOINT STOCK BANK.

Pay J. Staunton, or bearer, Two hundred and seventy-one pounds seventeen shillings and six-pence sterling, for Stores, being on account of the Public Service.

Entd.—J. W.

JNO. BUCHANAN,
Office of Colonial Stores.

No. 38,590.
£37.

24 July, 1858.

AUSTRALIAN JOINT STOCK BANK.

Pay James Staunton, or bearer, Thirty-seven pounds sterling, for Stores, being on account of the Public Service.

Entd.—J. W.

JNO. BUCHANAN,
Office of Colonial Stores.

No. 38,584.
£390.

10 July, 1858.

AUSTRALIAN JOINT STOCK BANK.

Pay J. Staunton, or bearer, Three hundred and fifty pounds sterling, for Stores, being on account of the Public Service.

Entd.—J. W.

JNO. BUCHANAN,
Office of Colonial Stores.

No. 79,993.
£338 6s.

Stationery and Stores Account.
31 December, 1859.

AUSTRALIAN JOINT STOCK BANK.

Pay Staunton and Co., or bearer, Three hundred and thirty-eight pounds six shillings, for Stores, being on account of the Public Service.

Entd.

JNO. BUCHANAN,
Office of Colonial Storekeeper.

No. 57,236.
£200.

General Account.
11 December, 1858.

AUSTRALIAN JOINT STOCK BANK.

Pay James Staunton, or bearer, Two hundred pounds sterling, for Stores, being on account of the Public Service.

Entd.—J. W.

JNO. BUCHANAN,
Office of Colonial Stores.

No.

No. 47,269.
£200.

8 October, 1858.

AUSTRALIAN JOINT STOCK BANK.

Pay J. Staunton, or bearer, Two hundred pounds sterling, for Stores, being on account of the Public Service.

Entd.—J. W.

JNO. BUCHANAN,
Office of Colonial Stores.

No. 47,280.
£84 14s. 6d.

General Account.
30 October, 1858.

AUSTRALIAN JOINT STOCK BANK.

Pay J. Staunton, or bearer, Eighty-four pounds fourteen shillings and sixpence sterling, for Stores, being on account of the Public Service.

Entd.—J.W.

JNO. BUCHANAN,
Office of Colonial Stores.

No. 47,209.
£560.

10 August, 1858.

AUSTRALIAN JOINT STOCK BANK.

Pay James Staunton, or bearer, Five hundred and sixty pounds sterling, for Stores, being on account of the Public Service.

Entd.—J.W.

JNO. BUCHANAN,
Office of Colonial Stores.

No. 47,229.
£383 12s.

30 August, 1858.

AUSTRALIAN JOINT STOCK BANK.

Pay J. Staunton, or bearer, Three hundred and eighty-three pounds twelve shillings sterling, for Stores, being on account of the Public Service.

Entd.—J. W.

JNO. BUCHANAN,
Office of Colonial Stores.

No. 47,291.
£382 10s.

General Account.
12 November, 1858.

AUSTRALIAN JOINT STOCK BANK.

Pay J. Staunton, or bearer, Three hundred and eighty-two pounds ten shillings sterling, for Stores, being on account of the Public Service.

Entd.—J. W.

JNO. BUCHANAN,
Office of Colonial Stores.

No. 5.

Melbourne,
September 14, 1858.

The Colonial Storekeeper, Sydney.
Sir,

I beg to offer through you to the Government of New South Wales certain necessaries for light houses, as named at the other side, at the prices given against the items.

The whole of the articles are of the very first quality, having been imported from the best house in London, and suit the lights in New South Wales as well as in Victoria.

I likewise take the liberty of enclosing for your inspection several drawings of light apparatus upon a change of system differing somewhat from Fresnel's, and also one of the light that will shortly be exhibited upon Wilson's Promontory in this Colony, which you will perceive is by parabolic reflectors, the plan that no doubt will ultimately prevail.

I remain, &c.,
JAMES STAUNTON.

	£	s.	d.
10 gross patent double annealed picked glass chimneys for catoptrix lamps, @ 108/	54	0	0
10 gross double annealed 8-inch shouldered do.	54	0	0
20 strong packing cases for do., with tow used for packing, the tow coming in for use of the lights.....	25	0	0
50 gross patent cotton wicks for catoptrix lamps @ 7/6	18	15	0
50 gross patent cotton wicks for argand lamps, @ 6/6	16	5	0
100 plate glass cloths, @ 1/	5	0	0
100 reflector cloths, @ 10d.	4	3	4
50 polishing leathers, @ 2/4	5	16	8
10 lbs. fine prepared polishing powder for reflectors, in tin japanned cases, @ 12/6	6	5	0
24 cotton holders for catoptrix lamps, @ 1/6.....	1	16	0
24 cotton holders for argand lamps, @ 1/6	1	16	0
Packing cases for ditto	1	5	0
	<u>£194</u>	<u>2</u>	<u>0</u>

May be accepted, as the prices are all lower than is usually paid.—J. B.

No. 6.

SCHEDULE of TENDERS received in pursuance of a Notice dated 22nd June, 1858, published in the *Government Gazette* and opened in the presence of the undersigned, for supplying the under-mentioned articles required for the Public Service.

DESCRIPTION AND QUANTITY.	No. 1. J. Hellman.	No. 2. Geo. Chisholm and Co.	No. 3. Thompson, Symonds, & Co.	No. 4. Jas. Staunton.	No. 5. J. W. and S. Thompson.	RECOMMENDATION.
Aprons, Check 100	1/2	1/4	1/4	.....	.....	Tender No. 1 (J. Hellman) recommended for acceptance as being the lower. The quality of the several articles to correspond to the store patterns.
Shirts—Cotton... { Sample No. 1 530	...	2/10 1/2	{ any quan- tity, 24/ per doz.	3 bales. 28/ p. doz.	.....
Striped.. { Do. No. 2 530	2/6	2/10 1/2	36/ per doz.	37/ per doz.	2/6 Back lined with calico. 1/9	
Stockings, Men's worsted 100 prs.	1/3	1/5	1/5	.....	.....
Frocks, Guernsey..... 60	3/	{ Sample No. 1 2/9 Sample No. 2 4/3	4/6	.....	1/5 1/2	{ Sample No. 2 of Tender No. 2 recommended for acceptance as the most suitable of the several samples submitted.
Waistcoats, flannel, Men's 100	5/	6/9	6/	.....	.....	Tender No. 5 recommended for acceptance as being the lower, in addition to the quality of the article corresponding to store pattern.
Shifts, Women's, coarse, strong 323	3/9	.....	3/	.....	.....	Tender No. 3 recommended for acceptance as being the lower, upon the several samples submitted.
Serge, blue or brown 960 yds.	1/8	1/8 1/2	1/8 Blue flannel.	1/10 ⁰ 3 sales.	1/6	Tender No. 5 (J. W. and S. Thompson) recommended for acceptance as being the lower—the article corresponding to store pattern.
Hats, felt, Men's 100	3/5	{ Samples— No. 8—2/3 No. 10—1/6	4/	.....	{ Sample— No. 1—3/ No. 2—3/7 No. 3—4/3	Sample No. 1 of Tender No. 5 recommended for acceptance as the most suitable of the samples submitted.
Socks, cotton, Men's 50 prs.	5/4	7/4	{ 5/4 6/2	.....	{ No. 4—6d. No. 5—8/3	Sample No. 5 of Tender No. 5 recommended for acceptance as being the lower, the sample submitted being suitable.

Colonial Stores,
29 June, 1858.

Approved,—Rt. C.

JNO. BUCHANAN.
HENRY LANE.

In all five Tenders.—No. 1.—29 June, 1858.—J. B. H. L.

TENDER FOR

Sydney, 29 June, 1858.

do hereby tender to supply the undermentioned articles, upon the terms expressed in the Treasury Notice, dated 22nd instant, and to deliver the same into the Government Store within seven days after receipt of notification of the acceptance of this offer. Except where otherwise expressed, the stores to correspond in pattern and quality with the samples on view at the Colonial Store: As witness hand, this day of June, 1858.

J. HELLMAN.

To Henry Lane, Esq.,
Secretary to the Treasury.

QUANTITY AND DESCRIPTION OF ARTICLES TENDERED.	PRICE.	REMARKS.
Serge, blue or brown	1/8	To be delivered 14 days after acceptance of tender.
Aprons, check	1/2	
Shirts—Cotton { Sample No. 1 .. .. .	.....
Striped { Do. No. 2	2/6	To store sample.
Stockings, men's worsted	1/3	Samples submitted.
Waistcoats, flannel	6/3	
Frocks, Guernsey	3/	
Shifts, women's strong coarse	3/9	
Hats, felt, men's	3/5	
Socks, men's cotton.. .. .	5/4.	

No. 2.—29 June, 1858.—J. B. H. L.

TENDER FOR CLOTHING.

Sydney, 29 June, 1858.

George Chisholm and Co. do hereby tender to supply the undermentioned articles, upon the terms expressed in the Treasury Notice, dated 22nd instant, and to deliver the same into the Government Store within seven days after receipt of notification of the acceptance of this offer. Except where

where otherwise expressed, the stores to correspond in pattern and quality with the samples sent herewith: As witness our hand, this 29th day of June, 1858.

GEO. OHLSHOLM & CO.

To Henry Lane, Esq.,
Secretary to the Treasury.

QUANTITY AND DESCRIPTION OF ARTICLES TENDERED.	PRICE.	REMARKS.
Serge, blue or brown	Quantity. As Tender. 1/6 1/2 yard	} To store pattern.
Aprons, check	Do. 1/4 each	
Shirts—Cotton { Sample 1	Do. 2/10 1/2 do.	
Striped { Do. 2		
Stockings, worsted, men's	Do. 1/5 1/2 pair	} Samples submitted.
Waistcoats, flannel, men's	Do. 6/9 each	
Frocks, Guernsey	{ No. 1 do. 2/9 do.	
	{ No. 2 do. 3/3 do.	
Shifts, women's coarse strong .. .. .	.....
Hats, felt, men's	{ No. 9 do. 2/2 each	
	{ No. 10 do. 4/6 do.	
Socks, cotton, men's	7 1/2 d. 1/2 pair	

No. 3.29—June, 1858.—J. B. H. L.

TENDER FOR CLOTHING.

Sydney, 28 June, 1858.

We do hereby tender to supply the undermentioned articles, upon the terms expressed in the Treasury Notice, dated 22nd instant, and to deliver the same into the Government Store within seven days after receipt of notification of the acceptance of this offer. Except where otherwise expressed, the stores to correspond in pattern and quality with the samples on view at the Colonial Store: As witness our hand, this 28th day of June, 1858.

THOMPSON, SYMONDS, & CO.

To Henry Lane, Esq.,
Secretary to the Treasury.

QUANTITY AND DESCRIPTION OF ARTICLES TENDERED.	PRICE.	REMARKS.
Serge, blue or brown (blue flannel)	Quantity. 960 yards, 1/6	} To store pattern.
Aprons, check	100 1/4	
Shirts—Cotton { Sample 1	Any quantity 24/	
Striped { Sample 2 .. .. .			530 36/ 7/8 doz.
(Very best description.)		} Samples submitted.
Stockings, worsted, men's	100 1/6 1/2 pair	
Waistcoats, flannel, men's	100 6/ each	
Frocks, Guernsey (very heavy)	60 4/6 do.	
Shifts, women's coarse strong	(either Scotch twill or calico) .. 323 3/ do.	
Hats, felt, men's	100 4/ do.	
Socks, cotton, men's	{ No. 1—5 1/2 d. No. 2—6 1/2 d.	

No. 4.—29 June, 1858.—J. B. H. L.

TENDER FOR CLOTHING.

Sydney,

185

do hereby tender to supply the undermentioned articles, upon the terms expressed in the Treasury Notice, dated 22nd instant, and to deliver the same into the Government Store within seven days after receipt of notification of the acceptance of this offer. Except where otherwise expressed, the stores to correspond in pattern and quality with the samples on view at the Colonial Store: As witness hand, this 29th day of June, 185

JAMES STAUNTON.

(Similar. H.L.)

To Henry Lane, Esq.,
Secretary to the Treasury.

QUANTITY AND DESCRIPTION OF ARTICLES TENDERED.	PRICE.	REMARKS.
Serge, blue or brown	Quantity. 3 bales, 7/8 1/10 1/2 yard.	} To store sample.
Aprons, check .. .. .	.....
Shirts—Cotton { Sample 1	3 bales. 28/ 7/8 doz.	
Striped { Do. 2 .. .. .			Do. 37/ do.
Stockings, men's, worsted	} Samples submitted.
Waistcoats, men's flannel .. .. .	.....
Frocks, Guernsey .. .. .	.....
Hats, men's felt .. .. .	.....
Shifts, women's strong coarse .. .. .	.....
Socks, cotton, men's .. .. .	.....

No. 5.—29 June, 1858.—J. B. H. L.

TENDER FOR

Sydney, 29 June, 1858.

We do hereby tender to supply the undermentioned articles, upon the terms expressed in the Treasury Notice, dated 22nd instant, and to deliver the same into the Government Store within seven days after receipt of notification of the acceptance of this offer. Except where otherwise expressed, the stores to correspond in pattern and quality with the samples on view at the Colonial Store: As witness our hand, this 29th day of June, 1858.

J. W. & S. THOMPSON.

To Henry Lane, Esq.,
Secretary to the Treasury.

QUANTITY AND DESCRIPTION OF ARTICLES TENDERED.	PRICE.	REMARKS.	
Serge, blue or brown	Quantity. 960 yards.	} To store pattern (backs lined with calico.)	
Aprons, check	1/6 ³ / ₄ yard		
Shirts—Cotton { Sample No. 1 .. .. .	.....	
{ Do. No. 2	2/6 each.		
Stockings, worsted, men's	1/9 ⁷ / ₈ pair		
Waistcoats, flannel, men's .. .. .	.....	
Frocks, Guernsey	1/5 ¹ / ₂ each		
Shifts, women's coarse, strong .. .. .	.....	
Hats, felt, men's	{ 1. 2. 3.		} Samples submitted.
Socks, cotton, men's.. .. .	{ 3/ 3/7 4/3 4. 5. 6d. 8 ¹ / ₂ d.		

No. 7.

A.—IMPORTS.

Sydney, 19th day of January, 1860.

In the "Walter Hood," a British Ship, J. Donald, Master, from London.

For J. STAUNTON,
J. WESTON.

MARKS AND NOS.	DESCRIPTION	VALUE.	DUTY.
J. S.	(36)	£	
34/72.	Thirty-nine Cases Papers, British	600	
	No. 616		
	<i>Campbell's Wharf.</i>		

R. A. D. LEWIS.

Inward Port }
of Sydney. }

In the Ship "Walter Hood," British built Property, all British, about 918 Tons, with 34 Men, besides James Donald, a British Man, Master, from London.

1	DXX & Co. in diamond—1/28	28 Packages	Dickson & Co.
	PB over CF—446	1 Case, hats. U.B. .. .	} Parrott Bros.
	.. over GH—447	1 Do. perfumery. U.B. .. .	
	Anchor, with P on left and B on right side } stock, S under right fluke—1/50. }	50 Do. wine	
	PB—331	1 Do. fans	} E. J. Scrivener.
2	EJS in diamond	7 Do.	
	— with DIC over, L under, in triangle—1/62	62 Casks, spikes	} Railway Commissioners.
	WL in diamond—1/50	575 Rails	
	801/900	50 Hhds., stout	} Wm. Long.
	HW over S, in diamond	100 Do. ale	
		{ 12 Cases, perfumery. U.B. .. .	} Hobson & Whiting.
3	S over 2640, in diamond, J P over	1 Do.	
	S over 2637, in diamond, & 2639	2 Do.	} Order.
	M in diamond, S under right side—5/8	4 Do.	
	800—3/5	3 Do.	} Haego & Prell.
4	LP in diamond, P under right side—701/800	100 Hhds., ale	
	TC over S, in diamond—1/23	22 Cases	} Lamb, Parbury, & Co.
	WJR—1/400	400 Do.	
	JFH in diamond—1	1 Do.	} T. Cripps.
5	DXX & Co. in diamond	15 Bales	
	DPM in diamond, L under right side	4 Cases	} Dickson & Co.
		36 Bales	
		3 ¹ / ₂ Cases	} C. Moore & Co.
	SHI—1/2	2 Do.	
	WN	500 Boxes, candles	} S. H. Levy.
6	WL in diamond, S under right side	40 Cases	
			} Scott, Henderson, & Co.
			} Order.

6	AI in diamond	8 Cases	**	**	Order.
		2 Casks	**	**	
	IM in diamond	1 Case	..	..	J. Myers.
	WB-1/36	36 Kegs	..	..	D. Cooper & Co.
	37	1 Case	..	..
7	Q in diamond, B under right side-1/15	15 Qt. casks,	brandy.		Brierly, Dean, & Co.
	— with B & H over and S under, in diamond	U.B.	..	..
		6 Cases	..	..	Order.
		1 Bale	..	..
	IL over S, in diamond-1/4 9/12	8 Do.	..	..	Isaac Levey.
8	IL over S-1/100	100 Boxes	..	..
	AEL in diamond, L over left side-1/8	8 Casks, shot	..	..	A. & E. A. Levy.
9	Sec. Aust. Museum	1 Case	..	..	As addressed.
	WM in diamond-1222	1 Do.	..	..	W. Moffitt.
	000 in diamond-25	1 Do.	..	..	John G. Cohen.
	C in triangle, over WW-1/25	25 Rolls, lead	..	..
	1/30	30 Hhds.	..	..
	1/100	100 Half barrels	..	..	D. Cooper & Co.
	C in triangle, over PP-1/50	50 Cases	..	..
	over WW-1/50	50 Do., brandy. U.B.	..	..
10	Z-270/1	2 Do.	..	..	Order.
	272/80	9 Bales	..	..
	281/95	15 Cases	..	..
	GR over W, in diamond-1/3	3 Do.	..	..	Hobson & Whiting.
11	C. Moore	1 Do., live plants	..	..	As addressed.
	R & M in triangle-19	1 Do.	..	..	Order.
	DXN & Co. in diamond, P under right side	7 Do.	..	..
		2 Bales	..	..	Dickson & Co.
	CSH in diamond, with G G over, B under	2 Cases	..	..
	left side-2847/8	..	..	..	C. S. Haigh.
	363/4	2 Bales	..	..
	365/6	2 Cases	..	..
12	SB & Co. in diamond-1/60	60 Hhds., ale, &c.	..	..	Butts, Caporn, & Co.
	W & J in diamond-39/40	2 Cases	..	..	Weight & Johnson.
	JE over R in diamond	4 Casks	..	..	J. & E. Row.
		1 Case	..	..
	K & Co. over HY, in diamond	1 Do.	..	..	E. & W. Paul.
13	JW over S, in triangle-1/43	43 Trunks	..	..	J. Westbrook.
	JW over S, in circle-1/63	63 Do.	..	..
	F in diamond, S under right side	100 Boxes	..	..
		5 Carrotels	..	..	Flower, Salting, & Co.
		20 Barrels	..	..
	FS & Co. in diamond-1312	100 Boxes, candles	..	..	Do.
14	F & Co. in diamond	100 Do. do.	..	..
		5 Carrotels	..	..	Do.
		20 Barrels	..	..
	6.11	2 Cases	..	..
	PWF & Co. in diamond	5 Carrotels	..	..	Do.
		20 Barrels	..	..
15	TL in diamond, S under right side-1/2	2 Cases	..	..	T. Lusty.
	WC in diamond-17/29	13 Trunks	..	..	M. A. Worms & Co.
	HSC in diamond	4 Cases	..	..	C. S. Haigh.
		1 Bale	..	..
	H & P in diamond over S	22 Cases, plate glass	..	..	Haeg & Prell.
16	FG & Co. in square-9	1 Trunk	..	..	Favenc & Gwyn.
	DD in diamond over E E	9 Bales	..	..
		40 Cases	..	..	Do.
	EEE in diamond over F F-500/5	6 Do.	..	..
17	BS in diamond, N under right side	65 Barrels	..	..
		6 Cases	..	..
	" B "	58 Do.	..	..
		19 Casks	..	..
	" TR "	20 Barrels	..	..
		2 Cases, Candy	..	..	Buchanan, Skinner, & Co.
	" DB "	45 Do., Chicory	..	..
	" C "	290 Do.	..	..
	" V "	50 Do.	..	..
	" R "	36 Do.	..	..
	" TA "	42 Do.	..	..
	" M "	36 Do.	..	..
18	A-591/2	2 Do.	..	..	S. H. Levy.
	R in diamond-593/7	5 Do.	..	..
	WRP in diamond, S under right side-657/8	2 Do., books	..	..	W. R. Piddington.
	CNB & Co. in diamond	13 Do.	..	..	C. Newton, Bros., & Co.
19	F G over O in diamond-52/6	5 Do.	..	..	Do.
	IIB conjoined in square	24 Casks	..	..
		5 Cases	..	..
		111 Bundles, spades	..	..	C. Scott & Co.
		6 Do., forks	..	..
		2 Hogsheads	..	..
20	HER in square	13 Cases	..	..
		3 Crates	..	..
		80 Boxes, candles	..	..
		3 Casks, paint	..	..	H. E. Ramsden.
		250 Drums, oil	..	..
		200 casks, cement	..	..
		6 bottles, quicksilver	..	..
21	MAC, J over, S under, in diamond	12 Casks	..	..
		4 Cases	..	..
		1 Barrel	..	..
		2 Hogsheads	..	..
		2 Bales	..	..	John Macintosh.
	BWN	10 Boxes	..	..
	MAC, J over, S under, in diamond	38 Bundles, tubes	..	..
	90/1	2 Casks, shot	..	..
		20 Kegs, nails	..	..

22	WW in circle—30/9	10 Barrels	} W. Woods.
	40/61	22 Kegs ..	..	..
	1/28	28 Do. ..	..	..
	100/9	10 Do. ..	..	..
	191. 111. 114	3 Casks ..	..	..
	29	1 Keg ..	..	..
	112/13	2 Bales	} Dickson & Co.
23	DID in diamond, H under right side	6 Casks ..	..	..
		42 Bundles, shovels ..	..	..
		10 Do. forks ..	..	..
		1 Cask ..	..	..
		9 Anvils ..	..	..
		1 Case	} E. Bailey. As addressed.
24	B in diamond, S under right side	1 Do. ..	..	..
	Dr. Cox	2 boxes	} Montefiore, Graham, & Co.
25	TB & Co. in diamond—1/48	48 Cases ..	..	..
	GG in diamond, over M S G	57 Bales	} Do.
	58/60 over 65/9	8 Cases ..	..	..
	H in diamond, over M S G—13/18	6 Do. ..	..	..
	J. L. Montefiore	1 Cask ..	..	..
	F in diamond, over M S G—101/17 over } 167/94	45 Cases	} Order.
	C in diamond, P under right side—1/151 over } 201/307	258 Trunks, boots & shoes	..	..
26	WB in triangle	121 Packages	} W. Busfield.
		40 Iron plough-shares ..	..	..
	S in diamond over F, S under right side—80/91	12 Cases	} L. Sharwood & Co. G. Clapperton.
	G. Clapperton	1 Barrel ..	..	..
	Rev. King	1 Box, books	} Donaldson, Graham, & Co.
27	—, S over, C under, in diamond, S under left side	29 Packages, boots, &c.	..	..
	RB in diamond over W M—10/11	2 Cases	} Order.
28	Australian Club—20/36	17 Do., wine ..	..	..
	Mrs. E. Hutchinson	1 Do.	} As addressed.
	C—6/7	2 Do. ..	..	..
	F in triangle under S B	9 Bales	} Order.
29	WP in square—14/15	2 Cases ..	..	..
	SV & Co. over S, in diamond	80 Half barrels, herrings	} Order.
	GW in triangle over C—373/413	41 Cases ..	..	..
	B	83 Packages (500 boxes) } cheese	} Do.
30	KM	20 Carrotels ..	..	..
		60 Barrels	} Do.
	P	95 Cases ..	..	..
31	AD in diamond—1/2	2 Do.	} Donaldson, Graham, & Co.
	Rev. W. M. Cowper	1 Do., books ..	..	..
	LS & Co.—19/21	3 Do.	} As addressed.
	22	1 Casting ..	..	..
	23/4	2 Cases	} L. Sharwood & Co.
	W O, C over, L under, in diamond—1/3	3 Do., books ..	..	..
32	RB in diamond—8/12	5 Do., harness	} W. Hessel. R. Binnie.
	JHA in square	1 Do., music ..	..	..
33	Geo. Mocatta	1 Case	} J. H. Anderson. Montefiore, Graham, & Co.
	WK over S	8 Cases ..	..	..
	WM in square—1/30	20 Casks, paint	} W. King. Willis, Merry, & Co.
	TA in diamond—144/84	41 Cases ..	..	..
	JWB in circle—96/105	10 Trunks	} Allan, Street, & Norton. J. W. Burgess.
34	Rev. W. B. Clarke	1 Case, books ..	..	..
	GCH in diamond—12. 17. 18	3 Do.	} As addressed.
	Man. Aust. J. St. Bk.	4 Do. ..	..	..
	B & L under W	10 Half barrels	} As addressed. Buyers & Learmonth.
	B & L, B over, 3 under	10 Do. ..	..	..
35	B in diamond, 30 over left side	4 Casks	} A. Black.
		190 Cases ..	..	..
	W. R. D. Passmore	1 Box	} As addressed.
36	LH in diamond, H under right side—509	1 Bale ..	..	..
	510	1 Case	} L. Hordern.
	P over B—79/81	3 Cases ..	..	..
	H in triangle under dart with O in centre— } 1/95. 165	96 Do., { ^{50 wine} 45 brandy } 1 perfumery } U.B.	} Petersen, Boesen, & Co.
	JS in triangle—34/72	39 Do., paper ..	..	..
37	JM over S	1 Do.	} James Staunton. F. MacNab & Co.
	WS in diamond over H & Co.	10 Trunks ..	..	..
	EV in diamond, H over left side	153 Do.	} W. Soole. E. Vickery.
	RB & Co. in diamond—5/7	3 Cases ..	..	..
38	C in diamond over G S—161/90	30 Do.	} Order.
	HH	1 Do. ..	..	..
	LM in diamond—3/4	2 Do.	} Do.
	D. Campbell	1 Box ..	..	..
39	TF in diamond, C over left side	1 Case	} Lewis Moss. As addressed.
	Biddulph	1 Do. ..	..	..
	GJC in diamond—21/30	10 Packages	} T. Fisher. As addressed.
	S in diamond, WH under right side	4 Bales ..	..	..
		12 Cases	} G. J. Crouch.
40	S in diamond over V R	8 Do. ..	..	..
	COF in square—1/3	1 Bale	} Brierly, Dean, & Co.
		2 Cases ..	..	..
41	C in diamond over H S—280/300	30 Do.	} Order.
	TD in diamond, C over left side, S under } right side—1/50	20 Do., confectionery }	..	..
	Triangle under — conjoined, S in centre of } base—316/19	30 Do., chicory }	} Thacker, Daniell, & Co.
		4 Do., accordions ..	..	..

41	322	1 Case, cutlery ..	H. Schilsky.
42	W & Co. in diamond—1/10	10 Cases, acids..	Williams & Co.
	11/19	9 Do. ..	
43	GD	7 Casks ..	Rev. Dr. Ross.
		4½ chests, tea. U.B. ..	
		20 Cases ..	
		1 Crate ..	
	HG	8 Casks ..	
		4½ chests, ten. U.B. ..	
		13 Cases ..	
	J. JONES	13 Do. ..	
		2 Iron kegs ..	
		2 Do., drums ..	
		2 Barrels ..	
	S. Ella	7 Cases ..	
	GS	2 Do. ..	
		1 Cask ..	
	RC in diamond	1 Case ..	
	JG	1 Bale ..	
	S. M'Creagh	4 Cases ..	
	J. Gealdie	3 Do. ..	
	G. Pratt	3 Do. ..	
		1 Cask ..	
	T. Powell	1 Case ..	
	LMS	1 Do. ..	
44	DC over L—7 in diamond / 12 in diamond ..	6 Cases ..	David Cohen & Co.
	PB over S in diamond—105	1 Do. ..	Perry Bros.
	WD & Co. in diamond, BWW at right angle } —25/35	4 Bales ..	W. Drynan & Co.
45	SB over S in diamond ..	4 Do. ..	Scales Bros.
		3 Cases ..	
	DC in diamond over JWC—17/66	50 Do. ..	D. Cohen & Co.
	WGII—106	1 Do. ..	Order.
	65/74	10 Do., acids ..	
46	E. C. Merewether	2 Do. ..	As addressed.
	NSWG over 2L, in triangle reversed—1/4 ..	4 Do. ..	Colonial Storekeeper.
	" " 37 " 1	1 Do. ..	
	" " 36 " 2/3	2 Do. ..	
	H. E. Governor General	1 Do. ..	
47	MH & Co. over S	4 Do., orange peel ..	Macintosh, Hirst, & Co.
	" "	4 Do., lemon do. ..	
	" "	2 Do., citron do. ..	
	CC over MH & Co. over S—361/80	20 Barrels, ginger ..	
	S in diamond—11/20	10 Cases ..	E. & W. Paul.
48	RB over S, in diamond	6 Do. ..	R. Binnie.
	A & C in diamond	40 Boxes, glass ..	Gilchrist, Watt, & Co.
		4 Casks ..	
		3 Puncheons ..	
		1 Tierce ..	
		2 Cases ..	
		1 Bale ..	
49	A & C in diamond	111 Bundles, plates ..	
		115 Kegs ..	
	WRD	13 Bundles, steel ..	
		44 Cases ..	
		29 Bales ..	
	RG & Co. over S—349	1 Case ..	
50	WCW	2 Hogsheds ..	Ray, Glaister, & Co.
		3 Bundles ..	
		22 Cases ..	
		1 Cask ..	
		1 Crate ..	
51	RX Co, F over, S under—89/98	10 Bundles ..	E. Salamon.
	PB & O in diamond	22 Trunks ..	
		55 Bales ..	
		33 Cases ..	
	HE over A in diamond	40 Trunks ..	
		6 Cases ..	
52	LP in diamond—391/414	24 Trunks ..	Lamb, Parbury, & Co.
	SD in diamond—1	1 case, jewellery ..	
	2	1 Do. plate ..	
	3/4	2 Do. ..	
	TJ in diamond, S under right side	50 Kegs, nails ..	
53	C in diamond, E P over, H C under	32 Do. do. ..	Order.
		5 Casks ..	
		3 Cases ..	
		3 Bundles, forks ..	
54	C in diamond, N under right side	1 Do. wheels ..	Order.
		14 Do. frying pans. ..	
		7 Cases ..	
		1 Cask ..	
		2 Packages ..	
55	WC over S, in diamond, K under right side ..	12 Casks ..	E. C. Weekes & Co.
		17 Cases ..	
		6 Hogsheds ..	
		36 Bundles ..	
	WC in diamond over K S	1 Case ..	
56	RB in diamond	18 Cases ..	R. Blake.
		2 Packages ..	
		3 Cases ..	
		1 Bale ..	
	JFMD in diamond	5 Bales ..	
		3 Cases ..	
57	HHB in square over A—250/61	12 Casks ..	J. F. McDonald.
	DXN & Co. in diamond, over MD & Co.— } 35/9	5 Cases ..	H. H. Beauchamp.
			Dickson & Co.

57	HCB over S, in square—665/8	4 Cases	H. C. Brooks.	
58	SXS with 2 over—624	1 Cask, nails	Saddington & Son.	
	625/6	2 Cases, linen yarn		
	627/30	4 Tierces		
	631/3	3 Cases, leather		
	634/6	3 Do. grindery		
	—, S over, S under—338/52	15 Kegs, nails		
	S & S in square—970/1066	97 Trunks, boots & shoes		
	B in diamond—54/5	2 Cases		
	39 DG & Co. in triangle over S—1/25	25 Do.		Young, Lark, & Bennett.
	A McA over S, in diamond—801/2	2 Do.		Dangar, Gilchrist, & Co.
	WA & Co., in triangle, over S in diamond	20 Do.	A. M'Arthur & Co.	
60	H in diamond, S over left side, I, under right side	15 Do.	W. Acheson & Co.	
	J	3 Do.	Young, Lark, & Bennett.	
	CBL	3 Do.		
	B over P	5 Bales		
	BY	11 Cases		
		31 Bales		
	ML	12 Cases		
	LBF	1 Do.		
	BC	1 Do.		
	X	19 Bales		
	CW	2 Cases		
61	JA & Co. in diamond, S under right side	1 Do.	J. T. Armitage & Co.	
	TA in diamond—21 40	63 Cases		
	JA & Co. in diamond, S under right side	20 Do.		
	Similar brand under PP	12 Do.		
		23 Trunks		
	A in diamond under J T	2 Cases		
		6 Bales		
	D in diamond	4 Cases		
	MM in diamond—1,6	2 Do.		
		5 Do.		
62	PNR & Co. in square	1 Keg	Matthews & Marsden.	
		11 Tons, chain		
		111 Plates, iron		
		630 Bars, do.		
		29 Plates, do.		
		53 Bundles do.		
		89 Tubes		
		39 Casks, bolts		
		63 Bundles		
		7 Grindstones		
	20/58	6 Cases	P. N. Russell & Co.	
	59/121	3 Casks		
	1/5, 53	1 Bundle		
	6, 50, 52	2 Cases		
	51	1 Do.		
63	PNR in square, and PNR in square—1/2	2 Cases		
	PNR over L	1 Do.		
	TW in diamond—1/4	4 Do.		
64	MW in diamond, D under right side	16 Anchors and stocks		Mitchell & Co.
	1/2	3 Tons, chain		
	5/16	2 Casks, paint		
		12 Do. varnish		
		8 Boxes		
		1 Cask		
		1 Tierce		
		1 Hogshead		
		2 Barrels		
		8 Bundles		
65	FB & G	5 Cases, toys	Franc, Bros. & Gans.	
		6 Do. paper hangings		
		4 Do. hosiery		
		5 Do. confectionery		
		35 Do. arrowroot		
		15 Do. chicory		
		200 Do. Geneva. U.B.		
		100 Do. oilman's stores		
		13 Packages, candles		
		13 Bales, paper		
66	LD—11/13	50 Casks, oatmeal	L. Dottman.	
	14	3 Cases, preserves		
	Garland & Bingham	1 Do. cigars. U.B.		
		19 Do.		
		6 Packages		
		2 Casks		
67	FB & G over L—158/78	21 Cases, vestas		As addressed.
	FB & G—3312	25 Hhds. rum. U.B.		
	4305	10 Qr. casks do. U.B.		
		120 Do. bottled beer		
		4 Cases, perfumery. U.B.		
		70 Cases		
		3 Casks		
		1 Case		
		4 Do. perfumery. U.B.		
		3 Do. do. U.B.		
68	S over NH, in diamond, & S over SH, in diamond—415/18	26 Do. wine	S. Hoffnung & Co.	
	ED with S over and H under, in diamond—1564	2 Do.		
	NH under S, in diamond—4334	2 Casks		
	Anchor with N A either side of stock, side-ways—456	1 Case		
	ED in diamond under S H—442	4 Do. perfumery. U.B.		
	SH—423/5	3 Do. do. U.B.		
69	AD & Co.—1/26	26 Do. wine		
	AD & Co. in diamond, over ML & Co.	2 Do.		
	Frazer	2 Casks		
	W in diamond	1 Case		
	WCS in diamond	1 Do.		

STORES.

STORES.

About 3 Casks, raw sugar.	About 4½ Cases, brandy.
" 9 Mats, do. do.	" 45 Galls., rum.
" 182lbs. Refined do.	" 1 Quarter-cask, sherry.
" ¼ Chest, tea, about 60lbs. (2 packages.)	" 4 Dozen do. in cases.
" 100lbs. do.	" 9 Do. port.
" 35lbs. Coffee.	" 3 Do. champagne (pints.)
" 300lbs. do.	" ½ Do. do. (quarts.)
" 85lbs. Tobacco (1 package.)	" 5 Do. claret.
" 25 Galls., whiskey.	

JAMES DONALD.

Declared before me, at Custom House,
Sydney, this 18th January, 1860.

W. CATHCART STILL,
Landing Surveyor.

J. H. MADDOCKS.

Sydney, 24 January, 1860.

Sir,
I have the honor to request permission to amend the manifest of my ship "Walter Hood," from London, as regards the following parcel of goods, which in the hurry of business was omitted at the time of reporting:—

O in diamond *no* over, 52/56—five (5) cases drapery.

I have the honor to remain, Sir,

Your obedient Servant,

JAMES DONALD.

To W. A. Duncan, Esq.,
Collector of H. M. Customs.
Manifest amended,
J. H. MADDOCKS.

Sydney, 21 January, 1860.

Sir,
I have the honor to request permission to amend the Manifest of the "Walter Wood," from London, under my command, for one Dog Cart, which was inadvertently omitted from the Manifest of the above ship, but without any intention of defrauding Her Majesty's Revenue.

I have the honor to remain, Sir,

Your obedient Servant,

JAMES DONALD, Master.

To W. A. Duncan, Esq.,
Collector of H. M. Customs.
Manifest amended,
J. H. MADDOCKS.

Custom House, Sydney,
10 February, 1860.

Sir,
I have the honor to request permission to amend the report of the "Walter Hood," under my command, for 180 Cart Boxes, which were omitted from the Manifest of the above ship, there being no Bill of Lading for the same, therefore there could be no intention of defrauding Her Majesty's Revenue.

I have the honor to remain, Sir,

Your obedient Servant,

JAMES DONALD, Master.

To W. A. Duncan, Esq.,
Collector of H. M. Customs.
J. H. MADDOCKS.

Sydney, 21 January, 1860.

Sir,
I have the honor to request permission to be allowed to discharge the "Walter Hood," from London, under my command, from 6 a.m. to 4 p.m., and also to be allowed to break out from 4 to 6 p.m., and I hereby guarantee to pay the usual expenses incident to such an indulgence.

I have the honor to remain, Sir,

Your obedient Servant,

JAMES DONALD, Master.

To the Collector of
H. M. Customs.
Allowed,—W. A. D.

Sydney, 30 January, 1860.

Sir,
I have the honor to request permission to extend the hours of discharge of my ship "Walter Hood" until 6 p.m., as the cargo now remaining on board consists almost entirely of dead weight. I hereby guarantee the payment of all customary charges for such indulgence, and am, Sir,

Your obedient Servant,

JAMES DONALD.

To W. A. Duncan, Esq.,
Allowed,—W. A. D.

Custom House, Sydney,
2 February, 1860.

Port of Sydney.
Sir,
I have the honor to request permission to be allowed to take on board ballast to stiffen the "Walter Hood," before her inward cargo is discharged, otherwise the discharge would be stopped from the cause of the ship not being able to stand upright without such ballast.

I have the honor to remain, Sir,

Your obedient Servant,

JAMES DONALD.

To W. A. Duncan, Esq.,
Collector of H. M. Customs.
Allowed,—WM. LEWELLIN, *pro* Collector.
No objection,—S. M. M.

19

No. 8.

A. 12, No. 1.

No. of Abstract No. }
to Warrant No. of 185 }

Voucher No. 8.

THE DEPARTMENT OF THE COLONIAL STOREKEEPER,
Dr. to JAMES KING.

Date.		Amount.
	For the undermentioned Articles, supplied for the Public Service, viz. :-	
1858.		£ s. d.
January ..	54 Reams Paper, F. Cap, double, 26 lbs. per ream, at 1s. 1½d. per lb.	122 17 0
	4 Packages at 20s. each	4 0 0
	800 Frocks Dowlas at 4s. 6d. each	180 0 0
	800 Trousers Dowlas at 4s. 6d. each	180 0 0
	Total	486 17 0

I certify that the quantities of the above-mentioned Articles were duly supplied, as stated, by the above-named individual, and that they were conformable to the samples stipulated for, and of good and sufficient quality. I further certify, that they were necessarily required for the Public Service, and that the prices charged were the most reasonable for which the same could be procured, at the time of purchase.

J. WILLIAMS JENKINS.

JOHN BUCHANAN, C.S.

Received on the 6th day of February, 1858, from John Buchanan, Esq., Colonial Storekeeper, the sum of Four hundred and eighty-six pounds seventeen shillings sterling, in full payment of the above account, for which I have signed duplicate receipts of the same tenor and date, pursuant to Warrant of Government, No. dated

Witness, JOHN WESTON.

JAMES KING.

No. 9.

A. 12, No. 1.

No. of Abstract No. }
to Warrant No. of 185 }

Voucher No. 123.

THE DEPARTMENT OF THE COLONIAL STOREKEEPER,
Dr. to JAMES KING.

Date.		Amount.
	For the undermentioned Articles supplied for the Public Service, viz. :-	
1858.		£ s. d.
July 24 ..	1920 lbs. Twine, at 2s. per lb.....	192 0 0
	Total	£ 192 0 0

I certify that the quantities of the above-mentioned Articles were duly supplied, as stated, by the above-named individual, and that they were conformable to the samples stipulated for, and of good and sufficient quality. I further certify, that they were necessarily required for the Public Service, and that the prices charged were the most reasonable for which the same could be procured, at the time of purchase; and, furthermore, that they were ordered upon requisitions approved by His Excellency the Governor General.

J. WILLIAMS JENKINS.

JOHN BUCHANAN, C.S.

Received on the 30th day of August, 1858, from John Buchanan, Esquire, Colonial Storekeeper, the sum of One hundred and ninety-two pounds sterling, in full payment of the above Account, for which I have signed duplicate receipts of the same tenor and date, pursuant to Warrant of Government, No. dated

Witness, JOHN WESTON.

J. KING.

No. 10.

A. 12, No. 1.

No. of Abstract No. }
to Warrant No. of 185 }

Voucher No. 226.

THE DEPARTMENT OF THE COLONIAL STOREKEEPER,
Dr. to J. KING.

Date.		Amount.
	For the undermentioned Articles supplied for the Public Service, viz. :-	
1858.		£ s. d.
December 2.	5 Colors, Union, 24 ft. by 15 ft. 6 in., complete at £9	45 0 0
	1 Royal Standard, 24 ft. by 13½ ft.....	25 0 0
	Total	£ 70 0 0

I certify that the quantities of the above-mentioned Articles were duly supplied, as stated, by the above-named individual, and that they were conformable to the samples stipulated for, and of good and sufficient quality. I further certify that they were necessarily required for the Public Service, and that the prices charged were the most reasonable for which the same could be procured, at the time of purchase; and, furthermore, that they were ordered upon requisitions approved by His Excellency the Governor General.

J. WILLIAMS JENKINS.

JOHN BUCHANAN, C.S.

Received on the 13th day of December, 1858, from John Buchanan, Esquire, Colonial Storekeeper, the sum of Seventy pounds sterling, in full payment of the above account, for which I have signed duplicate receipts of the same tenor and date pursuant to Warrant of Government, No. dated

Witness, JOHN WESTON.

J. KING.

*The Treasury, New South Wales,
26th February, 1859.*

TENDERS FOR CHINA (OR TEIL-NUT) OIL.

NOTICE is hereby given, that Tenders will be received at this Office till noon of Tuesday, the 8th March next, from persons willing to provide and deliver into the Government Store—

5,000 gallons China (or Teil-nut) oil.

Offers to be marked on the cover "*Tender for Oil;*" and none will be entertained for quantities less than 500 gallons.

No separate charge will be allowed for packages; their cost must be blended with the price asked for the oil.

Plain mention must be made of the time within which it will be engaged to deliver the supply tendered for.

If possible, a sample not less than two gallons of the same oil which it is proposed to supply, should be left at the Colonial Store.

If a sample cannot be so left beforehand, it is to be understood in the event of a contract being entered into, that the oil will be subject to the test of actual burning at the Light-houses, and in every case be accepted only upon that trial proving satisfactory.

At the option of the Government, security for the due execution of the contract will be taken to the full amount of the Tender or Tenders accepted.

Rt. CAMPBELL.

SCHEDULE of TENDERS received in pursuance of Notice dated 25th February, 1859, published in the *Government Gazette* and opened in the presence of the undersigned, for supplying CHINA (or Teil-Nut) OIL, required for the Public Service:—

DESCRIPTION AND QUANTITY REQUIRED.	NAME OF TENDERER.	QUANTITY OFFERED.	RATE PER GALLON.	REMARKS.
Oil, China (or Teil-Nut) 5,000 gallons.	William Harbottle	Gallons. 5,000	5s. 9d.	2,500 gallons to be at once delivered, the remainder at any time within 12 months at option, or when required for the Public Service.
	Griffiths, Fanning & Co.	2,000	5s. 6d.	Ex "Atalanta."
	James Wilson	1,000	6s. 1½d.	Deliverable within 3 weeks.

Sydney, 8 March, 1859.

The Tender of Mr. WILLIAM HARBOTTLE, for the supply of 2,500 gallons, deliverable at once, is recommended to be accepted.

The Tender of GRIFFITHS, FANNING, & Co. is likewise recommended for acceptance, being the lowest.

JNO. BUCHANAN.
HENRY LANE.

Approved,—
CHARLES COWPER.
9 March.

In all, three tenders. No. 1.—3 March, 1859.—J. B. H. L.

*Oil and Color Stores, next the Post Office,
Sydney, 8 March, 1859.*

Sir,

In accordance with Treasury Notice of 26th ult., I hereby tender to supply the Government with 5,000 gallons China (or Teil Nut) Oil, at 5s. 9d. per gallon, of which about one-half, say 2,500 gallons, can be at once delivered as per sample sent to the Colonial Stores, which is without exception the finest sample ever imported into the Colony; the residue to be delivered any time within twelve months at the option of the undersigned, or when required for the Public Service.

In the event of this tender being accepted, it would be deemed a favor to be allowed to substitute Colza Oil (a more expensive article) at the same price, should the China or Teil Nut Oil not be obtainable by the contractor.

The Honorable
The Colonial Treasurer.

I remain, Sir,
Your obedient servant,
WM. HARBOTTLE.

No. 2.—8 March, 1859.—J. B. H. L.

Sydney, March 2, 1859.

Sir,

In reply to the notice issued in yesterday's number of the *Gazette*, we tender to supply the undermentioned quantity of China Oil, ex "Atalanta," viz:—

200 (two hundred cases) or, such portion as may be landed in merchantable condition; and in the event of the whole being so landed, containing say, (2,000) two thousand gallons in all.

The price at the rate of 5s. 6d. per gallon, which includes all charge for delivery.

To the Honorable
The Colonial Treasurer.

We have the honor to be, Sir,
Your most obedient servant,
GRIFFITHS, FANNING, & CO.

Tender to supply, say, two thousand gallons China Oil,
at the price of five shillings and sixpence per gallon.

No. 3.—8 March, 1859.—J. B. H. L.
TENDER FOR CHINA OIL.

Sydney, March 8, 1859.

I do hereby tender to supply the undermentioned articles, upon the terms expressed in the Treasury Notice, dated 26 February, and to deliver the same into the Government Store within three weeks after receipt of notification of the acceptance of this offer. Except where otherwise expressed, the stores to correspond in pattern and quality with the samples on view at the Colonial Store: As witness my hand, this eighth day of March, 1859.

To Henry Lane, Esq.,
Secretary to the Treasury.

JAMES WILSON.

DESCRIPTION OF ARTICLES TENDERED.	PRICE.	REMARKS.
1,000 gallons China Oil.	6s. 1½d. per gall.	In cases.

No. 12.

The Treasury, New South Wales,
1 March, 1859.

TENDERS FOR CLOTHING.

TENDERS will be received at this office till noon of Tuesday, the 8th instant, from persons willing to provide any of the undermentioned descriptions of Clothing for the Public Service, viz. :—

- Coarse blue cloth trousers
- Ditto ditto jackets
- Ditto ditto waistcoats
- Strong striped cotton shirts, plain
- Coarse linen shifts
- ¾ brown serge, all wool, 7 oz. per yard
- Blue or black worsted stockings, 4½ oz. per pair
- Check aprons

in accordance with patterns on view at the Colonial Store, where printed Tender Papers and any information required concerning the Contract can be had.

Delivery to be made into the Colonial Store, in such quantities and at such times as may be ordered, between the date of acceptance of a Tender and the 30th June next.

Offers to be marked on the cover "Tender for Clothing."

If deemed necessary, security in a sum proportionate to the amount of the Tender will be required, for the due fulfilment of the Contract.

RT. CAMPBELL.

SCHEDULE of TENDERS received in pursuance of Notice dated 1st March, 1859, published in the Government Gazette, and opened in the presence of the undersigned, for supplying, between the date of acceptance of Tender and 30th June next, the undermentioned articles required for the Public Service :—

DESCRIPTION OF ARTICLES.	QUANTITY OFFERED.	No. 1.		No. 2.		RECOMMENDATION.
		THOMPSON, SYMONDS, AND CO.	JAMES WILSON.	THOMPSON, SYMONDS, AND CO.	JAMES WILSON.	
Jackets, blue cloth, coarse ..	{ As may be ordered. } 400	17s. 6d.	.....	.....	21s.	Thompson and Co., tendering according to store pattern; their offer as the lower is recommended for acceptance.
Waistcoats, ditto ditto	{ As may be ordered. } 200	7s. 6d.	.....	.....	8s. 6d.	
Stockings, worsted, blue or black, 4½ oz. per pair	{ As may be ordered. } Ditto.	1s. 3d.	.....	.....	.....	Thompson and Co. being the only offer received and considered not unreasonable, is recommended for acceptance.
Aprons, check	Ditto.	1s. 4d.	.....	.....	.....
Trousers, blue cloth, coarse ..	{ 600 pairs. } { As may be ordered. }	9s.	.....	.....	13s.	The tender of Mr. James Wilson (No. 2), although the higher, is recommended for acceptance as conforming to the Government pattern, the sample submitted by Thompson and Co. being of a very inferior sloop quality.
Shifts, linen, coarse	{ Ditto. } { Ditto. }	3s.	.....	.....	3s. 3d.	
Shirts, cotton, striped, strong, plain	{ Ditto. }	2 samples, } 3s. 6d. ea.	.....	.....	2s. 10d.	The tender of Mr. James Wilson (No. 2), conforming to Government pattern, is recommended to be accepted. The sample at the lower rate submitted by Thompson and Co. being inferior, and of calico.
Serge, brown, 7-8, all wool, 7 oz. yard	{ Do. as per sample 1. } { 800 yards superior. } { 4,000 yds. }	1s. 6½d. blue. } 2s. blue. } .....	.....	.....	2s. 2d.	

Sydney, 8 March, 1859.

Approved,—A. 9 March.

JNO. BUCHANAN,
HENRY LANE.

In

certify that the quantities of the above-mentioned articles were duly supplied as above stated, by the above-named individual; and that they were conformable to the samples stipulated for, and of good and sufficient quality.

further certify that they were necessarily required for the Public Service, and that the rates charged were the most reasonable for which the same could be procured at the time of purchase.

RECEIVED on the _____ 185 , from _____ pounds,
 the sum _____ shillings and _____ pence, sterling, in full payment of
 the above account, for which _____ have signed duplicate receipts of the same tenor and date,
 pursuant to Warrant of Government, No. _____, dated _____
Witness to the Payment, _____ ALF. HAWLEY & CO.

No. 15.

The Treasury, New South Wales,
 31st December, 1859.

TENDERS will be received at this Office till noon of Tuesday, the 10th January, 1860, from persons willing to supply, for the Public Service, in such quantities as may be ordered, until the 31st March, 1860, the following description of Paper, &c. :-

- Blue wove single foolscap, 13 to 14 lbs. wt. per ream.
- Blue laid ditto ditto, 16 lbs. wt. per ream.
- Yellow wove ditto ditto, 16 lbs. wt. per ream.
- Lithographic double elephant, flat, 70 lbs. wt. per ream.
- Lithographic imperial, flat, 40 lbs. wt. per ream.
- Superfine laid imperial, insides, 72 lbs. wt. per ream.
- Superfine laid super-royal, insides, 54 lbs. wt. per ream.
- Blue wove double foolscap, insides, not less than 24 lbs. wt. per ream.
- First quality parchment, 28 by 34 inches.

Samples of the several qualities proposed to be supplied, to be left at the Colonial Stores, where printed forms of Tender can be procured on application.

Tenders to be endorsed on the cover, "Tender for Paper, &c."

SAUL SAMUEL.

SCHEDULE OF TENDERS received in pursuance of Notice published in the *Government Gazette*, dated 31st December, 1859, and opened in the presence of the undersigned, for supplying PAPER for the Public Service, until 31st March, 1860.

ARTICLES.	PRO- PORTION.	No. 1. STAUNTON AND Co.		No. 2. SANDS AND KENNY.		No. 3. L. SHARWOOD AND Co.		
		£	s. d.	£	s. d.	£	s. d.	
Blue wove single foolscap, 13 to 14 lbs. wt. per ream	Per ream.	0	14	0	.....	.....	.....
Blue laid ditto ditto, 16 lbs. wt. per ream		0	17	0	.....	.....	.....
Yellow wove ditto ditto, 16 lbs. wt. per ream		0	17	0	1	6	0
Lithographic double elephant, flat, 70 lbs. wt. per ream		5	0	0	{ 1s to 1s 3d per lb. Lithographic Paper. }	.....	.....
Lithographic imperial, flat, 40 lbs. wt. per ream		2	15	0		.....	.....
Superfine laid imperial, insides, 72 lbs. wt. per ream		6	0	0	7	10	0
Superfine laid super-royal, insides, 54 lbs. wt. per ream		4	10	0	{ Hand made, £5 15s.; machine do., £4. }	.....	.....
Blue wove double foolscap, insides, not less than 24 lbs. wt. per ream		1	6	0		48 reams at £1 6s
First quality parchment, 28 x 34 inches.		Per sheet.	0	3	6

Treasury, 10 January, 1860.

Messrs. Staunton and Co.'s Tender being the lowest and only complete offer, is recommended for acceptance.

Approved,—S. S.
 Jan. 11, 1860.

JNO. BUCHANAN,
 HENRY LANE.

In all, three Tenders. No. 1. 10 Jan., 1860.—J. B. H. L.

TERMS AND CONDITIONS of the Contract proposed to be entered into by STAUNTON AND Co., for the supply of Paper, &c., in such quantities as may be ordered for the Public Service by the Colonial Storekeeper, from time to time, during the period from 10 January, to 31 March, 1860. (*vide* Advertisement in the *Government Gazette*, dated the Treasury, Sydney, 31 December, 1859.)

- I. The Contract to commence on the 10th January, and to continue until the 31st March, 1860.
- II. The Contractor to supply the articles specified in the accompanying Schedule, at the prices affixed by him against the respective items, in the proportion ordered from him, and within such time as may be allowed for the completion of the order.
- III. The articles must be equal in every respect to the patterns or samples deposited in the Colonial Store, and in cases where articles are required of which patterns or samples may not have been so deposited, such articles to be of a thoroughly good and serviceable quality, and subject to special approval.
- IV. All articles must be delivered at the Government Store at the expense of the Contractor, and it is to be clearly understood, that an inspection will be there made, and if the supplies be held by the Storekeeper to be inferior, defective in quality, different from pattern, or otherwise objectionable, he is to be entitled forthwith to reject the same, without the Contractor being entitled to object to, or appeal from such decision, to any party or quarter whatever; and articles so rejected are to be removed within three days after the Contractor is required so to do, without any allowance being made to him for such rejected articles.

V.

- V. If the Contractor neglect or refuse to supply the articles contracted for, or fail to deliver the quantities ordered within the time specified, the Storekeeper is to have power to purchase in any way he may think best, a supply of similar articles to meet the deficiency, and to charge the Contractor with the excess of price, if there be any, that may have been paid for such articles, over and above the price fixed in the Contract; such excess to be either stopped or abated from any money payable to the Contractor under this or any other Contract, or it may be demanded of him to be paid within fourteen days to the Colonial Storekeeper, and in default of payment shall be recoverable with costs of suit.
- VI. A repetition of the neglect or irregularity referred to in clause V., to confer the right on the Government of instantly terminating the Contract, upon giving notice to that effect.
- VII. In the event of any article of a description not to be purchased in the market being supplied by a Contractor and found inferior to sample, the Storekeeper may accept the same, provided the Contractor make such an abatement from the contract price as the Storekeeper may think equivalent to the difference between the value of the sample and that of the supply delivered.
- VIII. It is also to be understood, that all and every sum of money, which may be at any time payable by the Contractor under this Contract, shall not be deemed or considered by way of penalty, but be considered as stipulated or ascertained damages, and shall be paid whether any damage shall or shall not have been sustained by Her Majesty or by the Public Service.
- IX. Payment on account of supplies delivered, to be made either monthly or quarterly, at the option of the Storekeeper, after invoices have been rendered in a complete state by the Contractor.
- X. The Contractor if so required, to bring forward either one or two sufficient sureties (as may be held sufficient) to enter into a Bond with him, to the amount of £ for the due performance of the Contract.
- XI. The Contract to be declared void, at the option of Her Majesty's Government, should the Contractor, or any person employed by him pay, or offer to pay, a gratuity, or reward, to any person under the employ of the Government, for anything to be done by such person concerning the execution of the Contract.

TENDER.

We, the undersigned, do hereby agree and bind ourselves to provide, and deliver into the Colonial Store the articles enumerated in the list or Schedule hereunto annexed, signed by us, and to which we have affixed prices; and do hereby agree to abide by and fulfil the terms and conditions above-mentioned.

Dated the Ninth day of January, 1860.

Contractors { Signature, STAUNTON & CO.
 { Address

CERTIFICATE OF SURETIES.

In the event of a Contract being entered into with the above person, engage to become bound with in the required sum for the due performance of the same.

Signature
Address

Signature
Address

Schedule referred to.

DESCRIPTION OF ARTICLES.	PROPORTION.	PRICE.		
		£	s.	d.
Blue wove single foolscap, 13 to 14 lbs. wt. per ream	} Per ream	0	14	0
Blue laid ditto ditto, 16 lbs. wt. per ream		0	17	0
Yellow wove ditto ditto, 16 lbs. per ream		0	17	0
Lithographic double elephant, flat, 70 lbs. wt. per ream		5	0	0
Lithographic imperial, flat, 40 lbs. wt. per ream		2	15	0
Superfine laid imperial, insides, 72 lbs. wt. per ream		6	0	0
Superfine laid super-royal, insides, 54 lbs. wt. per ream		4	10	0
Blue wove double foolscap, insides, not less than 24 lbs. wt. per ream		1	6	0
First quality parchment, 28 x 34 inches	Per sheet	0	3	6

STAUNTON & CO.

No. 2.—10 Jan., 1860.—J. B. H. L.

Sydney, 10 January, 1860

Sir,

We beg to state that we are willing to supply the Government with paper of the following description, and in accordance with samples forwarded to the Colonial Storekeeper, at the prices affixed thereto:—

No.		£	s.	d.
1.	Hand-made Imperial	7	10	0 per ream.
2.	Do. super-royal	5	15	0 ..
3.	Machine-made do.	4	0	0 ..
4.	Cream laid foolscap	1	6	0 ..
5.	Do. do. 17lbs.	1	6	0 ..
6.	Lithographic paper	0	1	0 per lb.
7.	Do.	0	1	3 ..

The above numbers correspond with those on the samples.

We have, &c.,
SANDS & KENNY.

The Honorable
The Colonial Treasurer.

No. 3.—10 Jan., 1860.—J. B. H. L.

8, York-street, Wynyard Square,
Sydney, 9 January, 1860.

Messrs. L. Sharwood & Co. enclose sample sheet of blue wove double foolscap paper, of which they can supply, at the present moment, forty-eight reams, at twenty-six shillings per ream.

No. 16.

REAMS, ALL INSIDES.

	Reams.	Weight.	At P. D.		At W. Ream.		
			s.	d.	£	s.	d.
Laid royal, hand-made	20	45	1	1	2	8	9
Laid medium, hand-made	30	34	1	1	1	16	10
Laid demy, hand-made	200	24	1	1	1	6	0
Thick laid cream post	25	20	0	10	0	16	8
Thick blue laid post	50	20	0	10	0	16	8
Thick blue wove post	50	16	0	9	0	12	0
Cut foolscap, blue wove, machine-made ..	700	14	0	7½	0	8	9
Foolscap, blue wove, lined, 36 lines ..	100	16	1	1	0	17	4
Cut foolscap, yellow wove, 18lbs. ..	50	18	0	10	0	15	0
Double foolscap, blue wove, 24lbs. ..	3,000	..	0	7½	0	14	6
Foolscap, blue laid, 18lbs., uncut ..	100	..	1	1	0	19	6
Demy pink blotting, laid, 24lbs. ..	100	..	0	9	0	18	0
Double blue demy	20	30	0	8½	0	14	2
Imperial drawing cartridge, flat ..	10	65	0	9	2	8	9
Cartridge, 45lbs.	100	45	0	9	1	13	9
Imperial cap, 50lbs.	50	..	0	3½	0	16	1½
Do. 84lbs.	60	..	0	3½	0	19	4½
Double imperial cap, half-quires, 200lbs. ..	50	..	0	3½	3	4	7
4to post, cream laid	100	24 folio	0	10	0	10	0
8vo. Do., do.	200	24	0	10	0	5	0
8vo. Do., thin blue laid	100	17	0	10	0	3	6½

The above prices are calculated on the rate of Exchange on London being at par on arrival of the goods in Sydney.

No. 18.

SCHEDULE OF TENDERS received in pursuance of Notice, dated 22nd November, 1858, published in the *Government Gazette*, and opened in the presence of the undersigned, for supplying the under-mentioned articles, required for the Public Service.

DESCRIPTION AND QUANTITY.	No. 1.	No. 2.	No. 3.	No. 4.	RECOMMENDATION.
	J. Hellmann.	Thompson, Symonds, & Co.	Geo. Christoph & Co.	J. Staunton.	
Calico, white	500 yds.	5d.	5½d.	5d. to 5½d.	Tender No. 1, being the lowest, is recommended for acceptance.
Calico, strong unbleached ..	500 "	5½d.	6½d.	6½d.	
Braces, cotton	300 pairs	6d.	5½d.	4½d.	Tender No. 2, although not in every instance the lowest, is recommended for acceptance as presenting samples of a superior quality.
Combs, tooth, small	144 No.	..	6½d.	6½d. to 7d.	
Check, union, strong	250 yds.	8½d.	8½d.	7½d.	
Needles, assorted, 1 to 5 ..	2,000 No.	..	7s.	7s. 6d.	
Serge, brown, ¾ths	500 yds.	..	1s. 3d.	..	Tender No. 3, being the lowest, is recommended for acceptance.
Stockings, women's	300 pairs	8d.	8½d.	7½d.	
Sheets, linen, coarse, 94' by 51', 200 No.	5s.	4s. 9d. {4s. 3d. to 5s.}	Tender No. 4, being the lowest, is recommended for acceptance.

Approved,—
Rt. C.JNO. BUCHANAN,
JOHN CROOK,
HENRY LANE.

In all, four Tenders.—No. 1.—30 Nov., 1858.—J. B. H. L. J. C.

Parramatta, 30 November, 1858.

In conformity with your Notice from your office of 22nd November, I herewith tender for the undermentioned articles:—

300 pairs cotton braces, at ..	6d. per pair.
500 yards white calico, at ..	5d. per yard.
500 " unbleached ditto ..	5½d. "
250 " union check ..	8½d. "
300 pairs women's cotton stockings ..	8d. per pair.

J. HELLMAN.

To the Secretary of the Treasury.

No. 2.—30 Nov., 1858.—J. B. H. L. J. C.

TENDER FOR STORES.

200 coarse linen sheets ..	5s.
300 pairs cot. braces ..	5½d.
144 small-tooth combs ..	6½d.
500 yards white calico ..	5½d.

500 yards unbleached ditto	6½d.
250 " Union check	8½d.
2,000 needles, assorted	7s. per M.
300 pairs cotton stockings, brown	8½d.
Ditto ditto, grey.....	8½d.
500 yards brown serge	15d.

We, the undersigned, are willing to supply the above-mentioned articles. Prices as per List.
THOMPSON, SYMONDS, & Co.

No. 3.—30 Nov., 1858.—J. B. H. L. J. C.

TENDER FOR DRAPERY.

Sydney, 30 November, 1858.

Messrs. Geo. CHISHOLM & Co. do hereby tender to supply the undermentioned articles, upon the terms expressed in the Treasury Notice, dated 22 Nov., 1858, and to deliver the same into the Government Store within six days after receipt of notification of the acceptance of this offer. Except where otherwise expressed, the Stores to correspond in pattern and quality with the samples on view at the Colonial Store: As witness our hand, this thirtieth day of November, 1858.

GEO. CHISHOLM & Co.

To Henry Lane, Esq.,
Secretary to the Treasury.

No. of Samples.		
1	White calico	5d. per yard.
2	Ditto	5½d. "
3	Union check	7½d. "
4	Unbleached calico	6½d. "
5	Coarse linen sheets, 64 ins. by 94 ins.	4s. 9d. each.
	Ditto ditto, 51 ins. by 94 ins.	4s. 9d. "
6	Women's brown cotton stockings..	7½d. per pair.
7	White cotton braces	4½d. "
8	Fine-tooth combs	6½d. each.
9	Ditto ditto	7d. "
	Saml. Thomas' best needles	7s. 6d. per M.

We have forwarded samples of the above to the Colonial Storekeeper's Office for inspection, which are equal and superior to those on view, in order to prevent any dissatisfaction in the delivery of them, if accepted.

No. 4.—30 Nov., 1858.—J. B. J. C.

TENDER FOR STORES.

Sydney, 30 November, 1858.

I do hereby tender to supply the undermentioned articles, upon the terms expressed in the Treasury Notice, dated 22 November, and to deliver the same into the Government Store within fourteen days after receipt of notification of the acceptance of this offer. Except where otherwise expressed, the Stores to correspond in pattern and quality with the samples on view at the Colonial Store: As witness my hand, this thirtieth day of November, 1858.

JAMES STAUNTON.

To Henry Lane, Esq.,
Secretary to the Treasury.

Sheets, coarse linen

U.

A. 12, No. 1.

No. of Abstract No. }
to Warrant No. of 18 . }

Voucher No. 404.

THE DEPARTMENT OF THE COLONIAL STOREKEEPER,

Dr. to STAUNTON & CO.

DATE.		AMOUNT.
1859.	For the undermentioned articles, supplied for the Public Service, viz.:	£ s. d.
Dec. 23	251 reams double foolscap, 6,596 lbs., @ 1s. 7½ lb.	329 16 0
	17 Cases, at 10s. each	8 10 0
	TOTAL.....	£ 338 6 0

I certify that the quantities of the above-mentioned articles were duly supplied, as stated by the above-named individual, and that they were conformable to the samples stipulated for, and of good and sufficient quality. I further certify, that they were necessarily required for the Public Service, and that the prices charged were the most reasonable for which the same could be procured, at the time of purchase; and, furthermore, that they were ordered upon approved requisitions.

JNO. BUCHANAN,

C. S.

J. WILLIAMS JENKINS.

Received on the 31st day of December, 1859, from John Buchanan, Esquire, Colonial Storekeeper, the sum of three hundred and thirty-eight pounds, six shillings, sterling, in full payment of the above account, for which we have signed duplicate receipts of the same tenor and date, pursuant to Warrant of Government, No. dated .

Witness—ARCHIBALD CAMPBELL.

STAUNTON & CO.

V.

27

V.

A. 12, No. 1.

No. of Abstract No. }
to Warrant No. of 185 .}

Voucher No. 123.

THE DEPARTMENT OF THE COLONIAL STOREKEEPER,

Dr. to JAMES STAUNTON.

DATE.		AMOUNT.
1858.	For the undermentioned articles, supplied for the Public Service, viz. :-	£ s. d.
June 17	400 Jackets, blue cloth, @ 30s.....	400 0 0
	500 Trousers, do. @ 12s.....	300 0 0
	300 Waistcoats do. @ 7s.....	105 0 0
July 1	1,512 yds. serge, brown, @ 1s. 10d. 7/8 yd.	138 12 0
	TOTAL.....£	943 12 0

I certify that the quantities of the above-mentioned articles were duly supplied, as stated, by the above named individual, and that they were conformable to the samples stipulated for, and of good and sufficient quality. I further certify, that they were necessarily required for the Public Service, and that the prices charged were the most reasonable for which the same could be procured at the time of purchase; and, furthermore, that they were ordered upon requisitions approved by His Excellency the Governor General.

J. WILLIAMS JENKINS.

JNO. BUCHANAN,
C. S.

Received on the 30th day of August, 1858, from John Buchanan, Esquire, Colonial Storekeeper, the sum of nine hundred and forty-three pounds, twelve shillings, sterling, in full payment of the above account, for which I have signed duplicate receipts of the same tenor and date, pursuant to Warrant of Government No. , dated
Witness—JOHN WESTON.

JAMES STAUNTON.

W.

A. 12, No. 1.

No. of Abstract No. }
of Warrant No. of 185 .}

Voucher No. 164.

THE DEPARTMENT OF THE COLONIAL STOREKEEPER,

Dr. to JAMES STAUNTON.

DATE.		AMOUNT.
1852.	For the undermentioned articles, supplied for the Public Service, viz. :-	£ s. d.
Sept. 1	2,250 shirts, twill, @ 2s. 5d.	271 17 6
Oct. 8	750 shirts, twill, @ 2s. 5d.	90 12 6
	10 gross double-anealed picked glass chimnies, for catoptric lamps, @ 108s.	54 0 0
	10 do. do. 8 in. shouldered, @ 108s.	54 0 0
	20 strong packing-cases for do., with tow used for packing, the tow coming in for use of the Lights	25 0 0
	50 gross patent cotton wicks for catoptric lamps, @ 7s. 6d.	18 15 0
	50 do. do. argand lamps, 6s. 6d.	16 5 0
	100 plate glass cloths, 1s.	5 0 0
	100 reflector cloths, 10d	4 3 4
	50 leathers, polishing, 2s. 4d.	5 16 8
	10 lbs. fine prepared polishing powder for reflectors, in japanned cases, 12s. 6d.	6 5 0
	24 cotton holders for catoptric lamps, 1s. 6d.	1 16 0
	24 do. argand, 1s. 6d.	1 16 0
	Packing-cases for do.	1 5 0
	TOTAL.....£	556 12 0

I certify that the quantities of the above-mentioned articles were duly supplied, as stated, by the above-named individual, and that they were conformable to the samples stipulated for, and of good and sufficient quality. I further certify that they were necessarily required for the Public Service, and that the prices charged were the most reasonable for which the same could be procured at the time of purchase; and, furthermore, that they were ordered upon requisitions approved by His Excellency the Governor General.

J. WILLIAMS JENKINS.

JNO. BUCHANAN,
C. S.

Received on the 30th day of October, 1858, from John Buchanan, Esquire, Colonial Storekeeper, the sum of five hundred and fifty-six pounds, twelve shillings, sterling, in full payment of the above account, for which I have signed duplicate receipts of the same tenor and date, pursuant to Warrant of Government No. dated

Witness—JOHN WESTON.

JAMES STAUNTON.

28

X.

A. 12, No. 1.

No. of Abstract No. }
to Warrant No. of 185 .}

Voucher No. 225.

THE DEPARTMENT OF THE COLONIAL STOREKEEPER,

Dr. to JAMES STAUNTON.

DATE.		AMOUNT.
1858.	For the undermentioned articles, supplied for the Public Service, viz. :-	£ s. d.
Dec. 9	1,600 sheets strong linen, @ 4s. 3d. each	340 0 0
TOTAL.....£		340 0 0

I certify that the quantities of the above-mentioned articles were duly supplied, as stated, by the above-named individual, and that they were conformable to the samples stipulated for, and of good and sufficient quality. I further certify that they were necessarily required for the Public Service, and that the prices charged were the most reasonable for which the same could be procured at the time of purchase; and, furthermore, that they were ordered upon requisitions approved by His Excellency the Governor General.

JNO. BUCHANAN.

J. WILLIAMS JENKINS.

Received on the 13th day of December, 1858, from John Buchanan, Esquire, Colonial Storekeeper, the sum of three hundred and forty pounds, sterling, in full payment of the above account, for which I have signed duplicate receipts of the same tenor and date, pursuant to Warrant of Government No. dated .

JAMES STAUNTON.

Witness—JOHN WESTON.

Y.

A. 12, No. 1.

No. of Abstract No. }
to Warrant No. of 185 .}

Voucher, No. 183.

THE DEPARTMENT OF THE COLONIAL STOREKEEPER,

Dr. to JAMES STAUNTON.

DATE.		AMOUNT.
1858.	For the undermentioned articles, supplied for the Public Service, viz. :-	£ s. d.
Oct. 8	600 frocks, duck } 1,100 trousers, duck } 4s. 6d.	382 10 0
TOTAL.....£		382 10 0

I certify that the quantities of the above-mentioned articles were duly supplied, as stated, by the above-named individual, and that they were conformable to the samples stipulated for, and of good and sufficient quality. I further certify that they were necessarily required for the Public Service, and that the prices charged were the most reasonable for which the same could be procured, at the time of purchase; and, furthermore, that they were ordered upon requisitions approved by His Excellency the Governor General.

JNO. BUCHANAN,

J. WILLIAMS JENKINS.

C. S.

Received on the 12th day of November, 1858, from John Buchanan, Esquire, Colonial Storekeeper, the sum of three hundred and eighty-two pounds, ten shillings, sterling, in full payment of the above account, for which I have signed duplicate receipts of the same tenor and date, pursuant to Warrant of Government No. dated .

JAMES STAUNTON.

Witness—JOHN WESTON.

1860.

NEW SOUTH WALES.

MINUTES OF EVIDENCE.

FRIDAY, 3 FEBRUARY, 1860.

Present:—

WILLIAM COLBURN MAYNE, Esq., IN THE CHAIR.

Mr. H. H. BROWNE,

| Mr. C. ROLLESTON.

Mr. Robert Palmer Abbott was present to conduct the case for the Colonial Storekeeper, on the application of Mr. Buchanan, and with the consent of the Board.

Mr. John Buchanan called in and examined:—

1. *By the Chairman:* Mr. Buchanan, this Board is appointed in consequence of the Government having reason to believe, from information they have received, that large quantities of stores on account of the public service have at various times been tendered for and supplied by Mr. Buchanan and the late chief clerk of the Colonial Storekeeper's Department, Mr. John Weston, under the assumed names of James Staunton and Staunton and Co. You are the Colonial Storekeeper? I am the Colonial Storekeeper.
2. And have held that appointment from what date? Several years; I think it was in 1845; I forget the exact date.
3. Will you state to the Board the regular and usual course under which supplies on account of the public service are obtained from Home or on the spot? From Home by indents on England; on the spot by tender and contract.
4. Those indents prepared by whom? In some cases by myself; in other cases by the various departments.
5. And by whom forwarded to the contractors at Home? The Treasury generally.
6. How are the quantities to be included in these indents arrived at—by whom are they decided? So far as concerns myself it is generally left to myself optional what quantity shall be included: that must be judged of by the probable want of the service and the capacity of the stores to contain them.
7. And on the spot you say by notices calling for tenders? By public notices calling for tenders, published in the *Government Gazette* and in the newspapers.
8. And those tenders are how dealt with? Opened at the Treasury.
9. By a Board? By a Board.
10. Are you a member of that Board? Yes; and the Secretary to the Treasury is the other member.
11. Are bonds generally taken in the case of contracts? Not as a rule; never in cases of supplies being delivered immediately; occasionally in time contracts they are.
12. When a decision is arrived at as to the tender to be accepted, how is communication made with the tenderer? Usually by a formal notice; occasionally by a formal notice apprising him of the fact, or by an order sent for the goods.
13. Do you mean a public notice or a written one? A mere written memorandum, I may term it, apprising him of the fact that his tender is accepted.
14. Do the tenderers give you an address to enable you to send them notice? Occasionally.
15. In cases where they do not, how is it done? Very frequently the Post Office is given as an address.
16. The Post Office? Yes.
17. Will you state to the Board what is the course pursued with reference the receipt of the supplies thus contracted for? They are delivered at the store upon the order sent for them.
18. Who takes delivery of the goods? The person in charge of the stores,—the foreman of the storehouse.
19. And who signs the receipt? He usually signs the drayman's receipt; in fact, always, I imagine.

Mr. John
Buchanan.
3 Feb., 1860.

Mr. John
Buchanan.
3 Feb., 1860.

20. And is that the receipt to the contractor? That is not an official receipt, because the stores may be subsequently rejected. It is a mere acknowledgment of a load having been delivered.
21. Without any knowledge of what the goods are? No, he has a full knowledge, but it does not express approval of the quality.
22. Are the packages opened? They may be delivered in packages, or loose. In the case of packages, they are subsequently opened.
23. I am confining myself to the receipt of the drayman: the foreman of the stores gives a receipt for certain packages; or, if opened, for the goods? That is the course.
24. Who gives the official receipt? The official receipt?—The stores are, subsequent to delivery, inspected, and any defects, if there be such, are brought to my knowledge.
25. And by whom are they inspected? In the first instance, by the foreman of the stores, who looks over them, and if he detects any defects, or divergencies from pattern or sample, it is brought to my knowledge, and then I look at the goods personally.
26. If the foreman of the stores does not bring any matter under your notice? By no means,—I occasionally look at them under any circumstances.
27. But as a general rule? Not as an invariable rule.
28. I wish to have the whole practice fully before the Board. But in any case where the foreman sees it necessary to bring goods under your notice, you then yourself inspect? Certainly.
29. Is there any person who acts with you? No.
30. You act alone? Yes. By the by, I may as well state that the conditions of contract provide that my inspection shall be the final one.
31. Without any reference or appeal? Without any reference or appeal.
32. Have you generally any intercourse with the contractors or the agents of contractors in these matters? Very rarely so. It is an object I have always specially avoided.
33. Has the foreman of the stores come personally in contact with either the contractors or their agents? He seldom or never saw a contractor's face in this building, under any circumstances whatever. It is his servants who are generally present here.
34. Does the foreman of stores make a formal entry of goods received? He keeps a record of the matter.
35. But does that record shew the marks of the packages? No, I do not imagine that it does. It is confined, I imagine, merely to the description of the items. The marks on the packages are of no moment.
36. Who is the present foreman of stores? David Moores. He has been so for this last two months.
37. And who was previously? Mr. Jenkins.
38. How long did Mr. Jenkins hold the office? I cannot charge my memory with that; but for some three or four years.
39. Can you recall to mind who was foreman of stores at the end of 1857, and the beginning of 1858? Mr. Jenkins.
40. Mr. Jenkins? Yes.
41. In June 1858, was Mr. Jenkins there? Yes, I have no doubt he was.
42. Have you in your possession a schedule of tender, and the original tender by James Staunton to supply certain articles of clothing which I find set forth in an account of July 1858? (*Appendix B.*) I have no doubt it is among the rest of those schedules which are in that press. (*Documents produced from press.*) Those are the schedules, (*handing them to the Chairman. Appendix No. 1.*) and with them the original tenders in each case complete.
43. The goods tendered for under this tender were supplied? Certainly, or they would never have been paid for.
44. To whom was the notice addressed of the acceptance of this tender? To the tenderer, I presume.
45. And in what way? In the ordinary way, by printed notice.
46. Is there any record of it? None whatever.
47. Or how was it addressed? No.
48. Who is the clerk to discharge this duty? Indiscriminately.
49. And you are not in a position to inform the Board by which of the clerks the notice was addressed? No, certainly not.
50. Does not one more generally than another address these tender notices? The tenders—the schedules were prepared by the senior clerk, and it is left with him to take the steps.
51. Who was the senior clerk? Mr. Weston.
52. Are you in a position to afford the Board any information as to who the successful tenderer in this instance was? That is shewn in the schedule.
53. As to his personal identity? No.
54. Have you ever seen James Staunton? I have not.
55. Have you ever had any communication with him in writing? None whatever.
56. Or message through any Officer in your department? None whatever. As a rule, I am ignorant of the persons—of half the contractors who deal with this department; and still, further, as I have already repeated, the contractors, personally, seldom or never appear in this place.
57. How was payment made for those goods to James Staunton? By cheque, I presume—yes, certainly.
58. And by whom was that cheque paid? Mr. Weston, in whose hands all payments rested. I never, by any chance, made a payment to any person. Invariably, and without any exception whatever, I never made a payment in this department or drew a cheque. When
in

in opposition to me, and in defiance of my protest, the Government insisted in trusting public moneys, and sending them here to be paid, they coupled it with an instruction that there was to be *one Officer* in the department in whose hands the cheque-book was to be placed, and who should draw cheques, and that regulation I strictly and literally followed out.

Mr. John
Buchanan.

3 Feb, 1860.

59. Then you are not in a position to afford the Board any information as to how the cheque was disposed of? I cannot say in that individual case how the cheque was disposed of; I may tell them generally, but how, in any particular case, I cannot undertake to say; I know the general practice, which can of course be verified by an appeal to persons in town. When we get the accounts from contractors, to suit their convenience the accounts are examined; when it is convenient to pay it, or convenient to themselves, the cheques are sent round.

60. Sent by whom? By a messenger.

61. Who is the messenger generally employed? The messenger for the time being. That of course is fluctuating, as I have no special messenger attached to this department.

62. What receipt does the messenger bring back? The document or voucher—the Government voucher. That is the general rule, but there are exceptions to that practice.

63. Then do I understand this to be the course: that after you have signed the cheque you leave it in the chief clerk's possession? I leave it in his possession. He is the paymaster.

64. Then he gives it to the messenger to take round to the persons to whom payment is to be made? That is the usual course.

65. Taking with him, I conclude, the——? The Government document. That is the general practice.

66. And gets to that Government document the receipt of the person to whom he hands the cheque? Yes.

67. Then can you inform the Board who was the messenger of the department about this time? Certainly not. As I have already told you this department is not allowed a permanent messenger.

68. Will you give to the Board the names of the men who have acted as messengers during the last three years? A man of the name of Short at the present moment is acting; another of the name of Gleeson was acting, and has left the department. I cannot charge my memory with others. Other men may have been employed. I cannot say whether they have or have not.

69. In reference to this particular account (*Appendix B.*) that I have been examining, I observe the witness is John Weston? Yes.

70. If the cheque for this had been sent by a messenger would Mr. Weston have been a witness? I do not know whether Mr. Weston invariably signed those vouchers; the fact of his having handed over the cheque, that is, we know, usually looked upon as formality more than absolute need.

71. You are aware that he can neither be the witness of the signature, nor the payment, if it is done in the way you have detailed to the Board? That, I can only explain is the usual course. It is the simplest thing in the world to get a witness to any payment of the Government, and it was probably considered more satisfactory to have the paymaster's name to that signature than that of a man who possibly would be unable to write at all.

72. But following the course you have detailed to the Board, he really is not a witness in any such cases to the signature when payment is made? I cannot exactly explain that, I have no doubt the absolute payment is a fact. As to who witnessed it, I dare say it has been treated as a matter of not very great moment.

73. Then you cannot in this instance state whether Mr. Weston was himself the payer of this cheque? Certainly I cannot.

74. I think you stated that you were not aware that you had ever seen James Staunton? I do not say "I am not aware," but I "know" I have not.

75. You have never seen James Staunton? I have not.

76. You have never seen any person write the signature of James Staunton? No, I never see the signatures of any of the contractors written.

77. These vouchers, I observe, are signed by yourself and Mr. Jenkins? Yes.

78. And the signature to the certificate? That is the preparatory step to a cheque being drawn. I sign when I am satisfied of the quality. I do not always check the numbers, because that would be a troublesome operation; but when I am satisfied of the quality, and the foreman of the stores signs respecting the quantity, I sign, on the faith of his having accurately counted them, and the cheque is then at full liberty to be drawn.

79. And then, after the acquittances have been signed, into whose possession do they come? Mr. Weston's, until he forwards them, monthly, to the Audit Office.

80. Do you ever see them again? I doubt it; I may, by chance, but not as a rule.

81. The same questions, and the same answers, I suppose, would apply as regards the particular vouchers I have before me here, (*Appendices W. X. Y.*) all in the names of James Staunton, and all witnessed by John Weston: the answers given as regards the first apply equally to these—that in none of those instances have you seen James Staunton write, and that you know nothing further than you have stated with reference to the first? I know nothing beyond it.

82. I have here, dated 23rd December, 1859, an account (*Appendix U.*) amounting to £338 6s, for goods supplied by Staunton and Co.: is the Tender applying to this account forthcoming? I think you took it away yesterday.

83. The one taken away yesterday was with reference to stationery? What is that?

84. Double foolscap, 251 reams? That is the tender you took away yesterday. (*Appendix No. 2.*)

85. That is a tender of Staunton and Co.: of that firm did you, at the time of the tender, or do you now, possess any knowledge? Oh! yes, I know who it is quite well.

Mr. John
Buchanan.

3 Feb., 1860.

86. Will you state it to the Board? That is Mr. John Weston.
87. Was Mr. Weston at that date an officer of the department? No.
88. How long had he ceased to be? Two months, or a month.
89. He had, then, a month ceased to be an officer of the department? Yes.
90. Is that the same Mr. John Weston whose name appears as a witness to the several payments we have been referring to? Undoubtedly; there is but one.
91. At the time the tender was put in, were you aware that Mr. Weston was the tenderer? I was subsequently.
92. I ask you—"at the time"? No.
93. When did you become aware of the fact? Either the same or the following day.
94. Of the tender being—? Being his.
95. Do you mean the same or the following day of the tender being accepted? Being delivered at the Treasury, or rather—being opened at the Treasury.
96. Will you state to the Board how that fact came to your knowledge? He himself acquainted me with the fact.
97. That he was Staunton & Co.? He made a point to call and know the result of his tender.
98. Did he then state who his partner was? He did not.
99. Did he give you any information connected with the——? Yes, he told me distinctly it was his intention to tender for anything and everything the Government might require.
100. Did he when leaving the department, give any reason for retiring from the Public Service? Indirectly he gave me reason to suppose that that was his object then.
101. That he proposed to go into business? Yes.
102. Did he then give you any intimation as to the name of the firm? No, he did not.
103. And at the time he made you aware that he was representing the firm of Staunton and Co., and in fact was one of the firm, did he in any way connect it with the previous tenders? In no way whatever.
104. He made no allusion to them? Never, in any shape.
105. Never explained who Staunton was? No: who Staunton was, in the multiplicity of tenders that came before me, or who any particular individual was—was not a matter which troubled my memory. My effort has been to see that I get the stores properly delivered, and get them of good quality. I vouch for those facts.
106. But he did not, in explaining to you what was his then position, and what he was about to do—allude in any way to previous transactions? In no way whatever. In fact, as far as tenders are concerned, it is by no means an unusual occurrence in this department to see fictitious tenders sent in—tenders without date—tenders without name even, and tenders with reference to which my suspicions are often excited as to the makers of them.
107. Do you in these cases take any steps? By no means; my duty I think is, to obtain stores of good quality and proper quantity, and not to pursue those suspicions.
108. But if any suspicious circumstance occurred? I should pursue it.
109. Would you bring it to the knowledge of the Secretary to the Treasury, who forms part of the Board with you? If it were of that aggravated nature that I thought it necessary to do so. We all know, at least I know, that there have been stores supplied for the Public Departments—articles supplied for the Public Departments by gentlemen holding positions in the Legislative Assembly, and that those accounts have passed the Audit Office unquestioned.
110. The name appearing as——? The name even appearing as such.
111. As a Member of the Legislative Assembly? Yes.
112. On the account? Yes.
113. As a Member? Not as a Member of the Legislative Assembly of course; but the notice of the Audit Office must be attracted to that fact as well as my own. I made the payment and the Audit Office has passed it.
114. And under contract? I did not make the arrangement myself, therefore I cannot say. I was the medium of payment, not the person who made the contract.
115. But if it was a contract you would not have seen the tender? No, not by any means. You will be aware that there are purchases made for the Public Service of which I am the mere means of making payment, I have nothing to do with the goods, I never see them; the bills come to me for payment, and I pay them on the certificate of the party to whom they are supplied and who receives them; that might be classed as a suspicious circumstance, but it is one which I should not think of pursuing nor would pursue. I have no doubt the goods were supplied honestly and fairly—I have not the least question. I do not intend to impute anything else, but I say, the fact of their being supplied is a suspicious circumstance, quite as suspicious as that I do not know some unknown person who supplies goods. I only look to his articles to see that they are of good quality, that a sufficient quantity is delivered, and that no more than are delivered are paid for; the source whence they are derived is a matter of the most secondary importance.
116. Mr. Weston then, in apprising you that he was Staunton and Co.—did he convey to you that there was a person of the name of Staunton,—that there was an actual firm of the name of Staunton and Co.; or, that he was merely carrying on himself, individually, under the assumed name? As well as I recollect, his exact words were that that was his trade name.
117. That that was his trade name? That that was his trade name. When leaving my department, as I already said, he intimated to me that it was his intention—that he saw the possibility of doing some good for himself, by taking to that mode of life which no one has yet taken up, that is—a special contractor for the Government; there is no one here in these Colonies yet that has taken to that particular trade; it is well known to exist in London,—there is a certain class of people there who invariably do it, but that class does not exist here.

118. If you had any reason to suppose that an officer of your own department was the tenderer and supplier of goods, would you consider that a fact and circumstance which it was your duty to — ? Certainly, I should reprehend and prevent it.

Mr. John
Buchanan.

119. And would you consider it your duty to bring it under the notice of the authorities? I have no doubt I should do it. 3 Feb., 1860.

120. And no circumstance ever attracted your attention, nor—I collect from what you have stated—was it in any way within your knowledge that Mr. Weston, while an officer of the department, did supply, under the name of Staunton, any goods? It did not come under my knowledge.

121. Or under any other name? Or under any other name.

122. Can you state to the Board whether, during the period Staunton did supply goods on the public account, he did so to a large or a small extent? Perhaps large in amount, though not spread over any length of time. The transactions were few, as well as my memory serves me.

123. Can you recal when James Staunton first became a contractor? I cannot.

124. Do you remember the exact date of Mr. Weston's resignation? It was about a month previously to this tender. I may add, perhaps, that it had been his desire to resign for some time previous even to that; but, as he was, undoubtedly, the best accountant in the public service—a man extremely efficient—thoroughly acquainted with his work here, and the routine of other offices in which he had served—I was most loath to loose him; and, at my urgent solicitation—requesting him to stop and arrange the accounts of the year—he did stop a few months longer.

125. It is the duty of the officer charged with marking out the cheques to initial them, is it not? Yes, I think that is the case.

126. And it was Mr. Weston's duty as long as ——— ? As long as he was in charge of the payments.

127. It was his duty to initial every cheque before you signed it? Certainly.

128. And has that been done since Mr. Weston left the Department by the officer who succeeded him? I cannot charge my memory with the positive fact, but I am convinced myself that it must have been done; if not, it has been an inadvertent omission.

129. I observe here, in one case, a cheque (*Appendix No. 3*) drawn in favor of James King, in February, 1858,—a period when Mr. Weston was, I believe, in the department—not initialled? It may occur; there may be an inadvertent omission. As a rule, I am confident it has been observed, though I cannot say in all cases.

130. I am also aware that a cheque (*Appendix No. 4*) recently given for a considerable amount (*cheques handed to witness*);—in whose handwriting are the bodies of the cheques? This is Mr. Weston's, I imagine.

131. The one recently given? The one recently given (*Appendix No. 4*) is, I believe, in Mr. Campbell's handwriting.

132. And is not initialled? Through inadvertence.

133. But had he instructions? By no means.

134. But as to the initialling of them—when he took charge? No special instructions. I think, on the cheques, as well as my memory serves me, it is stated that that is to be attended to.

135. There is a space for it in the cheque printed? With these cheques, the mode usually observed is, I think,—Saturday is the usual day on which payments are made, and those cheques will be brought to me on Friday. A number of them come ready to sign, and hand out, and distribute. I may have signed a cheque, not noticing that it is not initialled—as I have.

136. But you have stated ——— ? It would be an inadvertent omission.

137. *By Mr. Abbott:* You say, that generally you inspected these goods yourself? Generally,—in fact, I may say, in most cases.

138. Before they were paid for you approved of them? I approved, myself, of the quality, and satisfied myself of the quantity delivered.

139. *By the Chairman:* There is here, Mr. Buchanan, a letter (*Appendix No. 5*), in fact, offering to supply certain articles, which appears to be an unusual course. There is no schedule, no tender with it—no acceptance except your own upon it. Can you explain the circumstances under which it occurred? That is by no means an unusual fact. Let me look at it.

140. It is by James Staunton? Those were special articles, for which it would be useless to call for tenders, from the simple fact that they were not to be obtained in the market.

141. This letter, I observe, is dated Melbourne? Yes.

142. How was the tenderer communicated with in that case? Written to.

143. To Melbourne? Yes.

144. Have you any recollection whether this was a matter of emergency—of pressing importance? It was a matter of emergency in this respect: those matters are such as we have never been able to procure for the lighthouse service here—many of them; and the prices of those we had contracts for were always at rates considerably in excess of those prices—considerably in excess.

145. Can you recal whether this letter actually came to you from Melbourne? The letters were always opened by Mr. Weston—invariably. It was the practice for the messenger usually to place the letters on his table.

146. Can you recal to mind anything connected with these particular goods—whether they came from Melbourne? They came and were actually delivered.

147. How did they come from Melbourne? That I have no doubt they did. Yes; I have no doubt they came from Melbourne,—I did not see the delivery itself, therefore I cannot speak

Mr. John
Buchanan.
3 Feb., 1860.

speak positively. When I say "the delivery," I was not present, of course, at the delivery over the ship's side, therefore I cannot say that they did. I know that they were delivered here, for I examined them specially, and I recollect, what is more, there is a reference in that letter to the fact (or my memory deceives me) of the Wilson's Promontory Lighthouse, then in course of construction. A drawing was sent to me of that lighthouse, and with that drawing there was other information, stating that the reflecting system of lighthouses had, under experiments conducted by Professor Faraday, set aside the refracting—that the catoptric system had set aside the dioptric system. That fact I distinctly recollect stating to Captain Browne at the time. It was stated that the drawing was more explicit than the letter. I also shewed the drawing to Mr. Crook. It stated that the reflecting system would do away with the refracting. You have [*addressing Captain Browne*] some indistinct recollection of my mentioning the subject to that effect.

Captain Browne: Yes; but I do not recollect seeing any drawing in reference to the matter.

148. *By the Chairman*: Did it at all attract your notice that this was the same person tendering from Melbourne, who had previously been tendering from Sydney? It may have done. All I was anxious to do was, to get a class of stores useful for the Public Service, which we had never before had here for that special service.

149. Did anything attract your attention so as to make you ask who Staunton was—whether it was the same man? I presumed he was a man engaged in Melbourne. I may have surmised that he was a man engaged in something of that kind even in Melbourne.

150. It is evidently the same signature as the other, but from a different place and for different stores? That would not attract my attention.

151. *By Mr. Browne*: Do not those things come out with lamps? When a lighthouse is first erected; but we have nothing of the sort.

152. *By Mr. Abbott*: Do you recollect having inspected these goods supplied by Staunton and Company generally? I have a distinct recollection of the fact.

153. The whole of them? Yes.

154. All the goods supplied by Staunton and Company, or James Staunton? I have no doubt of the whole of them. My attention was directed to them from their very great superiority to anything we have ever seen here.

155. Did you always find them superior? Always superior.

156. To the same kind of goods——? Supplied by other individuals, and always lower in price.

157. When tenders were sent in they were placed before a Board—of whom did that Board consist? Of myself and the Secretary to the Treasury.

158. Had he the same means of knowing whose the tenders were that you had? Equally; it was equally open to him to question who the parties were as to myself.

159. And had he the same opportunities of inspection? No, he was not present on the inspection.

160. But on the opening of the tenders? On the opening of the tenders he had exactly the same opportunity of knowing who the parties were.

161. You say there was a Government regulation that one officer in this department should have charge of the cash? There is.

162. How long is it since that regulation was introduced? Ever since the system of making advances to the Public Service for payments and disbursements has been in existence.

163. Ever since Mr. Weston——? Yes; ever since the payments have been made by this department.

164. And was that part of Mr. Weston's duty all the time? Distinctly his duty—specially.

165. He drew the cheques, and sent them to you for signature? He drew the cheques, and usually handed them to me for signature.

166. And you returned them to him? And I returned them to him for delivery to the parties for whom they were intended.

167. And it was his duty to procure proper vouchers? It was.

168. I think you have stated that you had no knowledge whatever of Mr. Weston's having anything to do with the firm of Staunton and Co? None whatever——

169. Until after he had left the department? No.

170. So that you could have had nothing to do with it yourself? Nothing.

171. And there were never any goods paid for to Staunton and Company that were not delivered? Certainly not either in his or any other case.

MINUTES OF EVIDENCE.

Mr. John Williams Jenkins called in and examined:—

Mr. J. W. Jenkins.
3 Feb., 1860.

1. *By the Chairman* : You are foreman of stores? I was, until November last.
2. From what date? I scarcely recollect the date.
3. But generally you can say? I think I was about two years there.
4. Two years up to November last? Yes.
5. Will you inform the Board of the nature of your duties as foreman of stores? I had the receiving of all goods, to see that they were stowed away in the store, and to get them out on the floor according to requisition, to be inspected by the store clerk,—to attend to the packing, and prepare them for delivery.
6. When stores are delivered what is your first duty? Delivered from the stores?
7. No, to the stores? To take them into the stores and unpack them, if necessary; if not, to see them stored away ready for use.
8. Do you give any receipt to the person issuing them? Yes, on official orders, but not on general contracts—only on the order. There is a printed form which I generally sign in the margin, and which is checked in the book.
9. To the person who delivers the goods do you give any receipt acknowledging how you received the packages of goods into the store? In some cases, but not in all.
10. How do you satisfy yourself that stores come from the party that is entitled to deliver them? I do not think that that is any part of my duty. Very often I do not know the name of the parties.
11. Would you receive any goods which any drayman said were to come there? He would bring some sort of bill with him to say that it was intended for the Colonial Storekeeper's Department, and I should receive it. If I did not know anything about it I should ask Mr. Buchanan or the chief clerk.
12. How do you gain the knowledge of the persons who are to deliver stores? In tenders, or anything of that kind, where supplies are sent in—
13. Are you given any instructions as to who are the contractors? Sometimes I shall be told what things will come in—that certain stores are expected.
14. On their being delivered to you, you sometimes do and sometimes do not give a receipt to the drayman? If I am asked for a receipt I always give it.
15. But merely a general receipt stating a certain number of packages? It is generally entered in the book. I see it is written off in that book. I am asked whether all things have been received, and I take a memorandum and give an answer.
16. When do you enter in your book the goods you receive? I do not enter that; that is entered in a book in the office, and not the foreman's of the warehouse.
17. What sort of a book do you keep that enables them to be entered in the office? I do not keep any book. The printed form—
18. A drayman comes to you with a certain set of packages of goods,—what document does he bring you with them? A regular dray-note sometimes.
19. Do you mean the dray-note of the firm supplying the goods? A shipping-note, or papers in some instances from the wharf.
20. What becomes of the note? It is left here.
21. Do you give the drayman anything to shew that he has delivered his goods? Generally.
22. You do? Generally.
23. Very well, that dray or shipping note left here—what do you do with it? They are nearly all kept—filed.
24. You say that you open the packages and examine the goods? Yes.
25. How do you make the office here aware of what goods have been received, that they may be entered in the books of the department? I have to take it down to them before it is settled.
26. You take a list down? Yes; I am told in some cases to receive a certain quantity of goods; I see that I do receive them and take an account of it to the office.
27. Do you get that instruction in writing? No.
28. How? Mr. Buchanan sometimes tells me of a certain quantity of goods to be received into the store. I see that I do receive it; if not, I take a memorandum down of what I do actually receive.
29. We will suppose 400 jackets and 500 pairs of trousers and 200 waistcoats? They would be in bales. I should receive so many bales purporting to be that.
30. Do you open all the packages? You could not open them all.
31. You merely keep them as such? They are supposed to be that and are stowed away as containing that number.
32. Is the contractor paid before they are examined? I suppose so. I have not anything to do with the accounts in any way.
33. *By Mr. Buchanan* : Am I to understand you to say that no examination takes place of these bales to see either the quality of the articles or that the quantity is delivered—that no test is applied by anyone to see that they correspond with the sample and that they are fit and proper for the public service? There is always an examination of one or two or three bales if the receipt of goods is large. They are always examined and compared with the samples.
34. *By the Chairman* : We will suppose a bale is stated on the outside to contain 200 jackets,—are the jackets counted? When we issue them.
35. Not before? No; sometimes we issue the whole bale as it is.
36. Then there is no absolute check upon the quantity being what it is stated to be? In an original package.
37. *By Mr. Buchanan* : Is it the practice to examine the bale that is opened and to test the quality

Mr. J. W.
Jenkins.

3 Feb., 1860.

quality of the goods—is it the practice to count them or is it not? It is always the practice to count them—to examine the quantity and compare them with the quality.

38. *By the Chairman*: That is as to the sample? And the number also. We suppose the others are the same.

39. You take it for granted, after the examination of one of the packages, that the others are correct? Yes.

40. Having then got in a certain number of bales, how do you communicate to the office here what has been received? Sometimes I am asked if those things are received.

41. In what way do you enter in a book these things? There is an order-book kept.

42. Have you a store-book? No.

43. Then how do the things get into the store? There is an invoice-book and a general purchase-book kept. The foreman has nothing to do with it.

44. Then, as I understand it, the foreman of the stores states to the clerk what the goods received are? Yes, verbally.

45. Verbally? Yes; and then it is entered into a book.

46. *By Mr. Buchanan*: And the foreman subsequently certifies to the fact on the bill itself as to quantities? Yes.

47. *By the Chairman*: Then, in fact, I am to understand it thus: there are certain goods delivered, you examine certain of the packages among the whole number in order to find that they are what they purport to be, and you then verbally communicate to a clerk in here that certain goods have been received? Yes; I certify to the receipt of them—the quantity stated on these forms.

48. You certify that certain goods which are charged for have been received? Yes.

49. How do you remember—how are you in a position to certify? By the orders, an order being entered into a book.

50. Was that order in your possession? In the office.

51. How do you speak from the order? I am told that a certain quantity of goods will come in, and I take it as near as possible.

52. Is this the way: an order is sent from this office to a contractor to supply certain articles,—do you see that order before it goes to the contractor? No.

53. The contractor sends certain goods, and you say that after testing them in a certain way you verbally communicate to a clerk in the office that such goods have been received? Yes; and the signature, as I said before, is put on this printed form of order.

54. Whose signature—I asked you whether you saw the order? The order is returned with the goods; I then mark “received” upon the margin; if the whole of the goods are not received, I mark what I have received.

55. Then the order comes to you? Yes.

56. And you compare the goods received with the order? Yes.

57. And you mark on it that they are received? Yes; or what quantity.

58. Then you do give not a verbal but a written memorandum to the clerk of what you received? Yes.

59. In the year 1858, in June and July, 1858, and subsequently, you were foreman of the stores? Yes.

60. And at that time it would be your duty to receive goods in the way you have stated? Yes.

61. Can you recal to mind goods being supplied by a person of the name of James Staunton about that time? There were so many different people—contractors. It scarcely came under my notice to notice anything particular, but to receive the goods.

62. If particular goods were stated to you do you think you would be in a position to recal any of them? I may. I may recollect the names of contractors.

63. I see here, (*Appendix W*) in September, 1858, there were 2,250 shirts;—do you remember a large number of shirts being delivered by any contractor in that way? I recollect that.

64. Can you recal the contractor who supplied those goods? Do you mean the name?

65. Yes? Staunton.

66. You can recal that delivery? Yes.

67. By Staunton? By the dray. Do you mean personally?

68. No; by being delivered from Staunton? Yes.

69. Can you recal how those goods were delivered? By dray; always by drays.

70. By a drayman that you know anything of? No; there are so many strange draymen.

71. Was there any ship-note or dray-note brought with those goods? No, not in the case of contractors—receiving goods from one particular person extending over a series of deliveries.

72. Do you in any way become acquainted with the supplier, or know anything of him? No.

73. Don't you get any knowledge whatever of what the person is? Unless I know in time, such as Thompson, Symonds, and Sheriff, and those who supply in that way.

74. The things are not generally delivered by one particular drayman, or man in the employment of the various establishments, so that you could connect him with the business? Sheriff, the stationer, generally sends one man down with the goods.

75. Is it not so with all establishments that supply you,—do you not find that they usually send the same men? No; I have seen different men several times.

76. *By Mr. Buchanan*: You say that Thompson and Symonds, and Sheriff, and others in town occasionally deliver stores here? Yes.

77. Did you ever see the absolute members of those firms in these stores? No, Sir.

78. Have you ever seen Mr. Sheriff here, for instance? No.

79. Have you ever seen Messrs. Thompson or Symonds here? No, Sir.
80. Is it the rule, or is it not the rule, that contractors in town visit the stores personally; or is it the rule for them to send their agents and servants? Their agents and servants.
81. *By the Chairman:* Then I understand that you have not any recollection of these deliveries by Staunton? No.
82. As connected with the person of Staunton? No, I could not.
83. Did you ever hear of Staunton as a contractor? I have lately.
84. Within what period do you call lately? Since Mr. Weston has resigned.
85. When did you first hear of Staunton? I heard the name with the first delivery of goods, as a contractor.
86. But when did you hear of the name in any way that particularly attracted your attention? Since Mr. Weston has resigned.
87. How soon after? The last delivery of the paper—stationery.
88. What did you then hear? I heard that Mr. Weston was tendering in the name of Staunton.
89. You heard that Mr. Weston was tendering in the name of Staunton? Yes.
90. Did that in any way attract your attention or excite your curiosity? No.
91. Did it raise any idea in your mind in connection with Mr. Staunton who had previously tendered? Yes, it would naturally occur to me that it was the same person throughout. I may have had that opinion.
92. In fact, had you that opinion? No.
93. No such idea suggested itself? It was not until this proceeding that I ever thought of it.
94. You did not? I did not.
95. Did Mr. Weston in any way interfere with, or go out of the ordinary course with reference to any of these deliveries by Staunton, while he was an officer of the department? Not to my knowledge.
96. But had you any knowledge whatever of Mr. Weston's being in any way connected with the tenders, or with the supplying of these goods? Not until Mr. Weston resigned.
97. In no way whatever? In no way whatever.
98. Since your attention has been attracted to it in any way, have you made any inquiries as to who Staunton is? No; I have heard it reported who Staunton is.
99. Reported what? That there is a firm of Staunton and Company in London.
100. That there is a firm? That there is a firm, and that the same firm supplied the houses in Sydney; so I heard this morning.
101. Did you ever hear whether any member of that firm was in Sydney? No.
102. Or in Melbourne? No.
103. Have you ever seen the writing of James Staunton, or what purports to be his writing? In the accounts I dare say I have seen it.
104. What accounts? I sign as to the delivery or receipt of goods—not as to the prices.
105. But when do you sign the accounts? Whenever they are brought to me.
106. And in what state are they generally when they are brought to you? There are a great many together.
107. Is yours the first signature attached to them, or Mr. Buchanan's? I think mine is the first.
108. And have they, when brought to you in that way, the signatures generally, or in any case of the contractor to them? Yes, I should think so, always.
109. Have the signature of the contractor at that period? Yes, always.
110. Are you clear upon that point? I could not say, because I have only to notice on the face of the account that these goods are what have been received.
111. Yes, exactly, I understand thoroughly, you certify by your signature that what is set forth in the account has been received in quantity? Yes.
112. You do that to satisfy Mr. Buchanan before he signs the certificate? Yes.
113. But how would the name of the contractor be then to the account? I do not know that they always are. I said I could not speak positively.
114. But you say you have seen the name of James Staunton? In some cases the accounts will be three or four together. Some of the contractors will sign just above my name—just under where it is ruled off in the printed form, and I sign just underneath, and of course it will attract my attention. In reading the articles down I should check them and find something I am concerned with.
115. Will you look at the signature of James Staunton there and say whether you have ever seen that signature? No, I do not recognise it in particular.
116. But you say you have seen James Staunton's signature? Yes, I have seen it in some of the accounts.
117. Will you look at some of these accounts and see whether you have seen it? I could not say [*having examined the documents. Appendix F. W. X. Y.*] that it is any of these, or that it is not one of these.
118. *By Mr. Browne:* Not his signature, do you say? I may have noticed it, but I do not know that it is in any one of these particular forms.
119. *By the Chairman:* And you have seen his signature to accounts? Yes.
120. And at that period, when coming to you to be signed, has Mr. Weston's signature been to them as a witness? That I cannot say positively.
121. Who brings you these accounts? Mr. Weston.
122. Mr. Weston? Yes.
123. But you state distinctly that you have seen James Staunton's name to such accounts as these when brought to you to sign? Yes.
124. And before Mr. Buchanan had signed? Yes, I recollect seeing it.

Mr. J. W.
Jenkins.

3 Feb., 1860.

- Mr. J. W. Jenkins.
3 Feb., 1860.
125. When you are about to sign these accounts what have you that enables you to check these quantities? The receipt-book—the order.
126. Is that brought to you? I go to it.
127. And you satisfy yourself before signing that you have marked those goods as received on the order? Yes.
128. If you find, on examining the goods in the way you have stated, anything that attracts attention, what is the course you adopt? I go to Mr. Buchanan directly and inform him.
129. Inform him? Inform him.
130. But in case there is nothing that attracts your attention, you simply mark upon the order whether they have been received or not? Yes; I generally ask Mr. Buchanan to look at the goods.
131. In all cases? Nearly in all cases, unless it is a very small thing—an audit in detail or in an audit of any particular sample; the things are more or less exhibited, and I tell Mr. Buchanan that they are waiting.
132. And what is Mr. Buchanan's usual course? To examine them and see that everything is as good as the sample.
133. That is the usual course—Mr. Buchanan examines the goods and compares them with the samples? Yes.
134. Have you any knowledge as to whether there is any person of the name of Staunton in partnership with Mr. Weston? I believe he represents the firm, Sir, that is all.
135. Represents what firm? The Staunton's firm.
136. But have you any knowledge as to whether there is any such person as James Staunton, or as Staunton? No, excepting from report. It is said that there is such a firm as Staunton and Company.
137. Have you any distinct information as to the nature of their business and where their residence in London is? No.
138. *By Mr. Browne:* Was it not the practice to import from England, through the Government, a large portion of the stores, consisting of stationery and other things? Yes.
139. Has that system been discontinued? I do not know; we still receive goods from England through George A. Lloyd and Company.
140. Have the goods received in that manner decreased latterly, or have they continued to about the same extent as formerly existed? I should think they have decreased.
141. Then, latterly goods have been obtained more from contractors in town than used formerly to be the case? Yes; that has been the case, so far as I recollect, since the Colonial Mercantile Agency was instituted.
142. Things are very slow in coming out? Very slow, and often of very unsuitable quality.
143. Then latterly that class of goods has ceased to be imported? Not altogether.
144. But has the item of stationery been much reduced? No, Sir.
145. Have you gone into the town for any considerable amount of stationery lately? That would not come under my notice. The largest quantity of stationery was the last contract in December, that has just been supplied.
146. How was that contract provided—was it from the town, or by direct importation to the Government? From the town, by tender.
147. By tender? Yes.
148. Then in the item of stationery a less quantity comes out from England under original indent than was formerly the case? Not as yet. I said no large quantity had been tendered for until this last one; this last quantity is the largest quantity I have seen on tender—I mean supplied by contractor.
149. Are you consulted as to the quantity of stores remaining in your hands before an indent of stores is sent in by the Storekeeper? I generally report that we are getting short of certain descriptions of goods when such is the case.
150. Could you tax your memory whether you were short of any of these particular articles [*a document handed to witness containing an offer from James Staunton to supply certain lighthouse requisites, and dated Melbourne, September 14th, 1858*]? I do not think we had anything of the kind in stock.
151. You were quite out of them? We generally used to get them in small quantities whenever we could. We used to get a case of glasses at a time; sometimes they would be returned as unfit.
152. And you really were, at the time this was accepted, out of these stores? Completely out.
153. Who was the last tender for stationery taken by? Staunton and Company.
154. Was it an extensive one? I can hardly say the quantity, but it was pretty large.
155. Pretty large? There was some double foolscap—a good many reams of double foolscap—I forget the exact number.
156. Are you short of that description of goods in the store? Yes, very short of double foolscap; we could not get it at all.
157. And you are really in want of the goods that have now been tendered for? Yes, and urging for them, and a number of reams of foolscap, imperial, and super-royal, the most part of which has been issued to the printer.
158. Do you know how these goods came in? By dray into the yard.
159. Do you know whether they came from a vessel or from a store? No.
160. You do not know? No.
161. They merely came by dray? Yes.
162. Loose or in original packages? In original packages.
163. *By the Chairman:* Was there any address on the packages? No address, merely the initials and a diamond.

164. Do you know what the initials were? It was J in a triangle and S outside, to the best of my recollection.

165. *By Mr. Browne*: Are there not some of the cases in the yard now? I think there are.

166. *By the Chairman*: Is there any mark on them to shew how they were obtained—how they came from London? No, we never kept that on the cases.

167. No shipper's mark? No, I did not notice any shipper's mark on the cases. I have never seen the shipper's mark on any of the cases.

168. *By Mr. Browne*: What is the brand on them—Waterloo Mills, or something of that kind, is it not? On the paper?

169. Yes? On the last, Waterloo and Sons.

The Chairman: That is a large printing and stationery house in London.

170. *By Mr. Browne*: And J.S. in a triangle? There is in the yard one of the cases—the last came in—it has on it J.S. in a triangle.

171. *By the Chairman*: Not J.S. and Co.? No; merely J.S.

172. *By Mr. Abbott*: Have you any knowledge of business other than your experience here? No.

173. That is as to the receipt of large packages? No.

174. Do you know what the practice of mercantile houses is as to the receipt of large invoices,—do they open their packages? I should think not.

175. Do you know anything of the practice? I have seen packages stowed away in large houses and going away on the dray. I have seen, too, packages sent from the wharf to the bullock team and sent up the country.

176. There is then no chance of inspection? No.

177. As to the draymen by whom these things were brought here, were they not generally licensed draymen? I suppose they were all licensed draymen.

178. The draymen anyone can find on the stand? Yes.

179. How seldom do some of the draymen come here a second time? Very seldom; at least, I see so many, that I do not notice them all.

180. You said, I think, that you fancied you recollected some of the goods supplied by Staunton and Company—that you recollected the particular times they were supplied? I think I recollect.

181. Could you say whether the same man ever brought the things a second time? No, I could not.

182. You say that you believe there is such a firm as Staunton and Company in London? Yes, I heard it this morning.

183. They may have an agent here for all you know? Yes.

184. Now, as to the accounts to which you said you saw signatures, Mr. Jenkins,—do you recollect what these signatures meant—were they the accounts receipt or merely the heading of the accounts? I think in the case I mentioned, it must be at the foot of the receipts.

185. In that case the account was receipted before the money was paid? Yes.

186. Did you ever see it before? No. I believe I understand that is the course.

187. What is that? That the accounts are signed before they are paid. Several times I have seen it. It is the custom sometimes to send in the accounts signed.

188. As to this last tender for the supply of stationery,—do you recollect whether there were other tenders than that from James Staunton? Yes, in that case I saw other entries in the book.

189. There were other tenders? Yes.

190. Several others? Yes.

191. Can you recollect whether stores were taken on this occasion from the other people tendering as well as from Staunton and Company? Yes, I recollect some foolscap received from Sharwood at the same time.

192. Although his tender was not accepted for the whole? His tender was declined.

193. Still he supplied some? Yes, some double foolscap.

194. Under Mr. Buchanan's order, do you recollect? Under Mr. Buchanan's order.

195. Do you recollect at the same time a tender being sent in by Messrs. M'Nab and Company? Yes, M'Nab, I think, was one of the tenderers.

196. For the same goods for which Staunton tendered? Some tendered for a certain portion and some for another.

197. Do you recollect whether M'Nab tendered for any of the goods tendered for by Staunton? Yes, of single foolscap, a large quantity was supplied by M'Nab and Company.

198. Do you recollect whether they tendered at a lower rate than Staunton and Co? No, Staunton and Co's tender being lower, was recommended for acceptance through the Treasury.

199. For this particular foolscap? For the whole.

200. But for this particular foolscap supplied by M'Nab and Company? Yes.

201. How was it that M'Nab supplied it instead, was it by Mr. Buchanan's orders? I suppose it was; he told me that some paper would come in from M'Nab's, and I received it—single foolscap.

202. Although Staunton and Co. tendered at the same time? Although Staunton and Company had tendered for the whole.

Mr. J. W.
Jenkins.
3 Feb., 1860.

Mr. Archibald Campbell called in and examined:—

Mr. A.
Campbell.

3 Feb., 1860.

1. *By the Chairman*: What is the position you hold in this office? First clerk.
2. How long have you held that position? Two months.
3. Having succeeded—? Mr. Weston.
4. Will you state to the Board what is the nature of your duties? General supervision over the other clerks; looking over all the accounts, and paying them—writing out the cheques, that is.
5. Have you anything to do with the orders for stores, or entries of the stores received? No, only to see that the invoices are properly entered—invoices of goods from Home, and to see that prices are put to them.
6. And who is the gentleman to whom the foreman of the stores communicates the goods he has received for entry? They are entered in the books, and come under my cognizance.
7. Who is the gentleman that keeps those books, to whom the foreman communicates what he receives? It is not a definite duty for one particular clerk, they are entered by several—Mr. McDonell enters some, Mr. Garnett would enter some, and Mr. Wise would enter some.
8. These gentlemen would be more in a position to inform the Board as to the way the information comes to them, and what they did with it? Yes.
9. The principal responsibility you have is as to payment, I apprehend? Yes.
10. What is the course pursued with reference to the payment of contractors and suppliers of goods? The voucher must first be signed—I must first have proof that the goods are received, by the voucher of the store clerk; he signs the voucher certifying that the goods are actually received, and then the account is checked in the office, by the orders and by the contract prices; after all that is gone through, the goods having all been received correctly, payment is made.
11. In what way is payment made? Generally personally, or sent by a trustworthy messenger.
12. In what form? By cheque.
13. Who prepares the cheques? I do.
14. For Mr. Buchanan's signature? Yes.
15. Do you initial those cheques? No, I have not done it hitherto, for I did not know it was necessary; it was only yesterday that Mr. Lane said it was necessary for me to initial them.
16. You received no instructions? No. I initial all the butts of the cheques.
17. But not the cheque itself? No.
18. You are now aware that that is required? Yes.
19. Then the cheque, having been sent to Mr. Buchanan, comes back to you? Yes.
20. How do you deal with the payment? I either hand it to the party (perhaps in waiting) or send it by a trustworthy messenger; some are sent by post, then the cheques are crossed.
21. How do you get the receipt for the cheques? Sometimes they are signed when the account comes in, and then they sign the receipt.
22. The acquittance is signed? Yes.
23. When the account comes in? Yes.
24. Before it has Mr. Buchanan's signature, or Mr. Jenkin's signature? Yes.
25. But you say it is sometimes paid personally, and sometimes sent by a trustworthy messenger? Yes.
26. In these cases does the messenger take the documents with him, and bring them back to you? Always, if they have not been previously signed.
27. But if they have been signed? He merely takes the cheques and sometimes gets a temporary receipt from them; but not in every case.
28. Then you have no check upon the messenger paying the money? The cheque is crossed and marked "Bank."
29. In all cases? In all cases.
30. Every cheque you pay is marked "Bank"? Every cheque not delivered personally is marked "Bank."
31. Would cheques so marked not be paid by the bank if drawn on, except through another bank? I believe not; they would certainly not do it in the case of Government cheques.
32. Was it an instruction to you to cross all cheques? From my predecessor, for caution.
33. Mr. Weston? Yes.
34. He told you that was —? That that was the practice.
35. Will you look at these cheques (*cheques handed to witness*)—are those cheques crossed? No, Sir; but that is not in my time.
36. Have they been paid through a bank? It appears not.
37. Then in such cases, if those were sent by a messenger, the office would have no voucher that the cheque had passed to the proper person? Unless the person sent asked for a temporary receipt, as they sometimes do.
38. Is that an invariable practice? With persons we do not know; with persons with whom we have had extensive dealings we would not ask it.
39. It does not appear to have been an invariable practice, for I find several cheques uncrossed? They may have been delivered to the parties; in that case they are never crossed, except at their own request.
40. *By Mr. Rolleston*: If they are sent by post, are they crossed? Always.
41. *By the Chairman*: During the period you have been in the office, has it come under your knowledge, during the years 1858 and 1859, that goods were supplied to the Government by a person named James Staunton? I have heard the name, and I have seen the name in the books.
42. Have you seen the signature of James Staunton? I have seen the signature of Staunton and Co., but I cannot say positively that I have seen the signature of James Staunton. Before I took Mr. Weston's place, I had nothing whatever to do with the contracts.

43. It did not come before you — contractors bills of any kind? No, not at all.
44. Have you ever heard any mention of who Staunton was? Never.
45. Have you no knowledge yourself? No, I have no knowledge. I have heard more these last two days than ever I heard.
46. Your attention was never in any way directed to the existence of the person? No question about it.
47. Since you have held your present appointment there has been a tender from Staunton and Co? There has.
48. An account, also, I see, of the 23rd December (*Appendix W.*), for £333 6s., which bears their acquittance? Yes.
49. And your own name as witness? Yes, I recollect that account.
50. Who was it signed Staunton and Co? It was handed to me signed.
51. By whom? Mr. Weston.
52. Mr. Weston handed it to you signed? Yes.
53. And you signed it as witnessing—what? The time the payment was made.
54. Had you no conversation with Mr. Weston at the time he handed you that account? Not the slightest; he never spoke to me on the subject at all.
55. You made the payment direct to him? Yes.
56. You wrote the cheque and handed it to him (*A. No. 4*)? Yes; I believe he is acting for the firm.
57. Was that cheque crossed? I think that one was, but I cannot say positively.
58. Were you on anything of terms of intimacy with Mr. Weston when you were in the department together? Merely from being together; I was not intimate with him.
59. When did you first become aware that he was carrying on the business of tendering and supplying? Since he resigned,—and even then I was not certain; I only believed he was acting for the firm.
60. Have you ever seen him sign Staunton and Co? Never.
61. Have you any idea of whose writing that signature is (*Appendix W.*)? [*Witness looks at signature.*] I could not say positively.
62. Have you any impression as to whose writing it is? No; it bears some resemblance to his own, but I could not say.
63. To whose own? To Mr. Weston's own—very slight.
64. Are these accounts generally written by the suppliers themselves,—the bodies filled up by the persons themselves? Not as a general rule; they sometimes send informal accounts, and they are copied in the office very frequently.
65. As these accounts are? Yes.
66. Those have all been filled-in in the office (*Appendices B. W. X.*)? Yes; about one-half of our accounts are.
67. In whose handwriting are these? That is Mr. Weston's handwriting.
68. Would it be usual for a chief clerk in the office to do that? He very often does; I often do it myself.
69. That is what I want to ask? It does not fall to him from his office, but others might be busy, and he would write it off.
70. You are aware, I presume, of the object of the present inquiry? I do not know the full object of it, there are so many reports; I have not heard officially.
71. The present inquiry is instituted on account of the Government having reason to believe, from information they have received, that large quantities of stores on account of the public service, have at various times been tendered for and supplied by Mr. Buchanan and the late chief clerk of the Colonial Storekeeper's Department, Mr. John Weston, under the assumed names of James Staunton, and Staunton and Co. Can you afford the Board any information or light upon that charge? Not the slightest.
72. You have no knowledge in reference to it at all? Not the slightest, one way or the other.

Mr. A.
Campbell.
3 Feb., 1860.

Mr. William Macdonell called in and examined:—

1. *By the Chairman:* What position do you hold in the office, Mr. Macdonell? I am a clerk of the third class.
2. How long have you held that position? Since November.
3. Last November? Yes.
4. What was the position you previously held? Fourth or fifth class clerk, I think; I forget now—we were all of the third class, nominally.
5. Was that originally your appointment? One of the third class clerks.
6. That was your original appointment? Yes.
7. Had you at any time charge of the stores? Yes, I was foreman of the stores.
8. Was that your first appointment? Yes.
9. Then your original appointment was foreman of the stores? Yes.
10. Up to what date did you hold that appointment? About 1856, I think, I was taken into the office.
11. What is the nature of the duties you had to perform as fourth or third class clerk since you have been brought into the office? Copying of accounts, issues from issue book, usual clerical work, entering letters, taking out invoices, purchasing in the town goods where they are not tendered for, or where the tenders were not satisfactory, or where they were ordered on the face of the tender to be bought by private purchase.

Mr. William
Macdonell.
3 Feb., 1860.

Mr. William
Macdonell.

3 Feb., 1860.

12. Was it any part of your duty to prepare the orders upon contractors for supplies? No.
13. Whose duty was that? The orders are always prepared by Mr. Garnett.
14. Is it any part of your duty to receive from the foreman of stores a statement of goods received? No.
15. With that part you have nothing to do? No, I have nothing to do with that.
16. Have you anything to do with the checking or payment of accounts? Now, I have; I check accounts to see that they are accurate as to their total, and if so, I pass them on to the chief clerk who has to pay them.
17. The chief clerk? Yes.
18. And how long has that been a duty attached to you? Since November.
19. November last? I formally entered on it then, but I previously acted for Mr. Jones while he was away,—perhaps as early as September.
20. But previous to that you had nothing to do with the checking of accounts? No, I may have assisted sometimes, when there was a press of work.
21. Did contractors' accounts in any way come before you? In assisting Mr. Jones they would come before me.
22. Did a case come before your notice of goods supplied by James Staunton during the years 1858 and 1859? I have only a recollection of one invoice at the end of 1859; I can scarcely say what it was, but I have a recollection of seeing an invoice.
23. Of James Staunton? Of James Staunton.
24. That is the first and only one you recollect? That is the only one I have any recollection of coming before me.
25. Have you any recollection of what the nature of the supply was? I cannot recollect at this present moment; so many accounts pass through my hands that I cannot recollect it. I recollect the name very well. I had simply to check the invoice.
26. Could you, out of these (*Appendices U. V. W. X. Y.*), select the one your memory bears? I think that is it (*Appendix U.*).
27. That you will observe is Staunton and Co.? That is the one I allude to—Staunton and Co.
28. James Staunton? I do not know anything about.
29. You have no recollection of having seen the supplies of James Staunton? No.
30. Have you heard of Staunton as a contractor? I have in the office heard of his being a contractor.
31. Previous to Staunton and Co.? I have never been able to separate them; I have always heard of Staunton. I have heard of Staunton as a person supplying goods.
32. Extending over any period—have you heard the name for any period? Perhaps for twelve months during that period.
33. During twelve months? I am not sure about it. It was a matter of no interest to me.
34. You have heard the name mentioned as a contractor? I have heard of goods supplied by him.
35. By a man named Staunton? Yes.
36. Was that previous to Mr. Weston having ceased to belong to the department? Yes.
37. Have you any reason to know or believe that there was or was not an actually existing James Staunton? None at all. I believe there was a person of that name.
38. You believe there is? Yes, I believe there is a firm of that name.
39. Of James Staunton? I do not know whether it is James Staunton or Staunton & Co. I have not been able to separate them.
30. You say that you believe there is a firm of Staunton and Co.? Yes.
41. In Sydney? No. You asked me whether there was a firm; I believe there is a firm of Staunton and Co.
42. Do you know where existing? In London.
43. Have they any representative in Sydney? I am not aware.
44. This inquiry has been instituted, the Government having reason to believe, from information they have received, that large quantities of stores on account of the public service have at various times been tendered for and supplied by Mr. Buchanan and the late chief clerk to the Colonial Storekeeper's Department, Mr. John Weston, under the assumed names of James Staunton and Staunton and Co. Can you afford the Board any information respecting this charge, or that will tend to throw any light upon it? None at all. I am totally unacquainted with it.
45. You do not know yourself that what has been stated, either is or is not a fact? I do not know. It has not come within my knowledge at all.
46. Do you know who signed "Staunton & Co." (*Appendix W.*)? I do not.
47. Do you recognise the signature? I never saw it before that I am aware of.
48. Does it strike you as being like the writing of any person you know? I should say it was the same writing as that in the body of the invoice, but I could not swear to it.
49. But the writing in the body of the invoice? That occurs to me to be Mr. Weston's handwriting.
50. And you imagine the whole is written by Mr. Weston, signature and body? I think the one looks like the other.
51. Do you know who received payment of that? No.
52. It has not come before you? It has not come before me.
53. Have you ever heard it asserted, while Mr. Weston belonged to the department, that he was supplying goods for the public service? I never heard the assertion made.

SATURDAY, 4 FEBRUARY, 1860.

Present:—

WILLIAM COLBURN MAYNE, ESQ., IN THE CHAIR.

Mr. H. H. BROWNE,

|

MR. C. ROLLESTON.

Mr. R. P. Abbott was in attendance to conduct the inquiry for Mr. Buchanan.

Mr. Henry Garnett called in and examined:—

1. *By the Chairman*: What office do you hold in the Colonial Storekeeper's Department?
At the present time that of second clerk.
2. And you were previously—? Third clerk.
3. Will you state to the Board what is the nature of your duties in the office here? I draw out contracts, and write letters, and make orders, and check accounts, and do any sort of duties that are required.
4. Writing out the orders on contractors—does that fall to you as a duty? Yes.
5. Addressing the intimation of the acceptance of tenders—does that fall to your duty? Yes.
6. In what form do you generally notify the acceptance of tenders? There is a printed form of letter, and several blanks to be filled up.
7. And this you address to whatever address is given by the contractor? Yes.
8. Do you recollect the fact of any tenders of James Staunton, in 1858, having been accepted? I do not know whether there were any so far back as 1858; there were some in 1859.
9. Well, in 1859? Yes.
10. About what period do you recollect any? At different periods.
11. Did you address the notice of acceptance of those tenders? Oh! yes.
12. What address did you put upon them? "Post Office."
13. Was it stated on the tender that that was to be the address? No.
14. How did you obtain that? I asked Mr. Buchanan whether there was any address upon the tender, and he said no, I might address it to the Post Office.
15. You write the orders also? Yes.
16. How did you address the orders for any goods to Mr. Staunton? Well, in the same way, I should think.
17. I wish you to recall, accurately, whether it was a fact that you did so address to the Post Office? Any I made, I fancy, I addressed to the Post Office.
18. That is your clear impression? That is my clear impression.
19. That any letter addressed to Mr. Staunton would have been addressed to the Post Office? Would have been addressed to the Post Office.
20. Can you recall whether any of the goods required from Staunton were urgently and immediately required? No, I do not know that any of them were. There may have been serge, and things of that kind, urgently required.
21. And in those cases were they addressed to the Post Office? Yes, I fancy so.
22. And would you conceive that to be the most expeditious way of a letter reaching a person, that it should be addressed to the Post Office? Yes, if that was the person's address in Sydney.
23. Have you ever seen James Staunton? No, never.
24. Have you ever seen any accounts in his name? I think I have.
25. Accounts for payment? Yes; but then I have nothing to do with the accounts. I think I have seen—I am sure I have seen an account.
26. I thought I understood you to say that it was your duty to check accounts? Not all accounts.
27. Some? Yes.
28. Have you ever checked any accounts of Staunton? No, I have never checked any.
29. But you think you have seen some? I think I have seen some on Mr. Weston's desk.
30. Will you look at these accounts (*Appendices V, W, X, Y, handed to Witness*) and say whether any of these have come under your notice? No, I could not say.
31. Is that a signature you have seen? Yes.
32. And where have you seen it? On the foot of accounts.
33. On the foot of accounts? Yes.
34. You knew that tenders were accepted in the name of James Staunton? Oh! yes, the tenders were entered—the schedules of tenders were entered.
35. Have you seen the tenders themselves—do they come under your notice? Yes, in the schedules of tenders the tenders are put.
36. Is that a part of your duties, making out the schedules? I enter the schedules.
37. And then the tenders come under your notice? Yes.
38. Have you seen the name of James Staunton to any tenders? Yes, I think so.
39. Is that a signature (*Appendix No. 5. Document handed to Witness*) you have seen before? Yes, I have seen that before.
40. How was the acceptance of that tender addressed, do you recollect? I do not know. I did not write any acceptance I think for that.
41. It did not come to you in any way to write or dispatch? It came to me,—I have registered it; and then it went to the Treasury, I think.
42. How was the acceptance of the tender notified, can you recall? Mr. Weston appears to have notified that. I have entered it, I think.
43. From any initials do you believe that Mr. Weston notified the acceptance of the tender? Well, I do not know, he may have.

Mr. Henry
Garnett.

4 Feb., 1860.

- Mr. Henry Garnett.
4 Feb., 1860.
44. I see pencil marks here? I fancy he would notify it.
45. Do you observe where the tender is dated from? Melbourne.
46. In that case the notification could not be addressed to the Post Office here could it? No; the letter-book would shew whether a letter has been written to Melbourne.
47. Would shew in all cases where a notification had been sent? No, in that case. If I had written a letter it would have been entered.
48. Written by you, or by anybody else in the office? I think so. Mr. Weston might have sent a letter without entering it.
49. Would that be unusual, and contrary to the regular custom? Yes; I fancy it would.
50. Do you know where the letter-book is in which these are recorded? Yes.
51. Is it in the next room? Yes. Will you tell me the date of that, please?
52. The date of the letter is the 14th; it was apparently received on the 21st September. From looking at the different marks upon it you will perhaps be able to tell where you will be able to find the entry in the letter-book? [*Witness referred to book, and found therein no record of a notification of the acceptance of the tender in question having been written.*]
53. There is no record of a notification of acceptance of that tender having been written? No; there might be in the contract book.
54. Can you refer to that? Yes. [*Witness referred to contract book.*] Nothing appears on that.
55. There is no record then in the office of any notification of acceptance having been sent to James Staunton as regards that particular tender? As regards that particular tender.
56. In the ordinary course it would fall within your duty to have done so? Yes.
57. But it was not handed to you in that particular case to do so? I suppose not.
58. But I wish you to recollect the fact as clearly as you can: I do not want you to state anything you cannot state distinctly, but whatever you can state distinctly to do so? Well, if it had come to me, and I had acted upon it, it would have appeared.
59. Is there anything on that which shews that it was handed to Mr. Weston to notify? Well, Mr. Weston's handwriting.
60. Can you inform the Board what it is on that? "May be accepted, as the prices are all lower than is usually paid." Then it appears to have gone to Mr. Weston.
61. What makes it appear to you? Because it is handed back to me then. "Mr. G." is in the handwriting of Mr. Weston. Most probably Mr. Weston himself answered or accepted the tender.
62. Conveyed the notification of its acceptance? Yes.
63. That is what you collect from what appears upon that? From what appears upon it.
64. *By Mr. Rolleston*: And substantiated from the fact that there is no record in the letter-book or this book according to your usual custom? Yes.
65. *By the Chairman*: Have you ever addressed any communication to James Staunton otherwise than through the Post Office? No, I do not think I have; I had no other address.
66. You said you had seen the tenders—will you look at that (*Appendix No. G.*)? Well, I copy most of the schedules. Yes, I have seen that; most probably I have entered it in the book.
67. Would you look at the tender itself—that I have just handed to you; do you know in whose handwriting the body is? No.
68. Will you look at that tender, and say whether it is one you have ever seen? I do not know whether I have seen that or not.
69. But these printed forms—are the articles in the body of the tender filled in by the tenderer or in the office? Sometimes in the office, sometimes by the tenderer.
70. Was that filled in in the office? In the office.
71. Whose writing is that? That is Mr. Weston's writing.
72. There are other tenders of the same; will you look at those and see by whom the bodies are filled in? They all appear to have been filled in by Mr. Weston.
73. Have you anything to do with the payment—are you in any way brought into contact—? No.
74. You know nothing of the course usually adopted? I know that accounts are rendered and paid, and receipts obtained.
75. But you do not know the exact form—the exact course adopted in payment—of your own knowledge? No.
76. Have Staunton's tenders ever been the subject of comment or conversation among the gentlemen in the office? Well, yes, they have.
77. And touching what points? Well, we did not know who Staunton was.
78. That was a subject of comment in the office? Yes.
79. When were those remarks first made, can you recollect? I think it was Mr. Jones first made the remark that he did not know who Staunton was.
80. And was there any endeavour made to ascertain who he was in any way? Well, no, I do not think there was.
81. Was it a subject of comment more than once—that fact? Oh! yes, we have talked about it.
82. Was there an idea in the office and was that idea given expression to, that there was no such person? Well, yes, I think we expressed as much.
83. Then, in fact, was it also an idea in the office that there was any particular person known to the office that represented and was in fact Staunton? Well, I always thought that Mr. Weston had something to do with it.
84. That Mr. Weston had something to do with Staunton? Yes.
85. Do I understand you that in fact Mr. Weston was Staunton—was representing Staunton? Was representing Staunton.

86. How representing him—do you mean representing him as an authorised agent, or do you mean the impression on your mind was that the name of Staunton was a name assumed by Weston, he being in fact the tenderer and supplier? I do not think my impressions ought to be part of my evidence, Captain Mayne.

Mr. Henry Garnett.

4 Feb., 1860.

The Chairman: Yes, in an inquiry of this kind it is highly necessary they should, Mr. Garnett. We are not bound by the rules of legal evidence in a preliminary inquiry of this nature. What you state can only go for what it is worth; but you are I conceive decidedly bound, as an officer in the public service, to state fairly and impartially what your impressions were by anything that was going on in the department to which you belong. You are only doing justice to the public and justice to the officer affected by the charge.

Mr. Abbott: I think the stating of impressions by Mr. Garnett and other witnesses, unless they told Mr. Buchanan at the time what those impressions were, would not tend to exculpate Mr. Buchanan or clear up the matter at all.

The Chairman: These impressions appear to have been produced by conversations in the office among the gentlemen there. Whatever is taken down here can only go for what it is worth. They are impressions distinctly. I have asked the question in reference to "impressions," but if there are facts and circumstances occurring in a department which produce impressions and lead to conversations and remarks in that office—in an inquiry of this kind they are not only fairly admissible but absolutely essential.

Mr. Abbott: No doubt, if the inquiry was into the conduct not of any particular person, but of the office generally.

The Chairman: It is a charge that affects Mr. Buchanan and Mr. Weston.

Mr. Abbott: But in a charge against Mr. Buchanan I cannot, with respect, see how Mr. Garnett's impression can affect Mr. Buchanan, when he did not state them at the time.

The Chairman: We have not reached that point yet.

Mr. Abbott: I know I cannot say, or make objections—I would not be permitted, as in Court, but I should have commenced by asking Mr. Garnett that if he made his impressions known to Mr. Buchanan.

The Chairman: I have not the slightest objection to ask the question. At the same time I shall pursue the inquiry and press him to answer the question I formerly proposed.

Mr. Abbott: I can only make that objection.

The Chairman: I have not the slightest objection to its being recorded, not the slightest—it is quite right.

87. *By the Chairman*: I must repeat the question: How representing him—do you mean that the impression on your mind was that the name of Staunton was a name assumed by Mr. Weston, he being in fact the tenderer and supplier? Well, I fancy the name was assumed.

88. As to the latter part of the question—he being the tenderer and supplier? That I do not know anything about; I do not know who supplied.

89. You wrote the orders? Yes.

90. Addressed to James Staunton? Yes.

91. And the impression on your mind was that James Staunton was John Weston? Was a fictitious person.

92. A fictitious person, Mr. Weston being the real supplier? Yes.

93. Then your addressing these orders to Staunton—the goods being supplied—and believing James Staunton to be John Weston—what is the inevitable conclusion? Well, I do not see any inevitable conclusion.

94. You observe—you address an order under this accepted tender to James Staunton? Yes.

95. You state that the impression on your mind is that Staunton is an assumed name? Yes.

96. A name assumed by Mr. Weston? Yes.

97. The goods stated in your order addressed to James Staunton are supplied? Yes.

98. Then by whom were they supplied? Well, I suppose by Mr. Weston.

99. That was the drift of the question, to get a plain answer. Was this a matter of current and ordinary comment in the office—was it repeatedly alluded to? We have sometimes spoken of it; we have avoided it as much as possible, I think.

100. Then who did you believe the person to be who signed the name of James Staunton to the tenders and to the receipt? I thought Mr. Weston did.

101. Had this been a matter of comment in the office previous to that tender being received and accepted? I do not know.

102. You can observe the date of this one (*Appendix No. 5.*)? That is rather an old one.

103. September, 1858? Yes.

104. You cannot recollect whether it had been a matter of comment in the office,—whether there had been an impression in the office that Mr. Weston was supplying under the name of James Staunton when this tender was received and accepted? No, I cannot.

105. Have you heard what is the charge that is the subject of investigation by the Board? I have heard a great many charges.

106. The Government having reason to believe, from information they have received, that large quantities of stores on account of the public service have at various times been tendered for and supplied by Mr. Buchanan and the late chief clerk of the Colonial Storekeeper's Department, Mr. John Weston, under the assumed names of James Staunton and Staunton and Co.; that is the charge—of goods having been supplied by Mr. Buchanan and Mr. Weston, under the assumed names of James Staunton and Staunton and Co.; now are you in possession of anything that you have not stated to the Board that will enable you to throw any light, or to inform the Board of any matter connected with and bearing on the charge? No.

107. Nothing beyond what you have stated as matter of conversation and of impression in the

Mr. Henry
Garnett.

4 Feb., 1860.

the office? Yes; that is the only thing. The tenders all came in, you know, in a regular manner.

108. With whom was this a matter of conversation and comment in the office,—with all the clerks, or only with particular ones? I think with most of them.

109. With most of the clerks in the office it has been a matter of comment and conversation? Yes.

110. Was it ever mentioned by any one to Mr. Weston himself? Well, I think Mr. Jones did one day.

111. Mr. Jones? Yes.

112. Is Mr. Jones now in the office? No.

113. Were you present when it was done? Yes; there was a little dispute, and Mr. Jones said there was a lot of things coming into the office which no one knew anything about.

114. Did he directly tax Mr. Weston with this? No.

115. Only implying? Implying—a sort of muttering.

116. Did Mr. Weston hear it? Well, I do not know.

117. From the way it was spoken, and the position they were in relatively to the others in the office and to yourself who did hear it,—do you think Mr. Weston heard it? I dare say he did.

118. Did he make any comment? No, he merely said Jones was always making some foolish remark.

119. Did Mr. Weston report Mr. Jones having said so to Mr. Buchanan? Not that I am aware of.

120. Did you yourself ever mention to Mr. Buchanan the impression on your mind of anything that had passed in reference to this supposition in the office—that it was an assumed name, and that Mr. Weston was, in fact, tendering? No.

121. In any of the comments that passed in the office respecting this, was Mr. Buchanan's name introduced as connected with this matter? Well, he was supposed to know about it.

122. That was the impression in the office? Yes.

123. That he knew? That he knew who Staunton was.

124. That he knew that Mr. Weston was supplying under the name of Staunton? Yes.

125. Have you any knowledge of the delivery of the goods after the orders? No.

126. The foreman of the stores does not bring you the order? No; he marks "Received" on it and delivers it back.

127. Does he bring it back when the stores are received? The orders generally come in in support of the accounts.

128. And they are not brought in before every entry, are they? They are brought in to be marked "Received," in the order book.

129. Was that a part of your duty? No.

130. Who was the clerk whose duty that was? I think it was Mr. Jenkins.

131. He is foreman of stores, is he not? Yes, he brings the orders down and marks them off in the book.

132. He, himself? Yes, latterly he gave them to Mr. Wise, I think.

133. Has the delivery of those stores by James Staunton come under your knowledge in any way—the time of delivery? No.

134. You are not able to state to the Board how soon after the dispatch of any notification of acceptance of a tender addressed to the Post Office the order was complied with? No.

135. Will the order itself with the note on it of receipt, state the date of receipt in every case? No; it is just marked "Received," and the date is put opposite the articles in the order book.

136. But that is put? Yes.

137. And is that the date of receipt that is put? The date of receipt.

138. What becomes of the order itself? It is left with the contractor.

139. The order is? Yes.

140. But it comes back to the office? It comes back to the office in support of the accounts.

141. And what is done with it,—is it filed in the office? I do not know really; that is all done in the account branch.

142. Who are the gentlemen in charge of the account branch? Mr. Campbell now; Mr. Weston was.

143. Can you refer to the order book to see with reference to the deliveries by Staunton? Yes. (*Order Book produced.*)

144. Would you go back to 1858,—trousers, jackets, and waistcoats tendered for? The 16th June. They are merely marked received.

145. There is no date? No.

146. Would the order itself shew the date? No; I do not suppose it would. It is only marked "Received" generally.

147. Is there no record kept of the dates on which goods are received? Yes, generally they are marked.

148. But it is not in that case? It is not in this case.

149. Now, will you refer to the tenders of the 22nd June, 1858? What is that for?

150. Mr. Staunton's tender is for blue or brown serge, check aprons, cotton shirts, men's stockings, flannel waistcoats, felt hats, women's shifts, and men's cotton socks? They were not all accepted from him.

151. The things accepted from James Staunton were shirts? And serge.

152. And serge? Yes; they are both marked "Received," but there is no date.

153. *By Mr. Rolleston:* In whose handwriting? I think it is Mr. Jenkins'.

154. *By the Chairman:* And in the other cases about the same time are the dates given? For Staunton? 155.

155. No, of others? Yes.
156. The dates of receipt from others are entered? Yes; it might not be in every case, you know; sometimes they are only marked received.
157. Will you refer to one of the 22nd November, 1858, in which Staunton's tender for linen sheets is accepted? It is not marked "Received" at all.
158. Not marked as received? No.
159. Was there an order sent? Yes; it is omitted to be marked "Received."
160. I see here, 9th December, 1858, there is an account for 1,600 strong linen sheets, at 4s. 3d. each,—is there any proof of the receipt of those into the store? The entry in the general issue book. They would not be ordered for any particular service, and they would be entered in a book kept for things ordered for general issue.
161. Yes; but would they not, in the usual course, be entered in that book as received? Well, they ought to be, properly speaking; but there are a great many cases where things are missed. No, the sheets are not marked.
162. They are not marked as received? No.
163. You say that it would fall to Mr. Campbell, the dealing with those orders after they were returned? Yes.
164. Previously, to Mr. Weston? Yes.
165. Is it the practice for the foreman of stores to bring in, immediately after taking over the goods, the order? Yes; he generally walks to the office and marks them off.
166. Marks them off in the book himself? Yes; but there are times when he cannot come down with everything, and then I suppose he will have to trust to memory when he is much hurried.
167. But would he not, in the usual course, bring the order with him to enter? Yes; but in a simple case, where he would be likely to remember, I think he would let the order go without marking it "Received." If he were hurried, and only received one or two things, which he fancied he would remember, I think he would let the order go.
168. Go where? Back with the man who brings it. The order is brought with the goods when delivered, and then it is taken back by—
169. By the drayman or person delivering the goods? By the person delivering.
170. And he sometimes trusting to his memory to enter it here? Yes; it is what I would do myself.
171. And then, when the account is sent in by the individual, he sends the order with it,—is that the course? That is the course. Sometimes they do not, and there is great trouble from their not doing so.
172. Is there anything else you can inform the Board of that will throw any light upon the subject of this inquiry? No, I think not.
173. You do not recollect anything but what you have already stated to the Board? No.
174. *By Mr. Browne:* You say that Mr. Jones, when alluding to the existence or non-existence of James Staunton as a tenderer, complained that a lot of goods were coming into the stores which nobody knew anything about,—what did he mean by that? I suppose he alluded to Staunton.
175. But did he mean that stores were coming in that had not been tendered for? Oh! no, I should not think so; because stores did not come in that were not tendered for.
176. He merely meant as applicable to a person whom they knew nothing about—is that it? Yes.
177. *By Mr. Abbott:* Do you recollect, Mr. Garnett, at what period Mr. Staunton's contracts were made the subject of conversation in the office first? Well, no; the first thing was Mr. Jones, I think—
178. Mr. Jones? Yes; he called attention to the fact of there being no such person as Staunton—at least never having seen Staunton—
179. Called your attention to it? Yes.
180. Do you know whether Mr. Jones and Mr. Weston were on good terms during the time Mr. Weston was in the office? Sometimes they were, and sometimes they were not. Mr. Jones was a very hasty-tempered fellow, and at the least thing said to him he used to fire up.
181. He was in an inferior position to Mr. Weston? Yes.
182. Under Mr. Weston's orders? Yes.
183. Do you recollect when he first spoke whether it was after any firing up? No, I do not.
184. Whether it was after any anger between them? No, he was so constantly getting angry with Mr. Weston about something or other.
185. Was he particularly under Mr. Weston's orders? Yes, particularly.
186. More so than any other clerk in the office? Yes; he had more of Mr. Weston's work to do.
187. Employed by Mr. Weston? Yes.
188. Did you ever hear any of these conversations, or any of those remarks, expressed in Mr. Buchanan's presence? No, never.
189. Never so that he could hear anything of it? Oh! no.
190. Did you ever mention your suspicions to him? No, never.
191. Do you know whether Mr. Jones did or not? I do not know.
192. Do you believe that he did? It would be impossible for me to say.
193. You cannot say whether he did or not? No.
194. Is Mr. Jones in the office now? No; he is up at Moreton Bay, I think.
195. Did he leave the office on good terms with Mr. Buchanan? With Mr. Buchanan?
196. Yes? Yes, as far as I am aware.
197. You were speaking of having addressed notices intimating the acceptance of tenders to Staunton and Co., to the Post Office? Yes.

Mr. Henry
Garnett.
4 Feb., 1860.

Mr. Henry
Garnett.
4 Feb., 1860.

198. Do you not, in the course of your duty, often address letters to other persons at the Post Office? Sometimes.
199. In fact you addressed them to any address they gave you? To any address that was given.
200. Did not tenders sometimes come into the office without giving any address at all? Yes, I think so.
201. They were very often very irregular? Yes; tenders have come in that I did not know where to address to.
202. Have you not had tenders come in even without the name of the tenderer attached to them? Well, I do not call to mind an instance just now.
203. The order book, you say, is not kept by any person in particular, is it—the book in which the orders are marked? No.
204. Is it kept by any person in the office in particular? No, I do not think it is. I think Mr. Jenkins—
205. The foreman? The foreman, marks off most of the orders. I have marked off orders in it myself; he has come to me and told me to mark off orders.
206. Sometimes he does it himself, and sometimes he asks one of the clerks? Sometimes I might be using it, and he would tell me to remember and write off such and such things, in which case I would put "Received."
207. If you thought of it? Yes.
208. Do you know anything as to the delivery of goods? Nothing.
209. Do you know whether there was ever any rumour in the office as to whether James Staunton's goods had been delivered or not? Had not been delivered?
210. Yes; any doubt as to the delivery? No, never any doubt.
211. Then the remarks were merely as to the identity of the person? Merely as to the identity of the person.
212. Have you any reason to suppose, Mr. Garnett, that those goods tendered for by James Staunton have not been all delivered? No.
213. None whatever? No.
214. You never heard anything to that effect? Oh! no. I would be safe to have heard of it if there were.
215. You would be sure to have heard it? Yes.
216. Then, although the foreman or the clerks may neglect to enter in the order book the orders themselves must be marked before payments are made,—the orders must be marked by the foreman as having received the goods, and those orders sent in with the accounts before the accounts will be paid? Well, in some cases I think the accounts have been paid without the orders. I used to hear Mr. Jones complaining,—I think it was about Thompson, Symonds not sending in the orders with the accounts. It made it more difficult to check the account. He can always tell whether the goods have been received—the foreman of a warehouse can.
217. That is the regular course—payments are not made unless the orders are sent in marked? I fancy if they were marked off in the book, although the orders were not sent in, the accounts would be paid.
218. But there must be one or the other—either the order marked or marked off in the book? I think so; the accountant will see that the things are delivered before they are paid for.
219. That was the way you checked—either by the book or by the orders themselves? Yes.
220. Did Mr. Weston ever enter in that book—have you seen in any of those entries to-day his handwriting? No.
221. That book is not supposed to have been regularly kept,—you do not consider it as having been regularly kept? How do you mean?
222. You do not consider every order for goods supplied —? Written off as supplied—
223. Yes; not regularly? There are a great many I think not written off now, but then they would be written off on the orders.
224. *By Mr. Rolleston*: Did you mean entered in the book? Written off as received.
225. *By Mr. Abbott*: He says they must receive the order marked as received, or else it must be marked in the book as received.—Those notes of receipt of the goods were not regularly made? They appear —
226. You have seen to-day several omissions? Yes. It does not much matter, because the articles we know from the issues whether they have been received or not.
227. But that would be late you know? Yes.
228. And was the impression in the office that every order was noted as the goods having been received under it—that the book was kept up entirely, or was it the opinion that it was left undone in some cases? It was the opinion that it was left in some cases. I have heard Mr. Jones checking the accounts, inquiring as to things being left unchecked as received, and then they are marked off if they have been received.
229. Afterwards? Yes.
230. And you have sufficient check on the mistakes in the book by the orders themselves? Yes.
231. Do you consider, now, Mr. Garnett that that book is a perfect record of the receipts entered in it or supposed to be entered in it—a complete record of goods received in the stores? No, I do not think it is.
232. Is it usual in all cases to record the acceptance of tenders? To record?
233. To record the acceptance of tenders, or to keep a record of the letters notifying the acceptance of any particular tender? No. I generally, when I enter them, just write out the notifications to the different people—at least address the printed notifications and send them off the same day.

- 234. Without keeping any record at all? Without keeping any record at all. I sometimes mark "Parties informed," and the date, in the contract book. I may have missed it sometimes.
- 235. You do not generally do it, or it is not considered to be an absolute duty? No; it is only latterly that I have begun to put "Parties informed," just for my own information.
- 236. For your own information? Yes.
- 237. So that, in fact, you do not consider that the fact of James Staunton or Staunton and Co's contracts—or the acceptance of them not having been notified—you would not take any particular notice of the fact? No.
- 238. No more than any other? Not more than any other.
- 239. Whose duty was it, during Mr. Weston's time, to make payments? Mr. Weston.
- 240. His own peculiar duty? Yes.
- 241. And no other clerk in the office had anything to do with it? I do not think so. Mr. Jones used to prepare accounts for payment.
- 242. By Mr. Weston's direction? Yes.
- 243. Mr. Weston used to make the payments and send the cheques? I do not know. He used to get Mr. Buchanan to sign them, and then either to take them direct or send them.
- 244. Since Mr. Weston left the office did you hear him say anything about his connection with Staunton and Co., or James Staunton? No.
- 245. Have you heard anything more about it since? I have heard that he is James Staunton since, but not from him.
- 246. Have you ever heard it stated in the office—have you ever heard it said, that he told anyone in the office so? Oh, no; I have not been at the office lately, I have been ill.
- 247. How long have you been away? Three weeks.
- 248. Then for all Mr. Buchanan might know of the matter, half the tenders might be sent here under fictitious names? Well, they might.
- 249. Unless they are known people—people known in Sydney? Of course he would know their names.
- 250. And all the others might be fictitious names? Yes.
- 251. Giving any address they liked? Any address—it does not matter what they call themselves, I suppose, so long as they send in the things good.
- 252. Can you recollect, Mr. Garnett, whether it was usual for the contractors themselves ever to come here, or merely their servants? Well, some of them came here I think, and some the money was sent to.
- 253. But there was no rule at all? No rule.
- 254. The money was paid to anyone who appeared to be properly authorised? Yes.
- 255. They had to produce the vouchers? Yes.
- 256. Do you recollect whether you have ever seen Thompson and Symonds, and Sheriff, and other contractors well known in Sydney here at all? Mr. Thompson, I have seen down here; Mr. Sheriff, I do not think I have ever seen here.
- 257. And Mr. Sheriff has often contracted? At least we have purchased a good many things; I do not know if he contracted much.
- 258. He has often supplied the stores? Yes, often.
- 259. And Hawley and Company have, I think? Yes; young Holdsworth has been down here about business.
- 260. He is employed by them? I do not know that he has ever come for money.
- 261. You know nothing personally as to the delivery of the goods at the stores at all? Nothing personally.
- 262. *By the Chairman:* With reference to your reply to Mr. Abbott—you have given evidence that it is the usual practice to record these notifications of acceptance? Not the notifications; the letters written are usually entered.
- 263. You drew a distinction between letters and printed notifications? Yes.
- 264. And you now mean to explain that it is not usual to record in the letter book the dispatch of notifications? No.
- 265. Is there any record made? No; I write out as soon as I get the schedule to enter.
- 266. Write out what? The notifications; it is necessary to let the people know.
- 267. Is there any record kept in the office to that effect—of notifications being given? In some cases. The notifications for all the yearly contracts are entered.
- 268. Is it the general practice to make such a record? No, it is not. I generally put "Parties informed" at the foot of contracts—latterly.
- 269. Is that latterly only? Yes.
- 270. Is that the usual course? The usual course.
- 271. How long has that been the course? I do it only to see that I have done it.
- 272. How long has it been the practice? Some months.
- 273. As far back as the beginning of the year 1859? I do not know that it has.
- 274. Or in 1858? I think it must be on the tender I have put it.
- 275. On the tenders themselves? Yes.
- 276. But there is no established practice as regards that? Oh! no, none.
- 277. You say that this is not a complete record? I do not think it is.
- 278. You do not consider that as a complete record? No; I think there are things ordered for the general service that do not appear in it sometimes.
- 279. Will you look at the several headings filled in, and inform the Board whether it does not appear to have been a complete record? Yes, it is intended to be, I suppose.
- 280. And is it a complete record of all that is entered in that book? How do you mean?
- 281. Are all the several particulars filled in—if you will read the headings? Yes, I think so.
- 282. And what is entered in the book, fulfils what it was intended to fulfil? Yes.

Mr. Henry Garnett.
 4 Feb., 1860.

- Mr. Henry Garnett.
4 Feb., 1860.
283. Is it a complete record of what is inserted in the book—of each separate transaction entered? Yes, I fancy so, as far as it goes.
284. Generally speaking it is a complete record; in some instances it is not? Yes.
285. Are there in that book recorded any of the transactions to which I have been calling your attention as regards Staunton's tenders and supplies? The orders are entered there.
286. The orders? Yes.
287. And the receipt? Yes.
288. And the date? Not the date.
289. As regards others is it generally so? Here is one which is ticked off and not marked received.
290. And no date? Yes. Here is another for a pair of telescopes; it is ticked off, but there is no date. There is bark for a pilot at Port Macquarie; we have marked it received because we have got the account.
291. But there is no date? No date.
292. Is that ordinarily the case or otherwise—is the date in the majority of instances given? In the majority of instances it is in.
293. You have stated, Mr. Garnett, that the account is checked when sent in either by the book or by the order itself? Yes, I believe that is the usual course; I do not know exactly.
294. And who checks it? Either Mr. Jones, or Mr. McDonell, or Mr. Weston.
295. Then they would be in a position to say, as regards these particular accounts which are not marked as received, whether the order book shewed that they had been received and the accounts had been checked by that order? If they recollect it. I should think Mr. Weston's accounts will shew.
296. How will it shew that it was checked? I suppose that whoever checks it initials it.
297. But that would not shew how he checked it? No.
298. It is to connect what you say with the absence of note or record of receipt;—if the order was not received, you said it would be checked by the entry in the book? Or if not by Mr. Jenkins' knowledge of the goods having been received.
299. Merely from memory? I should think so. I do not know what the usual course of checking accounts is.
300. *By Mr. Abbott:* The checking you refer to as being made by that book is as to whether the goods have been received or not? Yes.
301. You merely speak as to the receipt of the goods? Merely as to the receipt of the goods.

Mr. Edmund Jones called in to be examined:—

Mr. Abbott: I think I ought to object to Mr. Jones being examined, he having been in hearing of the evidence of the previous witness. I not know whether he is the Mr. Jones referred to.

The Chairman: He is not the Mr. Jones referred to. I will put it to the Board whether they agree with me or with you. I am of opinion that Mr. Jones is a perfectly eligible witness.

Mr. Abbott: My objection is this,—in all Courts of law we never allow one witness to listen to the statement of another.

The Chairman: That depends upon whether they are ordered out of Court or not.

Mr. Abbott: I should not think of taking that liberty here; I could demand it there; I could not do so here, because I did not know whether Mr. Jones was to be a witness or not.

The Chairman: My own opinion is that there can be no objection. I shall put the question to the Board that Mr. Jones be examined.

Question put and passed, and Mr. Jones' examination proceeded with.

- Mr. E. Jones.
4 Feb., 1860.
1. *By the Chairman:* You are in the Customs Department? At present I am.
2. Holding what position? That of first landing waiter.
3. How long have you been in the Customs Department? Eight months.
4. You were previously in the Audit Office, at the head of the examining branch? Yes, I was examining clerk.
5. And in that position the accounts of the Colonial Storekeeper's department came under your notice? Yes.
6. Will you explain to the Board the nature of your present duties in the Customs? The duties of a landing waiter are fixed to be—the attending to the discharge of all goods landed from a ship; the examination, the searching of them; and, as a protection to the revenue of the country, to weigh all goods that require weighing for the purpose of revenue; to gauge spirits; to measure spirits.
7. In the discharge of those duties, did the cargo or any portion of the cargo of the "Walter Hood" come under your observation? I was appointed landing waiter to that ship.
8. Landing waiter to the ship? Yes, she is under my charge now.
9. Can you state to the Board whether there were any cases landed from that vessel consigned to James Staunton? There were thirty-nine, if I remember rightly—thirty-nine cases of paper.
10. And consigned to James Staunton? To James Staunton.
11. Not Staunton and Co.? I do not remember now whether it was "James" Staunton. I know it is "J." Staunton. I can speak positively to "J. Staunton," but I cannot say positively whether it was James.

12. It was not Staunton and Co.? It was not Staunton and Co. If you could just allow me two or three minutes I could get you the entry from which they were passed at Campbell's wharf. The landing waiter is in charge, if you will despatch one of the messengers. (Messenger sent for entry.) If I remember rightly the entry is in Mr. Weston's handwriting. Mr. E. Jones.
4 Feb., 1860.

Mr. Abbott: We have not come to anything about Mr. Weston yet.

The Chairman: There is no objection to the witness giving information in connection with the question put to him previously.

Witness: If the entry were passed by a Custom House Agent I should have said it.

13. *By the Chairman:* That was the question I was about to put to you next—by whom the entry was passed? I have the examination of all the entries, that is part of my duties.

14. Can you state by whom the entry was passed? By Mr. Weston, for Mr. Staunton.

15. For Mr. Staunton, not for Staunton and Co.? I think not; however, the entry will be here presently.

16. Have you any knowledge of what became of those cases? Yes, they were delivered from the wharf.

17. Where? They were delivered to one of the draymen.

18. And where were they taken to, do you know? They were taken into this yard, and brought into this yard.

19. From the wharf? From the wharf.

20. Being addressed to James Staunton, not Colonial Storekeeper, or "Stores"? The cases were landed. My attention was drawn to the fact of them when the entry was passed, and I observed when the goods were landed that they came to this department.

21. Have you any knowledge by whose direction they were brought here? No.

22. It has not come under your knowledge? No; we have nothing to do with the delivery of them.

23. Do you know who employed the draymen? I cannot say.

24. Do you know what drayman it was? I do not know the name of the carter, but the drays belonged to a man of the name of Murphy; he is a licensed drayman attached to the Customs.

25. Was there more than one load? There must have been twenty loads—eighteen, perhaps.

26. Loads? Yes; there were thirty-nine cases.

27. They must have been large cases? I should take them to be very weighty from the fact of seeing the men loading the dray. It would take four or five men to lift them on the dray, with a pair of pulleys.

Mr. Abbott: It would save the time of the Board if Mr. Weston were examined; he would state the whole matter.

The Chairman: It is open to Mr. Buchanan to save time—

Mr. Abbott: It would save time. Mr. Weston is prepared to confess all this—that he had his goods consigned to himself.

The Chairman: Is he prepared to confess what is in this letter?

Mr. Abbott: Certainly not.

The Chairman: At a future stage of the proceedings it will be open to Mr. Buchanan to call Mr. Weston.

Mr. Buchanan: I tell the Board in clear and distinct terms, Mr. Weston has assured me that he is prepared to appear before them at their call, and state all he knows of this transaction.

The Chairman: I have simply to observe, that the Board will call all evidence they may think necessary themselves; and they will be prepared to hear all evidence that Mr. Buchanan, or Mr. Abbott for him, may wish to call.

28. *By the Chairman:* Did this name you saw on the entry, "J. Staunton,"—to whom these were consigned—recall to your recollection having ever seen those accounts in connection with the Colonial Storekeeper's Department, when you were in the Audit Office? It did.

29. In what way? In the examination of accounts and the recording of accepted tenders—that had been accepted through this department—it was part of my duty, as examining clerk in the Audit Office, to keep a record of all contracts that came under my notice. The notices of contracts issued in the *Gazette* I had copies of, and whenever the accounts came before me for examination, I referred to these notices to know whether a contract were ever called for. If I found that a notice had been inserted in the *Government Gazette* calling for tenders, and that no tender accompanied the account, I immediately asked for it.

30. In the case of the accounts in which you had seen Staunton's name, had you seen the tenders—had they been furnished, and had you sent for them? No, I think not—not the original tenders.

31. Had they been called for? The question respecting original tenders being filed in the Audit Office of all stores, was settled some time ago—I dare say before you were in the office—that they should all be recorded in the Colonial Storekeeper's Department, and certified copies furnished in satisfaction of the accounts.

32. Were certified copies furnished? In some cases I found, in the examination of the accounts of the Colonial Storekeeper's Department, the greatest difficulty in getting information respecting tenders.

33. Is that the book to which you allude as making the entries of the contracts [*book produced*]? This is the contract book; but there were many contract papers in the Audit Office apart from those—they were kept as a record. You will see here the manner in which I notified for our own information the parties who had accepted tenders, and the articles. That is my own writing. These are the notices I refer to, that I took out of the *Government Gazette*, calling for particular tenders; and when the tenders were sent to the Audit Office for information and registration, I took a note in this way.

Mr. E. Jones. 34. Will you look at these accounts (*Appendices V. W. X. Y.*), and see whether they are accounts in the name of James Staunton, which have come under your observation? These are accounts that I have seen; I do not know that these are the original accounts.

4 Feb., 1860.

35. Seeing the name on these packages, and seeing these packages come to the Colonial Stores, did it connect itself in your mind in any way with those accounts? Immediately it occurred to me that such a person as J. Staunton, or James Staunton had contracted largely for the supply of stores during a short time previous to my leaving the Audit Office, during the year 1858.

36. Was there anything when these accounts were under your observation, or any other accounts of James Staunton, that attracted your attention in any particular way to them? Not particularly, further than this,—that the name of James Staunton then appeared to me a name that I had never heard before in business, and in so large a way as the accounts shewed.

37. Was there anything in connection with the signature to the acquittance of those accounts that had in any way attracted your attention? Well, perhaps—I cannot say, Sir; I had better not answer that question, if you will allow me.

38. If there is anything that did attract your attention? Of course the natural conclusion would be, why I did not bring it under notice at the time. It did not occur to me then that there was a suspicion, but afterwards—

39. I asked expressly—at the time of the examination? Not at the time of the examination.

40. Did anything subsequently come to your knowledge or hearing that did recall those signatures, and attract attention to them—that revived the memory of them in your mind and roused attention?

Mr. Abbott: Excuse me interrupting you, but perhaps you will record my objection again to the admission of hearsay evidence?

The Chairman: Anything that you wish to be placed on record, shall be placed on record.

The question (39) having been read to witness, he replied: Being responsible for the examination of these accounts, immediately I saw this entry a few days since—a fortnight or three weeks ago—it then occurred to me, the signatures to these accounts. A suspicion broke upon my mind—merely a suspicion.

41. And what was the nature of that suspicion which suggested itself to you with reference to the signatures you had seen? That they were not *bonâ fide* signatures.

42. Then whose signature did you believe it to be; did you believe it to be the signature of any particular person—any particular individual; or, to use a more correct form in putting the question, did you suspect? I did suspect that it was in a handwriting that I had seen before.

43. And whose handwriting did you suspect it to be? I suspected it to bear a close resemblance to Mr. Buchanan's handwriting.

44. Looking now at those signatures, Mr. Jones, that are to these accounts, and looking to the signatures to the tenders which I shall place before you, will you state what is the suspicion which exists in your mind in respect to them: having the signatures before you again, and looking at them, do you still entertain the suspicion that suggested itself to your mind on seeing the goods landed from the "Walter Hood" and come into the Colonial Store? This signature was prominently in my mind when I saw the goods. (*Appendices Nos. 1, 5, 6.*) The signatures you have placed before me bear a very close resemblance to the signatures to the accounts.

45. Is there any one in particular of these signatures that you think more confirmatory of that suspicion than another? There is a signature to that letter (*Appendix No. 5*) which appears to me to differ from the letter itself.

46. To that one? The signature to that letter appears very different to the body of the letter.

47. But that is not the point to which I was directing your attention—it is if there was any one signature more than another which raises that suspicion in your mind, that you consider confirmatory of that suspicion? I should not like to speak of my suspicions.

48. I shew you this: you state that the signatures have raised suspicions in your mind, and I shew you them to ask if there is any one which, more than another, raises a suspicion? There is not.

49. But there does, as I understand you, appear to be a distinct similarity in the writing to Mr. Buchanan's? That is my suspicion. [*Witness here handed to the Chairman the "entry" to which he had previously referred (Appendix No. 7), together with a certified copy of the ship's manifest.*] James Staunton is the consignee.

50. Consigned to James Staunton, and the entry is passed by John Weston for J. Staunton, not Staunton and Co.? Distinctly for J. Staunton.

51. The matter this Board has been appointed to inquire into, Mr. Jones, is that large quantities of stores on account of the public service have, from information which the Government have received, been tendered for and supplied at various times by Mr. Buchanan and the late chief clerk of the Colonial Storekeeper's Department, Mr. John Weston, under the assumed names of James Staunton, and Staunton and Co. Have any circumstances come to your knowledge, or been stated to you, having a bearing upon this, and which will throw any light upon the charge, that you can state to the Board? I have, on one or two occasions, heard a suspicion respecting the supplies to this department.

52. What was the nature of that suspicion? The nature of that suspicion was that Mr. Staunton—James Staunton—was not in existence, at any rate in Sydney, supplying these stores. I have heard—I will state plainly—I have heard my brother speak of the doubts he had of the existence of such a person as Staunton.

52. Your brother was a clerk in this department? He was a clerk in this department. Mr. E. Jones.
53. And he has stated his doubts as to the existence of James Staunton who is said to be the tenderer and supplier of goods? Yes. 4 Feb., 1860.
54. Did he state to you who he believed was tendering for and supplying those goods in the name of Staunton? I cannot say that he did. I cannot remember now; of course living in the house with my brother I have had many conversations with him upon the subject of the Government Service—the Public Service generally.
55. Did he ever state to you what was believed in the office to be the fact as regarded this? He asked my advice once, I remember (it is now eighteen months or two years ago—I cannot state distinctly as to the time) whether, as he was in the habit of witnessing the payments made in the department (he used to sign as witness) he could conscientiously refuse to certify to any account he never saw paid, where he did not actually see the money paid; and on one occasion when an account was presented to him, he said, "I did not see that money paid, and I am not going to sign this receipt."
56. *By Mr. Abbott*: As a witness, did you say? As a witness to the payment.
57. He only told you he had said so? He only told me.
58. *By the Chairman*: He asked your advice upon the point, and stated this fact to you? Yes.
59. Did he mention to whom the payment was made? He did.
60. To whom was it made? To James Staunton.
61. That he, being called upon to sign his name as witness to a payment to James Staunton, refused to do so, as he had not seen the payment made to James Staunton? Not having seen the payment made to James Staunton.
62. What was the result of his having so refused? I do not know; the account was signed, I suppose, by somebody else.
63. Did he inform you what was said in answer to his refusal? There was nothing said; it was taken away from him.
64. Did he tell you who it was applied to him for his signature, and to whom he gave the refusal? I think it was Mr. Weston.
65. Did he on that occasion express his belief distinctly that the payment was not made to Mr. Staunton, or that there was no such person as Staunton for it to be paid to? I do not remember. I think from the knowledge I have of my brother's disposition that he would have said it at once.
66. You think it is likely that he did say so? Yes, very likely.
67. And what advice did you give him on the subject? I told him of course never to sign an account as witness to the payment unless he could go and swear at any time that he actually did witness that payment.
68. But you cannot recall whether he did on that occasion expressly tell you that he believed there was no such person as James Staunton to receive the money? I do not remember now; he may have done so.
69. Has this matter lately assumed any importance and gravity in your mind more than it did at the time? Much more so, as I have already mentioned, from the fact of this entry. It recalled many circumstances to my mind, many things which my brother had remarked casually to me, but which I cannot now remember, in reference to the fact of there being no such person as Staunton in existence.
70. But at the time he made this statement, and asked your advice, did it not appear to you a matter of considerable gravity and importance as affecting the public service? I certainly should have told him at the time (I am fully impressed with the idea) that he should not certify or sign any account that he could not distinctly give evidence to the fact of his having seen paid.
71. But did the matter, as it was then mentioned to you, raise in your mind the suspicion and impression that there were fraudulent transactions going on in the public service as regards the supply of goods? Yes, on that occasion, or subsequently; I cannot say now.
72. Subsequently it did? Subsequently it did.
73. What was the subsequent occasion? I cannot remember now; but the fact of the name of Staunton appearing so many times as a successful tenderer, naturally tended to confirm the suspicion which I had, that there was no such person as Staunton here. I had made enquiries—at least I have heard that there was no such person as James Staunton in existence.
74. Can you recall the period, or about the period referred to in your last answer—that subsequent period when your suspicions became strong? I do not remember now.
75. Was it while you were in the Audit Department? It must have been shortly before I left the Audit Department—in examining the accounts of 1858.
76. Did you make any report of that suspicion, Mr. Jones, either to the Chief Clerk or to myself? I did not.
77. When a matter of suspicion connected with the *bona fides* of accounts presented itself to your mind, would it not have been your duty to have done so? If I had had any reason to ground my suspicion upon a fact, I would have done so immediately.
78. Then do I understand you to mean by that, you had no tangible, or what you regarded as a solid, ground to bring forward your suspicions? Yes.
79. That they were simply suspicions? That they were merely suspicions.
80. What is your brother's disposition—is he of a very hasty and irritable disposition? Yes, sir, he is.
81. Had he ever, previous to making that statement to you—of having been called upon by Mr. Weston to attach his signature as a witness—had he ever, previous to that, led you to imagine that he felt himself aggrieved in any way by Mr. Weston—that there was any ill-feeling existing between them? No.

- Mr. H. Jones. 82. At the time he mentioned to you this fact of his refusing to sign as a witness to payment, did he say anything to you respecting the signature and the acquittance? No, sir.
- 4 Feb., 1860. 83. Did he say anything as to who could have signed, since there was no such person as Staunton—who signed for Staunton? I do not remember him saying so.
84. Did he mention to you whether on that occasion of his refusal, he made any report of the circumstance to Mr. Buchanan? I do not think he did; he did not tell me that he had made any report.
85. Did he state to you whether any suspicion of there being no such person as Staunton in existence, and Mr. Weston being in fact the person who had assumed the name of Staunton—did he mention such a suspicion existing in the department as a matter of comment? No. I may mention that for many months past my brother and I have not lived together; he used to live with me in the house—he in conjunction with myself supported the house, but from a little personal and private disagreement he left, and I had very little intercourse with him afterwards.
86. Did he make any comment as to how the notification of the acceptance of tenders was made to James Staunton? No, sir; I do not remember; I do not think he ever did.
87. Was there any other account excepting the name of Staunton connected with the Colonial Storekeeper's Department that came under your notice and attracted your attention in any way, and raised suspicions of the same nature as those which you mention you entertained? There was one I think I recall to my recollection which I have heard my brother say was from a tenderer of the department.
88. Have those accounts come under your notice previously? [*Accounts handed to witness.*] (*Appendices Nos. 8, 9, 10.*) Yes; they have passed during the time I was examining clerk of the Audit Office.
89. The name in which those accounts are, and the acquittance——? James King; that is a name I have heard my brother speak of.
90. In what way? As being a contractor for supplies to the department.
91. Merely speaking of him in the ordinary way as being a contractor, or as there being any suspicious circumstances? As being a doubt in his mind.
92. Whether there was any such person? Whether there was any such person.
93. Did he tell you who he believed was supplying in the name of James King? No; I do not remember now that he did.
94. Is the signature one that you know anything of yourself beyond seeing it to those accounts, or is it one that you have entertained a suspicion about from what your brother has said, or from any other cause: is there anything in the signature itself that has raised any suspicion in your mind? No, sir; I should take that handwriting in the body of the account to be Mr. Weston's. (*Appendix No. 10.*)
95. But not in his usual hand? Not his usual handwriting.
96. It is not an uncommon thing for the bodies of these accounts to be filled up in the Colonial Storekeeper's Department? That is one in Mr. Weston's handwriting. (*Appendix No. 9.*)
97. That is his ordinary handwriting? Yes.
98. But this [*voucher 226*] (*Appendix No. 10*) is not in Mr. Weston's ordinary handwriting? No.
99. Were there any other goods landed from the "Walter Hood" consigned to James Staunton besides those which have come under your own knowledge? No.
100. Are you aware whether there are now, or have lately been in the Argyle Store, goods stored in that name? No, sir.
101. Where is your brother now? At Moreton Bay.
102. Is he in the public service? No.
103. Is he engaged in private business? Yes; he is endeavoring to make an agency down there. He has been trying to get an appointment, at least he has an application in for a Government appointment.
104. Being aware of the nature of this charge, Mr. Jones, is there any other information or light you can afford the Board with reference to it, in addition to what you have already stated? No; I have stated all that from the fact which has now come under my notice within the last three weeks that my impression has been; or that my suspicion and my brother's suspicions are now confirmed, that James Staunton was not a *bonâ fide* person supplying stores to this department.
105. And that consequently the signature put forward as his, could not be a genuine signature? Is not a genuine signature.
106. *Cross-examined by Mr. Abbott:* Do you remember how many packages were brought into this yard? Well, no, I did not count them all.
107. How did you know they were brought into this place at all? Because I saw several loads of them come.
108. Where were they landed? At Campbell's Wharf.
109. But you could not see into this yard from Campbell's Wharf, could you? I could see whether a dray turned into this yard or not from the adjoining street.
110. And you saw it turn into here? I saw it turn into here.
111. Did you take any particular trouble to see where they did go to? I took that trouble; for I walked from where the ship was discharging to the end of Campbell's Wharf, at the end of this street.
112. To see where the goods were taken to? Yes.
113. And you also took some trouble to find out who owned the dray? There was no trouble there; I simply asked a question, and it was answered—it fact I saw it on the dray, I think; I believe it is on the dray.

114. What was your duty when in the Auditor General's Office, Mr. Jones—the auditing Mr. E. Jones.
of accounts, I think? The examination of accounts.
115. And the Colonial Storekeeper's accounts, as well as others, came under your inspection? Yes, passed through my hands for examination. 4 Feb., 1860.
116. At the time you were in the Auditor General's Office, was it then that your brother spoke to you of his suspicions? It was at one time whilst there.
117. You never made any report of it? No, I did not; because I had no grounds for doing so.
118. But you had sufficient ground to suspect there was something improper going on? That would not be sufficient to make a charge against a department.
119. You had sufficient grounds to create suspicion? Yes, in my own mind.
120. And you never mentioned these suspicions to anyone in your own department—never reported them? I did not report them officially.
121. Did you not consider it your duty to do so? No; if I had, I should have done so. If I had had, as I say, any good grounds—any reason which I could have adduced in support of my suspicions, I should have done so, as I have now done.
122. Did you tell your brother that it was his duty to speak of your suspicions when he asked your advice? No.
123. Did you ever have any opportunity of seeing Mr. Buchanan's handwriting, beyond his signature to accounts? I have frequently seen his handwriting in official letters.
124. Official letters? Yes, official letters; I saw his handwriting very frequently while I was in the Audit Office.
125. Is he in the habit of writing letters himself, or are they written by the clerks? I have seen letters in the handwriting of Mr. Buchanan, and also in the handwriting of others in the office.
126. Have you ever seen him writing? No; I cannot say that I have seen him writing.
127. And those letters that you suspect to be in his handwriting you could not state positively were his? Not positively, but I have seen his handwriting.
128. Which you believe to be—? Believe to be, to the best of my knowledge.
129. You know the signature very well? The handwriting as being different to any one else's, and the handwriting bearing a resemblance to the signature; I have seen the recommendations of tenders, written in Mr. Buchanan's own handwriting, come direct from him to the Audit Office.
130. Which you believe to be his handwriting? Which I believe to be his handwriting.
131. But never having seen his writing, you could not state positively that these letters were written by him? I could not say positively that they were his own—that I saw him writing them.
132. You could not swear positively that they were his writing, not having seen him write? I should say, to the best of my knowledge and belief, that they were his writing.
133. If it were necessary to swear it, you would not swear that it was his writing? I cannot recall to my recollection any circumstances where I have seen Mr. Buchanan writing.
134. And you believe, from the knowledge of Mr. Buchanan's writing obtained in that way, that the signature, "James Staunton," was written by him? I do not believe it; I had a suspicion that it was.
135. When did that suspicion occur to you? It has occurred to me since I discovered the goods coming to this department in the name of J. Staunton.
136. But you could not keep these signatures in your mind without seeing them again for so long a time—eight or nine months at least? Yes; the suspicion which I had at the time I was in the Audit Office—I had a suspicion then, I may tell you, from an impression made upon me—was partly confirmed, as I thought, from the fact of these goods coming direct to this department for James Staunton.
137. Now, did not the suspicion that that signature was in Mr. Buchanan's handwriting first occur to you after the goods had come out by the "Walter Hood"? No.
138. The suspicion that the signature was Mr. Buchanan's? No; I think I entertained the suspicion before that.
139. You think you entertained it before? Yes; before that.
140. These accounts in James Staunton's name, that had come under your notice in the Auditor General's Office, were all regular and correct? They were very well prepared accounts.
141. There was nothing particular about them any more than other accounts? They were very well prepared accounts.
142. They were quite as regular? They were well prepared; but I will state that in the examination of the Colonial Storekeeper's accounts I used to have a great deal of trouble in getting information to enable me to certify to the passing of them.
143. In all cases? No; in many cases.
144. In Mr. Staunton's particularly? Oh! no; not in Staunton's.
145. Do you know Mr. Weston's handwriting well, Mr. Jones? I think I should be able to tell it from any other handwriting that I know.
146. You have seen it so frequently? I have seen it very often.
147. Now, on looking at these accounts [*Appendices V, W, X, Y,*] will you be prepared to say that the name, James Staunton, is not in the same handwriting as that in the entry? I do not think they are the same handwriting—they are not alike, in my opinion.
148. Would you say that these accounts are not signed in Mr. Weston's handwriting? They are not like Mr. Weston's handwriting; they are not his usual handwriting.
149. You stated just now that you had reported this circumstance to the Government? What?

Mr. E. Jones. 150. That you had made this report of your suspicions now? No; I make the statement now.

4 Feb., 1860.

151. You said you had been the means of bringing this inquiry before the Government? No, I did not; I said I make my suspicions known to this Board now.

152. Have you, in fact, made a report of these matters to the Government?

The Chairman: That is a question upon which I shall take the opinion of the Board, as to the propriety of its being allowed to be put to any witness; in my opinion it is a question which ought not to be put to any witness.

Mr. Abbott: Where witnesses are asked all manner of questions—and where evidence is taken as fully as possible—and where much is got from a witness in the shape of information collected by him—whether he knows anything about it personally—or whether it is the result of mere hearsay out of doors, I think I am quite at liberty, without stating beforehand my intention, to ask Mr. Jones any question; I think I ought to be allowed to do so in justice to the accused.

The Chairman: I object to any question of the kind being put; I always objected to such a question being put in Courts of Justice. I have frequently been supported by the Judge, and seen the Judge support the same ground of objection.

Mr. Abbott: It is quite evident the Board know what Mr. Jones's evidence is to be.

[*The Chairman repeated his objection, which was confirmed by the Board.*]

Mr. Abbott: I think I am quite justified in asking the question.

Mr. Browne: The witness may fairly refuse to answer it.

Mr. Abbott: In a Court of Justice we say what we like and what we think; but I do not think any witness who comes here, and who is asked and allowed to give his suspicions, what he hears from everybody, what common report says; a witness, too, who has clearly and distinctly stated that he has made inquiries; that he has seen the goods and followed them to the doors—which is no part of his duty—

Witness: It is a part of my duty.

Mr. Abbott: He has stated that he has made inquiries—that he has followed these things about—and has collected information for nobody knows how long; it is brought here then ready, and Mr. Jones has got his story by heart; he has no doubt been comparing notes with somebody, and it has been all settled beforehand what his evidence is to be; it is well known—

The Chairman: But even assuming all that, what is there in the conduct of every legal business—the lawyer has his brief, and knows the case perfectly well.

Mr. Abbott: If a witness goes into a witness box with a story very “pat,” it is very soon asked who told him.

The Chairman: Your question was, whether Mr. Jones had been the informer in this case; that is a question I object to—it is a question you would not be justified in putting to any witness—it is a question I should object to in any case.

153. *By Mr. Abbott:* Have you ever spoken of this matter before to anyone, Mr. Jones—before coming here have you spoken on the subject to any other person? I have.

154. To whom? I decline to state that—at least I will appeal to the Board, to know whether I am bound to answer it.

The Chairman: I think Mr. Jones is not bound, if he objects, to answer that question.

Mr. Abbott: It has been insisted that the other witnesses must state even what their suspicions, or the suspicions of other people were.

The Chairman: Those suspicions having been given expression to.

Mr. Abbott: And what the ideas of other people were; there has been every latitude allowed to them; I am merely here on sufferance—

The Chairman: I leave it to Mr. Jones' own discretion whether he will answer your question; he declines to do it, and I say he is justified in so doing.

155. *By Mr. Abbott:* Has any statement ever been taken from you in writing, Mr. Jones? That, of course, I decline to answer.

156. You will not answer that, either? With the sanction of the Board, I will not.

Mr. Browne: It is a matter for your own discretion.

Witness: I can safely state that I have made no statement in writing.

Mr. Abbott: Oh! no, you have not written anything; that is not what I asked you; I don't care about that part of it.

157. You stated in your examination by the Chairman that you have made inquiries about this matter? Yes.

158. Will you state when? I have asked lately, since this entry was passed, whether such person as Staunton is known; I may also state that I have heard others ask the same question.

159. Only just answer my question, that is quite enough, if you won't answer what I do want. You never made inquiries before you saw this entry passed by Mr. Weston? No, I do not think I ever did; I have asked in a casual way who was Staunton; I asked, when the tenders were in for acceptance, whether there was a person in business of that name.

160. Did you ever get any satisfactory information? No, I did not.

161. Have you ever been connected with business men, Mr. Jones, in any way except through the office? No.

162. Not with the business part of the community, at all? Not in a business way; that is, I had not been in any mercantile office or agent's office.

163. And had not been connected with them—you never had to do business with them on your own account; might there not be hundreds of people in business here in a large way of whom you would hear nothing? I do not think so; there might be, certainly, many persons in business of whom I know nothing.

164. Might there not be innumerable people of whom you never see or hear anything, except ^{Mr. E. Jones.} as they might chance to come in your accounts? There may be.
165. Are you and Mr. Weston on good terms? Yes; at least I was speaking to him the ^{4 Feb., 1860.} day, I think, on which he passed his entry at the Custom House.
166. Talked to him in a friendly way? Yes, in a friendly way.
167. Had you known him for some time? Yes; I have known him by sight for many years.
168. Not personally? Personally I have known him for some years; I knew him by sight, perhaps ten years ago.
169. I suppose you have had repeated opportunities of seeing him and speaking to him? Oh! yes, frequent.
170. Do you know Mr. Buchanan personally? I have spoken to Mr. Buchanan.
171. You have spoken to him? Yes.
Mr. Buchanan: I think once, Mr. Jones?
Witness: More than once, I think.
172. *By Mr. Abbott:* Was that during the time you were in the Auditor General's Office? Yes; and I will just state the occasions, if you will allow me.
173. It is not necessary? On one occasion Mr. Buchanan solicited my appointment to this office as accountant.
174. *By Mr. Buchanan:* I solicited your appointment? Yes.
Mr. Buchanan: I deny it.
The Chairman: There will be full opportunity at the proper time for explaining.
Witness: On another occasion I saw Mr. Buchanan in the Audit Office, on the subject of my brother's appointment to this office. Those two occasions I can call to recollection positively.
175. *By Mr. Abbott:* Was that the brother who was here? The brother who was here.
176. Did you ever ask Mr. Buchanan or Mr. Weston any question about Staunton and Co.? No.
177. Since you had this suspicion about it? No.
178. Did you never mention the subject to them at all? No.
179. Though you have repeatedly spoken to Mr. Weston? Yes.
180. And did not you know at the time that if there was any irregularity going on, Mr. Weston should know of it, as accountant in this office? Yes; he ought to have known it, if there was any irregularity going on.
181. And you never thought it necessary to ask him any question about it? No, I did not.
182. On the day that he passed this entry did you say anything to him about it? Not about these goods; I do not think I saw him after the passing of the entry.
183. But at the time he passed the entry? He passed the entry at the Custom House; I was down at Campbell's Wharf.
184. Did you see him on that day? Yes, he left me on that day to go to the Custom House—the "Walter Hood" was hauling alongside the wharf. He saw me there, and came up to speak to me; we were speaking together, and I asked him what he was doing, and he said "he was acting as agent for a friend in England." I then asked him "if he had any goods in the 'Walter Hood'?" he said, "Oh! yes, a few packages." I then said, "Are they consigned to you" (because I had previously had the manifest, and looked down it, and did not see the name of Weston)? and he replied, "oh! no, they are consigned to me as agent."
185. Did he mention the name of Staunton at all—did he say what the goods were? No, he did not.
186. When he left you on that occasion, did you know that these were the goods referred to? No.
187. Have you ever seen him since? I do not think I have spoken to him since.
188. You have never said anything to him about it—never asked him any questions? I do not think I have ever seen him since; certainly he never came to me to make any inquiry whether the goods had been landed.
189. You could not say whether those goods sent here, were sent under contract or not for the supplying of them? I cannot tell.
190. They might have been for all you know? Yes, they may have been.
191. *By the Chairman:* If I recollect rightly, what was read [a portion of the evidence having been read by the shorthand writer] it is taken down that you did not state your suspicions officially? Yes.
192. Did you state them at the period you were in the Audit Office to anyone unofficially? I mentioned it to one there.
193. I ask you the question, whether you stated it to the Chief Clerk or to myself? Not to you. I mentioned it to one gentleman in the office to whom I could speak; that is the only occasion I have spoken of it to any person.
194. You stated in answer to a question by Mr. Abbott, that you have had conversation respecting these matters with some one? Yes.
195. Have you had any conversation with me upon the subject? No, sir, not any.
196. Or mentioned it in any way whatever to any member of the Board? No.
Mr. Abbott: I hope the Board will not think I intended to imply anything of the kind.
The Chairman: I have no such suspicion.
197. You did not mention it to any member of the Board? Not to any member of the Board.
198. *Mr. Abbott:* Perhaps Mr. Jones will tell us who he did mention the matter to? I have declined already.
199. Who you mentioned it to in the Audit Office? I will not answer that either.
200. Is he in the Audit Office now? That I decline to say.

Mr. Archibald Campbell called in and further examined :—

Mr. A. Campbell.

4 Feb., 1860.

1. *By the Chairman* : The orders for supplies addressed to contractors in regular course are returned by the contractors with the accounts : are they filed in the office ? Generally ; they do not always come back with the accounts.
2. But all that do come back are filed ? Yes.
3. Can you produce the orders to contractors in 1858 and 1859 ? I do not think we have kept them so far back ; they are considered quite useless when they have been executed.
4. What is the latest date you can produce ? They are not at all regular ; half the accounts come in without the orders. Our order-book is the check.
5. But we find that the order book does not state the receipt sometimes ? It should.
6. But it does not ? In some cases.
7. In some cases it states the receipts, and in others, without stating the receipt, it does not state the date ? The date is not stated in all cases.
8. The Board were desirous of seeing the orders themselves. In the case of deliveries from James Staunton, where are the orders ? I do not keep the orders.
9. Who does ? Some other gentleman.
10. Are these orders kept, or are they not ? Not as a general rule ; as soon as the account is vouched for by the storekeeper's signature, the order is considered perfectly useless ; they are not wilfully destroyed, but there is no care taken of them afterwards.
11. And can you state whether there are not any of the orders addressed for supplies to Staunton, and which have come back to the office, and which are now producible ? I cannot. I think since my time I have paid two accounts to the name of Staunton, and those were vouched for by the foreman. Previous to that I had nothing whatever to do with it ; my attention was confined strictly to the issuing.
12. Are there a considerable number of these orders in your possession as documents ? I think there are, but I cannot say ; they never came under my cognizance.
13. We had better have what there are of them, and let them be examined ? I could find them.
14. *By Mr. Rolleston* : Where can you find them ? I cannot exactly say till I look at the presses—they are in different presses.
15. *By the Chairman* : Will you look to this form of orders, and say whether they afford information as to the date of the receipt of goods ? No, sir.
16. And no orders do ? I think not.
17. And therefore will not supply the date of a receipt in case of its omission ? No ; but the "issue" might shew.
18. What is the issue ? It might give you the approximate—the issue of the goods in question might give you an approximate to the date they were received.
19. Being merely the date of issue ? Yes.
20. Have you the actual issue-book ? Yes. [*Book produced.*]
21. Folio 535 of order-book, referring to James Staunton's supplies is shown to witness, and he is called upon to state, if he can, from the issue-book, the date of receipt of the several orders therein mentioned—that being omitted in the order-book ? The order of James Staunton for sheets, dated 6th December, was supplied before the 21st of the same month. The shirts upon Mr. Staunton's tender, ordered on the 27th August, must have been received by the 3rd September—an issue of 750. The goods ordered on the 17th June, must have been supplied previous to the 1st July. The order of James Staunton of July 1st, for serge, must have been supplied previous to July 12th.
22. Can you by that book shew, when Mr. Staunton's tender of the 14th September for lighthouse requisites was issued ? I might ; it would be all in small details. Glass shades, 48, must have been supplied previous to the 20th November, 1858.

[The Board adjourned till a future day, of which due notice would be given.]

FRIDAY, 17 FEBRUARY, 1860.

Present :—

WILLIAM COLBURN MAYNE, ESQ., IN THE CHAIR.

MR. H. H. BROWNE,

MR. C. ROLLESTON.

Mr. Buchanan and Mr. Abbott (his Attorney) were in attendance.

Mr. Alfred Raymond Jones called in and examined :—

Mr. A. B. Jones.

17 Feb., 1860.

1. *By the Chairman* : You were, I believe, a clerk in the Colonial Storekeeper's Department ? Yes.
2. For what period ? Upwards of five years.
3. Upwards of five years ? Yes.
4. How long is it since you— ? On the 1st August, 1854.
5. You joined it ? Yes.
6. When did you leave ? On the last day of August, 1859.
7. What were the particular duties you had to perform in the office ? Principally the checking of accounts, and the entering of accounts, and making up for the Auditor General's Department. Principally checking contractors' accounts.

8.

8. In the discharge of those duties, did the tenders for contracts and the accounts for supplies under contract come under your notice? Yes; very much indeed.
9. Have you a recollection in the years 1857, 1858, or 1859, of any contractor of the name of Staunton, whose accounts came before you? I can recollect as far back as 1858 and 1859, but not 1857.
10. In 1858 and 1859, did the tenders of that contractor, as well as his accounts, come under your observation? Not of that contractor; I do not think I ever had any of that person's contracts under my notice.
11. Had you any of the accounts of James Staunton under your notice? No, I believe not; I had them generally after they were paid.
12. But did they come under your notice in any way? After they were paid they did—not before; not to check. They were not given into my hands before they were paid.
13. Then what was the duty you had to perform in reference to them, when they came into your hands? I had principally the checking of them; and seeing that those goods were delivered into the store, and marking them off in the order-book.
14. Was that usually done after payment? No; I always did it before payment.
15. But as regards the accounts of this particular contractor—they only came to you to check after payment? They never came to check at all in some instances; they were given to me in the monthly accounts, to put up for the Audit Office.
16. Had they been checked? Not by me; I may have checked a few of them some time or other.
17. Did the accounts bear the usual marks of examination and checking by an officer of the department? Not that I am aware of.
18. Then if I understand you rightly all the accounts of James Staunton, which have come under your knowledge, only came under your knowledge after they had been paid? After they had been paid.
19. Were they complete in every respect as to certificate and acquittance when they came before you? No, they were not complete; they wanted witnesses.
20. When they came before you after payment? After payment I refused to witness them at a certain time, because I had not seen the money paid, and I did not know who Staunton was.
21. How do you mean? I refused to witness.
22. Were you asked to do so? Yes.
23. By whom? By Mr. Weston, the chief clerk.
24. Did this occur with reference to any accounts except those of James Staunton—were you asked by Mr. Weston ever to witness payments you had not seen made of other accounts than those of James Staunton? Yes, and sometimes I have signed them knowing that they have been paid. But Mr. Weston generally signed them himself, or some one else in the office when I was not here.
25. Then why, having done so with regard to other accounts, did you feel a difficulty and refuse in the case of James Staunton's accounts? I did, indeed.
26. But why did you? Because I did not think it my duty to sign my name as a witness to accounts I had not seen paid.
27. But I understand you to say that you have signed other accounts? Yes, where I have known the contractors and that the payments had actually been made.
28. But how did you know it if you had not seen the payments made? Because I have chequed the accounts and told the parties to come down for the cheques and had the cheques in my possession.
29. How did you get possession of these cheques? Mr. Weston left the accounts for them to sign.
30. Were there any other cheques left in the same way—were not Staunton's accounts ever treated in the same way as those others? Never, sir.
31. Did you ever see the cheques for payment to James Staunton? I never saw one. I saw the butts of the cheques when I have been tearing them out for the Audit Office. I had to send them up with the monthly accounts.
32. Then what was it first attracted your attention to the accounts of James Staunton? Staunton being a new contractor, and never seeing him in the office, and the first account that came before my notice. I think James King was the first contractor of that name that I never saw. James King was the first that came under my notice.
33. The first instance that came under your notice of a contractor supplying whom you never saw at the office was a Mr. King? Nobody in the office knew him. I asked a few questions at the time. It was publicly mentioned in the office.
34. That this was a person contracting who was never seen at the office? Not to my knowledge.
35. Did you ever see those accounts of James King's? Yes.
36. By whom was the payment witnessed? I cannot say.
37. Were you ever asked to witness them? I do not know.
38. Did you ever witness them? I cannot say.
39. Have you seen King's accounts? Yes.
40. Have you ever seen those accounts (*handed to witness—Appendices Nos. 8, 9, 10,*) or any of them before? Yes, I have seen them. I have seen this account; it is in my own writing.
41. Is the body of the account (No. 8) in your own writing? Yes, in my own writing.
42. Did you ever see the cheques for payment of these accounts? No, never.
43. Whose writing is that in pencil (No. 8), do you know? No, I do not know; I think that is written by somebody in the Audit Office.

Mr. A. R. Jones.

17 Feb., 1860.

Mr. A. R.
Jones.
17 Feb., 1860.

44. And you tell me it was a matter of observation in the office, in the case of King, that the contractor was never seen at the office? It was, at the time. I remarked it in the office making out that account (Mr. Jenkins and the whole of the clerks, I wished them to be present). I asked them what kind of goods they were of which he brought samples down, and Mr. Jenkins said at the time they were very much like Government clothing, and so they were; the clothing was similar to the Government pattern, buttons and everything else.
45. Then what was the idea in your mind respecting these things when you made the observation? I had a suspicion that there was somebody connected with the department that had been getting these goods from England on their own account.
46. Did you mention this suspicion to any of the persons in the office? Yes, to the whole of them.
47. To the whole of the clerks? Yes, except Mr. Weston.
48. Had you a suspicion then that Mr. Weston was the person? No, the suspicion I entertained was that it was Mr. M'Donell. I asked him publicly if it was him, and he denied it.
49. Then as regards this it was a matter of discussion in the office—the supplies being furnished by a person under the name of James King, and whom you believed to be some person connected with the office, having a suspicion that that person was Mr. M'Donell? I did at the time suspect Mr. M'Donell.
50. Did this suspicion, and any of the conversation and rumours respecting that matter come in any way to Mr. Buchanan's knowledge? Not that I am aware of.
51. You never spoke to Mr. Buchanan yourself in reference to the subject? No, I never did.
52. Who has witnessed these accounts? (*Appendices Nos. 8, 9, 10.*) Mr. Weston.
53. Is that Mr. Weston's writing? [*Account handed to witness.*] Yes.
54. His usual style of writing? Yes.
55. Will you look at the four accounts I now hand you in the name of James Staunton, (*Appendices V, W, X, Y,*) and say if you have seen them, or any of them, before—if they have ever been under your notice? Yes; I have seen all these.
56. You have seen all these accounts? Yes.
57. Then as regards James Staunton, had you an impression or suspicion the same as you had with reference to James King? Yes, I had the same suspicion that it was the one party; and another person of the name of Wilson. Wilson was another unknown contractor to my knowledge.
58. These accounts, if I remember rightly what you say, always came to you after payment? After payment; they ought to have come to me before payment, for me to check them.
59. But never did so? In some instances they may have come before my notice, but very seldom. I have only remarked them when I have seen the accounts, in putting them up before they were sent to the Auditor General.
60. Through whom would they come to you in the usual course? In the usual course from Mr. Weston.
61. And what signatures would they have when they came to you in the usual course? In some instances my name would have been there as a witness, and I should have had a check mark.
62. But I want to understand, in the first place, would they come to you with Mr. Buchanan's certificate, and with Mr. Jenkins' counter-signature when they were in the usual course first given to you to check? No; I generally brought them in for Mr. Buchanan's signature.
63. And would they generally bear your initials or counter-signature in any way, to satisfy Mr. Buchanan that they had been checked? No.
64. You generally brought them yourself? I generally brought them. Sometimes Mr. Weston has brought them into this room for Mr. Buchanan to sign.
65. And was there anything that vouched to Mr. Buchanan in any way, for these having gone through a proper examination and checking before they were brought to him for signature? No; Mr. Buchanan always signed them in the usual course of office.
66. But I want to know what was the usual course of office—Used the accounts, when being checked before signature, to be brought to Mr. Buchanan by any person, or in any way, so as to vouch to him for their correctness before he affixed his signature to the certificate? In the first place I generally checked the accounts before payment was made; Mr. Buchanan would perhaps never see those accounts. He would sign the check, of course, thinking all was correct when they were all brought to him at the end of the month to send to the Audit office. That was the only time, in my opinion, he had seen the accounts.
67. To sign the certificate? Yes, that all the articles had been supplied, and that they conformed to the samples.
68. And who brought them in that way to Mr. Buchanan? Generally myself or Mr. Weston.
69. After payment? After payment.
70. Were they then always duly acquitted by the persons who had received payment? Yes, oh yes.
71. Were they duly witnessed? As far as I was concerned they were witnessed, where I saw the signature; it was all I had to look to.
72. Should you, in bringing any of these accounts to Mr. Buchanan in the course you tell me was the usual one—should you have looked to see whether they were duly acquitted and witnessed? Yes, I had done all that before I brought them to Mr. Buchanan.
73. Did you ever bring any of these accounts to Mr. Buchanan? (*Appendices V, W, X, Y.*) Yes.

74. These four? Well, I cannot say particularly, but I think I brought the whole of them.
 75. To Mr. Buchanan? To Mr. Buchanan, to be signed at the end of the month; that is, while I was preparing them for the Audit office.

Mr. A. R. Jones.

76. Were they witnessed when you brought them? I think so; oh yes, they were always witnessed. If the signature of the witness was not here, I should have taken it to Mr. Weston to witness; I never brought them to Mr. Buchanan until they were finished.

17 Feb., 1860.

77. Was it in any of these accounts that Mr. Weston asked you to sign as a witness to the payment, and which you refused to do? I cannot say to the particular accounts, but it was some of Staunton's accounts.

78. And can you state whether the accounts you refused to sign as a witness to the payment you yourself brought afterwards to Mr. Buchanan? Yes, I believe I did bring them afterwards to Mr. Buchanan.

79. And had they then a witness' signature when you brought them? Yes.

80. And did you mention to Mr. Buchanan anything respecting that witness' signature after you had been asked to sign as a witness? Nothing; but it was publicly known in the office at the time that I had refused to sign as a witness.

81. How do you speak of publicly—how do you mean? Amongst the clerks generally.

82. Had Mr. Weston made any report of your refusal? No.

83. Then who paid the money to Mr. Staunton? I believe Mr. Weston wrote out the cheques himself and got Mr. Buchanan's signature. I never saw the cheque or anything else; I saw nothing but the butts of the cheques.

84. Was it usual for accounts to be brought with the cheques at the time Mr. Buchanan was signing them? No.

85. Then on whose faith, or under what checks, did Mr. Buchanan sign? On the faith of the chief clerk.

86. The chief clerk filled in a cheque and brought it to Mr. Buchanan simply to sign? Yes.

87. Without any bill or account with it? Without any account.

88. When you refused to sign as a witness to that payment, did you give any reason beyond the mere fact of not having seen the payment yourself? Yes; I made the remark in the office, that I did not know who these contractors were, that they were unknown contractors; and the month before I sent in my resignation, I was snubbed several times. I was made very uncomfortable, through remarking these things, by Mr. Weston.

89. By whom? By Mr. Weston.

90. What did Mr. Weston say to you with reference to it? That it was no business of mine, that I had nothing to do with unknown contractors. It was said publicly in the office. I told Mr. Weston he could go and report me to Mr. Buchanan. I had made up my mind after that to leave the office.

91. Then in every case where you took in Staunton's accounts to Mr. Buchanan at the end of the month to sign, they had "James Staunton" signed to the acquittance? Yes.

92. Was it the impression and belief in the office that there was no such person as James Staunton? It was.

93. And that it was a person in the office supplying these things in that name? Somebody connected with the department.

94. And had you any impression on your mind as to who that person was? I had.

95. Who was it that you believed to be the person? When I asked Mr. McDonell, and he denied it, I fancied it must be Mr. Weston and Mr. Buchanan.

96. And why did you fancy that Mr. Buchanan was concerned in the matter? Because Mr. Buchanan would never have written out a cheque for an amount like that, without he had known what it was for, and to whom it was to be paid.

97. Then was it not Mr. Buchanan's general habit to do as you have been explaining to me—to sign cheques without having an account before him? It was; but if it was a large amount, he would ask who it was for, and what articles that were purchased.

98. And as regards Mr. Staunton's accounts, when you took them to him, although for such amounts as from £240 to £943, was that usual precautionary question asked by Mr. Buchanan? He generally asked me when I brought him a cheque to sign, what were the articles. He could see the name who the cheque was for, but he asked what goods were supplied for this money.

99. When the cheque was brought? When he was signing the cheque.

100. But, as I believe you stated, you never took him the cheques to sign for Staunton? No.

101. And he could not have asked you the question? He never asked me the question.

102. Then you are not in a position to say that he did not ask such a question from whoever did take him the cheques? No, I am not.

103. But to go back to what you said a minute since—you said, when Mr. McDonell gave the positive denial, you then had the impression made upon your mind that it was Mr. Weston and Mr. Buchanan? Yes.

104. You then went on—in answer to my question, why you believed Mr. Buchanan to be connected with the business—to say, that he would not have signed cheques for such an amount as this without asking with reference to the goods for which they were drawn? Exactly.

105. But you did not present these cheques, and you tell me you are not able to say whether Mr. Buchanan did ask this question from whoever presented the cheques? Mr. Weston generally presented the cheques. I do not know what conversation he had with Mr. Buchanan at the time.

106. Then, you must see that the impression could not have been made on your mind that Mr. Buchanan was concerned in this matter from his not asking this question, since you are not

Mr. A. R.
Jones.

17 Feb., 1860.

not aware whether he did ask it or not? I am not aware whether he asked the question from Mr. Weston, but I never heard it mentioned from any person else.

107. But you tell me you never took up these cheques of James Staunton? No.

108. You cannot have an impression upon your mind from a circumstance that did not come under your knowledge. That is what I want to ascertain from you—what it was in fact that produced on your mind the impression of Mr. Buchanan's complicity? I had an impression—it was only a suspicion.

109. Suspicions arise, but generally they arise from something — ? The working of the accounts generally—Staunton's accounts.

110. Will you explain to the Board what it was connected with those accounts? In the first place, the accounts never came to me in the usual form, as they always did from other contractors. I never had the checking of the accounts; I never had the payment or saw a payment made.

111. Did you ever give expression to those suspicions in the office, in any of the conversations that appear to have taken place? Oh yes; very often it was publicly talked of in the department.

112. That Mr. Buchanan had any connection with this matter? No, sir, it was only a suspicion; we only suspected it to be the case.

113. But was the suspicion one that was expressed in words? Yes.

114. And by whom? By Mr. Garnett and myself, and Mr. Jenkins and Mr. McDonell; Mr. Campbell generally was silent when anything of this was mentioned.

115. Then I understand you to state to the Board, that this suspicion that Mr. Buchanan was a party to the supplying of these goods to the Government under the name of James Staunton—he himself and Mr. Weston being in fact the suppliers—was entertained in the office, and was a matter of discussion and conversation among all the clerks in the office? It was, except Mr. Campbell, who generally remained silent when the matter was brought forward.

116. Was Mr. Campbell in hearing of the expression of this suspicion? Oh yes.

117. Was Mr. Weston? Mr. Weston was in the next room, with his door open; he may have heard it, but he never let us know that he did hear it.

118. What is your belief of the fact whether it could have escaped his hearing or not? Well, if his door was shut he could not hear.

119. But you say the door was open? When it was open he might have heard.

120. And, in fact, what is your belief? That he did not hear.

121. Your belief is that he did not hear? Until I challenged him publicly—until I said that I did not know who these unknown contractors were; but I do not think he knew anything about the talk in the office about James Staunton.

122. About Mr. Buchanan being concerned in the business, is that what you mean? About Mr. Buchanan and himself being concerned. I believe he never was in hearing of the conversation of the clerks about these unknown contractors.

123. Have you any reason to believe that Mr. Buchanan was within hearing of the expression of such suspicions in the office, or of such conversations? Well, I cannot say. It was Mr. Weston's place, if he did hear anything, to tell Mr. Buchanan; and I challenged him publicly, and he ought to have reported it to Mr. Buchanan at the time.

124. But that is the only thing which would lead you to suppose that Mr. Buchanan might have heard it—because it was Mr. Weston's duty to bring it to his knowledge? Exactly.

125. When you brought these accounts to Mr. Buchanan to sign (*Appendices V, W, X, Y*) had they all that signature, "James Staunton," to them? I cannot exactly say. I brought the whole of these accounts, but I may have brought some of them at different times, before they were sent to the Audit Office, for Mr. Buchanan's signature.

126. All the accounts? I may not have sent all the accounts.

127. But all the accounts you did bring to Mr. Buchanan for James Staunton, had they James Staunton's signature to them? Yes.

128. The same signature as to these? Yes.

129. Then who did you believe signed that name—James Staunton—believing, as you tell me, that Mr. Weston and Mr. Buchanan were the parties who were supplying? I should have believed it was Mr. Buchanan's signature.

130. Will you point to anything in those signatures that would lead you to form that idea? No, there is nothing particular that I could point out. But it was our impression at the time, or my impression, that it was Mr. Buchanan's signature. There is nothing particular, only this is written with a quill pen, and I never knew Mr. Weston to write with a quill.

131. Then, I infer from what you say, that, having on your mind the impression that Mr. Weston and Mr. Buchanan were furnishing supplies under the name of James Staunton, and inferring from the fact that Mr. Weston never used a quill pen, and that it must have been one or the other—Mr. Weston or Mr. Buchanan—that signed the name of James Staunton; it was Mr. Buchanan who signed it because he did use a quill pen? I thought so.

132. That is the process of reasoning which led you to the conclusion? It was.

133. Is there any similarity in writing, in colour of ink, in any particular form of letters, which leads you to believe that that "James Staunton" was written by him? There does seem to be a similarity of the ink that has been used.

134. Was that a matter of discussion in the office? It was a matter of discussion—the signature.

135. The signature? Yes, because I pointed particularly to the signature. I had a sheet of cartridge paper on my desk and I had seen the name of Staunton written on that cartridge paper in about a dozen different places, and the letter "S," practised distinctly. I shewed it to Mr. Garnett and the other clerks at the time.

136. Do you mean the capital "S"? The capital S. If I had not seen these accounts now, and you had asked me what the letter was I could have marked it out in pencil.
137. Did that ever come under your notice (*Appendix No. 5.*)? No, I never saw that.
138. Will you look at the signature "James Staunton" to that? Yes; the signatures are very much alike.
139. Is the signature written with the same ink that the body of that is written with? No.
140. Will you look to the minute of approval upon it—by whom is that written? That is written by Mr. Buchanan.
141. Will you look at the signature "James Staunton," and look at that at the same time, and say whether there is or is not a similarity in writing? No, I cannot see the similarity.
142. Do you observe any similarity or identity of ink? The ink of the signature seems to be blacker than Mr. Buchanan's ink.
143. Then you consider it not to be written with the same ink? It may have been written with the same ink, but more of it.
144. Will you look to the signature of that tender (*Appendix No. 1.*)? That resembles those signatures—the writing is different.
145. Is there anything in that? Yes; this writing seems to me like Mr. Weston's writing.
146. The writing of the signature or the body? The writing of the body.
147. Whose writing do you imagine the signature to be? Well, I cannot say whose writing it is, but the party who wrote this, in my opinion, wrote the whole of the other signatures.
148. And your belief is, as you have already explained, from a particular process of reasoning, that these signatures were written by Mr. Buchanan? Yes; I have never seen that document in the office.
149. And if I recall rightly what you said, the fact of that signature was a matter of discussion and conversation in the office? Not these particular signatures.
150. The signature of James Staunton to accounts for supplies furnished—the suspicion of that signature being made by Mr. Buchanan was a matter of conversation in the office as well as other suspicions? By myself and Mr. Garnett.
151. By yourself and Mr. Garnett—and by anyone else? No, I believe not.
152. Was it usual with Mr. Buchanan, when you brought him accounts for a large sum in the way you have described, at the end of the month, for him to ask you any questions, or take any means to satisfy himself respecting them? None at all.
153. Where had this sheet of cartridge paper you alluded to as having observed on it the name of James Staunton, if I recollect rightly—where had it come from? It had been lying on my desk.
154. Was it always lying, day by day, upon your desk? Yes, until it got very dirty, and then I threw it away. I generally had a sheet of cartridge paper under me to keep my paper clean, and to check accounts on.
155. Then would it have been while on your desk that it had got these several signatures? Yes.
156. And by whom could they have been made there? I do not know who they could have been made by, but I fancy Mr. Weston may have been sitting at my desk at the time I was absent one afternoon. In the morning I discovered the signatures, and I shewed them to Mr. Garnett in the office.
157. Then your impression from that would be that Mr. Weston was practising — ? To write the signature.
158. To write the signature of James Staunton? Yes.
159. Was that before or after you had seen other signatures of James Staunton? Before.
160. Before you had seen others? Yes.
161. Then, would not that have gone to raise an impression in your mind that it was Mr. Weston who had written this signature? No, at the time I did not think so. I thought it was Mr. Buchanan's writing—the signature "James Staunton." I thought so at the time, although I thought Mr. Weston had been practising the signature on my sheet of cartridge.
162. What was it made you think so—what raised that impression in your mind? I fancied he had been sitting at my desk.
163. That Mr. Weston had been? Yes.
164. What raised the impression on your mind, notwithstanding, that it was Mr. Buchanan? Something peculiar in the style of writing. I thought it was Mr. Buchanan's writing.
165. And when you mentioned this to Mr. Garnett, what did he say? Well, I do not know the exact words he mentioned; but he fancied himself that Mr. Weston had been practising this signature on my desk.
166. Yes; but with reference to your mentioning the suspicion you had that it was Mr. Buchanan that wrote the signature to the acquittances? I cannot say what Mr. Garnett said at the time.
167. Was there any other circumstance, beyond what you have mentioned, that attracted your attention to Mr. Staunton's dealings in any way, or to the dealings in this name of Staunton? Yes; there was a great deal that attracted my notice. In the first place, the orders never went through the usual course they otherwise would; they would have been sent away by the messenger. I recollect Mr. Garnett asking Mr. Buchanan what he should do with the orders for James Staunton, and Mr. Buchanan told him to put them in the post.
168. Which was an unusual course? Which was an unusual course. If the party lived in the town of Sydney, a messenger would have delivered them after four o'clock.
169. And how were those orders addressed, do you know? I cannot say.
170. Was there anything in connection with furnishing the supplies that in any way attracted your attention or raised your suspicions? Yes. I fancied the supplies came in before

Mr. A. R.
Jones.

17 Feb., 1860.

Mr. A. R.
Jones.
17 Feb., 1860.

before the contracts had been called for, in some of the articles. I fancied the supplies have been in the stores before the contracts were called for.

171. What made you think so? I have seen bales of clothing that I am almost certain were not Government Stores.

172. Can you mention any particular instance—the marks of the packages, or any particular instance? No, I could not.

173. But you believe that there were packages of goods in the store, not being Government stores, and from which these contracts of James Staunton's were supplied? Exactly. I know in one particular case where goods were called for; there were tenders called for some clothing at one particular time, and David Jones' tenders were accepted; but I know there was clothing in the store of Staunton's at the time, and after David Jones supplied his there were others from this Staunton's used, and we paid Staunton according to his contract. It was not the lowest tender—David Jones' was the lowest; but there was a lot of stores purchased from James Staunton at the same time.

174. Not under contract? Those stores, I fancy, had been in the store when the tenders were called for.

175. But do you know it as a fact whether they were or not? I will not state it as a fact.

176. You will merely state that you believe it to be so? Yes; and other things led to suspicion. It was generally by large amounts, and stores used every year which were tendered for. Mr. Buchanan would always have written Home, as he had the indents to make out. I fancied these goods were got out by somebody in the department, knowing that they would be required.

177. Then that would go to the belief being on your mind that the indents were made purposely short? When the indents went home to England, it is my opinion that somebody connected with the department saw those indents and the items left out—principally clothing—and sent Home on their own account, and got them out, and tendered to the Government.

178. And some of these you believe were actually received in the store, and on hand to meet the supply? Exactly.

179. When fresh contracts were called for? Yes.

180. Would the books shew the receipt of all goods into the store? They ought to shew it.

181. And the storekeeper would be in a position to give satisfactory testimony as to such circumstances as you mention? That the goods—

182. Of there being goods in the store not the property of Government, and from these goods, after contracts being accepted, there being supplies issued? That there had been supplies issued before the contracts were accepted.

183. Before the contracts were actually accepted? Yes; I fancied the stores had been issued or were issued. In one particular item of shirts—I believe David Jones had a contract for shirts, as may be ordered from time to time at 2s. 5d. each. Mr. Staunton's tender was 32s. per dozen; and I believe the shirts were in the store, and used from Staunton.

184. And paid for at the higher price? At 32s. a dozen, after fresh tenders had been called.

185. Then did James Staunton obtain the contract at 32s. after fresh tenders? Yes, at 32 or 34s.

186. And during that time the shirts previously in the store were issued? Those shirts which had been previously in the store, to the best of my belief.

187. Was there anything connected with the instantaneous or particularly rapid supply of stores on a tender being accepted, that attracted your attention with reference to James Staunton's dealings? Yes, there was a particular contract in regard to those catoptric lamps; I believe they are in the store now, and have never been issued. I believe it was an item purchased, and never wanted—not wanted at the time they were tendered for. There has been some of the glasses issued previously to my leaving the department, and some of the wicks, but I believe most of the other things are in the store, if they have not been issued since I have been absent; I have been six months away.

188. Did anything connected with the arrival of these goods to the store come under your notice in any way? No, sir; I never saw the goods in the store. I neither saw the goods nor the tender—I had seen a copy of the tender entered in the contract book.

189. Do you observe where that tender is dated from? I see it is dated from Melbourne.

190. Did it come within your knowledge whether the goods came from Melbourne or not? I do not know; if they had, I think I should have had to pay a charge for cartage, and perhaps freight.

191. Is it the fact that there was no such charge paid? I never knew of a case of anything coming from Melbourne.

192. But why, if the contractor was bound to deliver them, should there be any charge for cartage or freight, no matter where they come from? It never came under my notice.

193. Why should there be any such charge—he is to deliver the goods? There should not have been a charge in that case; but it never came under my knowledge—I never knew of anything coming from Melbourne.

194. But, nevertheless, under such a contract as this the goods may have been delivered without any charge for cartage in the usual course? Exactly; without my knowing anything about it.

195. The charge which the Board is inquiring into is that which you must have collected from some of the questions—that goods were supplied under contract, the tenders being in the name of James Staunton, and were paid for, and the acquittances given in the name of James Staunton, it being supposed that Mr. Weston and Mr. Buchanan were the parties really supplying? That was the impression in the office.

196. That is the charge which has been committed to the Board to inquire into? Exactly.

197. Is there anything bearing upon that charge, or calculated to throw any light upon it in any way beyond what you have already stated, that you can inform the Board of? There was another contract in the name of James Wilson that we thought were all one; the three tenders, I fancied, were all from one party.

198. About what period was that, can you recollect? I think it was after King's tender.

199. *By Captain Browne*: After what? After King's.

200. *By the Chairman*: Then it must have been in 1859? It was in 1858, sir; I do not think the tender was accepted; it was a tender for China oil for the lighthouse—six thousand gallons.

201. You think the tender was not accepted, although there was a tender put in? There was a tender put in from James Wilson.

202. Was that a matter which was a subject of observation and comment in the office? It was at the time.

203. Does this tender book contain only the accepted tenders? No, it contains the whole of the tenders—the schedule of tenders.

204. Then it ought, of course, to contain a mention of this of Mr. Wilson's—was it one of the annual contracts? No, it was not an annual contract.

205. What was it led you to suspect that contract? Not seeing this party, or knowing anything about him; I generally, directly or indirectly, had something to do with the contractors.

206. Was it usual for the contractors to come to the office—to be seen at the office? Yes, in most cases.

207. Did they generally come in contact with Mr. Buchanan in any way when they came to the office? Yes.

208. I see here there is a tender of James Wilson for one thousand gallons of China oil at six shillings and three-halfpence, but the tender not accepted; also, at the same date, a tender from the same person—a tender for clothing; is that the one to which you allude? That is the one.

209. I did not catch your answer to the question—was it usual for the contractors who came to the office to come in contact with Mr. Buchanan? With Mr. Buchanan or the clerks.

210. And is there under the last general question I put to you anything else that you can state to the Board, tending to throw any light or having any bearing on the subject of the inquiry which I have stated to you? Nothing.

211. Nothing in addition? Nothing.

212. *By Mr. Rolleston*: Were you on good terms with Mr. Weston and Mr. Buchanan? With the whole of the clerks.

213. And with the head of the Department? I never had an angry word from Mr. Buchanan; he always treated me with the greatest kindness.

214. And the same with Mr. Weston? And the same with Mr. Weston. I had several angry words with him at times, but it was over before the day was out.

215. *By the Chairman*: These suspicions, as they first arose in your mind—did you mention them to any one out of the office? I mentioned it in one case to my brother, about witnessing accounts. I asked him if I was justified in signing accounts as a witness where I had not seen them paid; and I told him of the circumstance. I was made very uncomfortable at the time with Mr. Weston, through not signing my name as a witness. It is nearly eighteen months since—fully, and I have not spoken a dozen words to my brother since. I have not mentioned a word to any person in the Colonies about the working of the department, or anything connected with the department, except contractors, in the usual course of office.

216. Was it on your own notion—your leaving the department? Yes.

217. Your own act entirely? My own act entirely.

218. But had this matter any connection with your seeking to leave the office? Yes. I was very uncomfortable through this affair, through having suspicions that this was the case. I felt it very uncomfortable, and the last few months in the office I hardly had anything to occupy my time with. It was very miserable indeed; my health was suffering from being confined, and I had nothing to do.

219. Why was it you had nothing to do during that period any more than previously? There was a great deal to do previously, but lately I have not had near so much work to do; one thing, I had no entering of tenders—Mr. Weston generally entered all the tenders himself lately; if you look at the contract book you will find tenders have lately been entered by other persons, and not by me.

220. Do you connect that fact with anything that preceded it? I used to mention it to Mr. Garnett that Mr. Weston entered the contracts himself, and did not ask me. I used to feel very unhappy about it.

221. When did that take place, with reference to your refusing to sign as a witness? About twelve months previously.

222. Previously? From six to twelve months after I had refused to sign.

223. Mr. Weston commenced to do what had previously been a duty devolving upon you? Exactly. This is the only letter which throws any light upon the matter. I got this in Brisbane, on Saturday, from Mr. McDonell, and he challenges me with being the informer in this affair:—

Dear Jones,

Sydney, 5 February, 1860.

Before we do any more business together, I want you to answer a question or two.

Did you furnish particulars purporting to be private conversations between yourself and your fellow-clerks, as well as your own suspicions, regarding a certain firm of Staunton and Co., to your brother, for the purpose of grounding an information against the Storekeeper's Department?

It

Mr. A. B.
Jones.
17 Feb., 1860.

Mr. A. R.
Jones.

17 Feb., 1860.

It is highly necessary I should know this:—Firstly, because that information has led to the suspension of Mr. Buchanan, to the turning out of all the clerks, and the men, and to the sealing up of all books and papers, including our private letters, cheque books, and private property of all description. Secondly, because the reports all over the town are of such a degrading, disgraceful nature, as utterly to prevent us getting a living if we should be dismissed.

It is so amazing to us, when we consider what any informer can have to complain of Mr. Buchanan, of whom it may be said, a more honest and better man there is not in the Government service, that we can scarcely believe it, unless when we see ourselves, waiting like criminals, to be examined, on the Circular Quay *outside* of our office gates every day.

The charge against Mr. B. is utterly false, as it happens, and Mr. Weston is prepared to prove it so. I am prepared to prove the existence of a *bona fide* firm of Staunton & Co., in London, yet this mischievous and malicious report has had the effect of injuring the whole of us past remedy, I fear.

Under these circumstances, if you are the party who has cooked up this story, and retailed private conversations (pretty evidence against the head of a department) of your fellow-clerks, you must see, looking only at my *position*, my character blackened, and my situation already applied for, you must see that all connexion should cease between us.

Send me a distinct answer to this letter.

Meanwhile, as I do not wish to condemn without a hearing, your interests shall not suffer, as I will get Hamburger, of New Pitt-street, to ship the lead (white and black point) which I have bought for you at 32/- and 34/- respectively, half-a-ton of white, and 2 cwt. black, payment to be made at the end of the month.

If you appoint, or prefer any other agent to Hamburger, let me know to whom I am to transfer your business.

Yours,
J. M'DONELL.

A. R. Jones,
Brisbane.

224. The latter part of that refers to matters of purchasing goods for you? For myself.

225. There is a question I would put on the commencement of this: he says "before we have any more business together,"—have you been connected with him in business? He is a friend I had written to from Brisbane to purchase me a few articles, for which I had sent him up the money.

MONDAY, FEBRUARY 20, 1860.

Present:—

WILLIAM COLBOURN MAYNE, ESQ., IN THE CHAIR.

MR. H. H. BROWNE, | MR. C. ROLLESTON.

Mr. Buchanan and his Attorney, Mr. Abbott, were also in attendance.

Mr. Alfred Raymond Jones called in and further examined:—

Mr. A. R.
Jones.

20 Feb., 1860.

226. *By Mr. Abbott:* Mr. Jones, you stated, I think, that your reason for leaving the office was because you had nothing to do? No, I beg your pardon, I left on account of my health. My health was injured through the confinement, and the nature of my duties, and the annoyance I had been put to with Mr. Weston lately.

227. Then it was not because your work was taken away from you? No, it was not.

228. You and Mr. Weston then were not on very good terms when you left the office? We were on very good terms nearly always, and Mr. Weston was so far on good terms with me that he came to see me off on the steamer. We were not on good terms when I mentioned about these unknown contractors. That is the reason he got vexed with me.

229. Now, were there no private reasons for your leaving Sydney, Mr. Jones? None at all.

230. And is it not a fact that Mr. Weston was your greatest friend in the office? No; he was not a great friend to me any more than any other clerk in the office.

231. Did you not make a confidant of him as regards your private affairs? No more so than Mr. M'Donell.

232. Then up to the time you went away you had your usual work the same as you always had? In nearly all cases, except with regard to the entering of tenders and seeing original tenders—scheduling them.

233. You first suspected King's account, you said, I think, Mr. Jones? Yes.

234. Did you accuse Mr. M'Donell of being the person tendering? No, I did not.

235. Are you sure you did not? Certain.

236. Do you know whether those goods mentioned in Staunton's account were supplied here? No, I do not.

237. They may or may not have been? They may or may not have been; but where I saw that they had been issued in the issue book, I used to price them, and put Staunton's name against them.

238. But if you recollect, you stated in your examination that these goods were delivered before the tenders were actually called for? I said I suspected that some of the goods in some cases were delivered—not every tender. In some cases of tender I fancied that those goods had been in store before tenders were called for.

239. But you do not fancy things without having reason for it? I suspected that. I happened to see bales of goods in the store, and afterwards I fancied they had been opened as Staunton's goods.

240. But may those bales you saw not have been goods supplied previously under former tenders? They may or may not; but I suspected they were Staunton's.

241. But they may have been supplied by Staunton previously, may they not? No, I think not.

242. But have you any reason for saying they were not? The reason I stated was, that I had seen the bales, and knew that they had come in from Staunton's, and that they were not new tenders called for. Mr. A. E. Jones.
243. But you did not know whether they were or not? Not at the time; but I saw the tenders previously, or since. 20 Feb., 1860.
244. They may have come under previous contracts for all you know? Well, they may have come under previous contracts, but some time after the contracts were called.
245. In the nature of your duties, were you in a position to know anything that was going on in the store, except by accident? Yes, the nature of my duties brought me in contact with all the other clerks of the departments, and the stores generally.
246. The goods in the store? I had the stock book in my own charge.
247. What do you call the stock book? All goods entered in the store—goods of all descriptions.
248. But, in connection with the goods themselves, could you obtain any knowledge? Only what I could see.
249. Then you only had to do with the accounts, not with the goods themselves? Only with the accounts; but, when Mr. Campbell was absent, I sometimes took his work, or Mr. Jenkins', and, during their absence, I marked all goods that came into the stores, "received."
250. Did not you accuse Mr. McDonell of being the person tendering under the name of Staunton? I asked him if such was the case; I asked him, in a jocular manner, if he was not Staunton.
251. And he denied it? And he denied it.
252. Then I think you said that you suspected Mr. Weston and Mr. Buchanan were the persons? I did suspect; I suspected from the first time I saw the goods in the store, on account of their being according to the Government patterns—similar to Government stores.
253. And as good as any you had seen here? As good as I had seen Government stores; I fancied it must be somebody connected with this department, or somebody in England, that had been acting as an agent, or sending these goods on his own account.
254. You thought it might have been some one who had supplied similar goods before? No.
255. Is that it? No; I never thought of such a thing.
256. Then what about an agent? Before Mr. G. A. Lloyd was appointed agent, we had a Colonial agent in England, and I fancied they must have come out from him; they may or may not.
257. Did you ever mention any of your suspicions to Mr. Buchanan? Never.
258. In any way? No, never.
259. Have you any reason to believe that it was ever mentioned to him by anyone in the office? No, without Mr. Weston had mentioned it to Mr. Buchanan; but not by any other clerks in the office.
260. Not by anyone, excepting Mr. Weston did? Yes; I do not think any of the other clerks mentioned it.
261. Now, so far as the book-keeping generally and the payments are concerned, were they not altogether under the control of yourself and Mr. Weston? Not the book-keeping, only the accounts.
262. Well, that is the book-keeping, I should think? No; Mr. Weston posted the accounts in his books; I never looked into his books.
263. But Mr. Weston, and you under him—had you not the control of the account books altogether? No, I had not; Mr. Weston had them under his own lock and key.
264. I say, between you and Mr. Weston? I had only the examining and preparing of the accounts for Mr. Weston to pay them.
265. You acted under Mr. Weston's orders? I acted under Mr. Weston's orders.
266. And the books themselves were entirely under his control? Entirely under his control—that is, the book-keeping branch, the ledger, the journal, and cash books.
267. You said that, on one occasion, you refused to witness some account for Mr. Weston—to put your name as a witness to the payment? Exactly.
268. How are those payments generally made to contractors? How are they made?
269. Yes? In most cases contractors call down and get the money here, at other times we send them out by a messenger, and at other times I have gone with them myself.
270. Were they never sent through the post? No, I think not; without it was one or two accounts, I do not think there was ever any sent through the post; we paid some country accounts, but I think we paid them into the bank here.
271. Well, were those accounts always witnessed by the person taking the cheques? No.
272. Not always? I have witnessed accounts where I have sent a messenger out, with the cheques; I have witnessed them myself.
273. Then you guaranteed the payment by the messenger? Yes, and when the messenger was removed, and we had another messenger, I would not trust him; I took them out myself.
274. And you refused to witness those that Mr. Weston gave you? Yes, in some cases; there have been accounts sent back from the Audit Office where the witness was left out, (a mistake of my own) and I have signed them.
275. Do you think that on the occasion you spoke to Mr. Weston about mysterious contractors he heard what you said? Perfectly well; he was very vexed with me about it, and told me to mind my own business.
276. Are you quite sure he heard you? Yes.
277. Did you speak in an audible voice? Yes, if you will call the clerks I'll be bound they won't deny it; they all heard me.
278. If anyone said that you spoke in a muttering voice, and that it is improbable Mr. Weston

Mr. A. R.
Jones.

20 Feb., 1860.

Weston heard you, they are wrong? I spoke it out plain; I am certain Mr. Garnett heard it, and he will vouch for the statement.

279. If Mr. Garnett said you only muttered it, would he be incorrect? Well, I should think he hadn't his ears open; he spoke about it afterwards.

280. If Mr. Garnett said you only said it in a muttering tone of voice, would he be wrong? Mr. Garnett may be afraid to speak out, and say what I really did say.

281. You do not say what Mr. Garnett says is incorrect? I will not say that, but he must have heard me; Mr. Weston heard me, and I am certain Mr. Garnett must have heard it, and the other clerks in the office. That was in the month of July last, and on the first day of August I sent in my resignation; I know I should have been uncomfortable if I had staid longer in the office.

282. But you had been previously for some time? I had been previously.

283. Now, is it not a fact that you asked Mr. Weston's advice as to your going away and leaving Sydney—that you told him all your circumstances? I have certainly told him my circumstances.

284. And asked his advice? And told Mr. Buchanan myself.

285. And before you resigned, did you not tell Mr. Weston, and ask his advice? No; Mr. Weston knew nothing about it until after I had sent in my resignation.

286. What reason did you give to Mr. Buchanan for leaving, Mr. Jones? I did not tell Mr. Buchanan that I was uncomfortable in the office; I told him it was the state of my health that inclined me to leave the office. Not only that, I had money I had saved, and I thought I should try a new Colony and do better for myself.

287. Now, from the time of your leaving the office to the last moment of going away, you were on very good terms with Mr. Weston, were you not? Yes, because my disposition and Mr. Weston's were about the same; we could not bear enmity against each other. If I had a few words with Mr. Weston, it was all over very soon. I told Mr. Weston at the time I spoke to him about these contractors, to go and report me, but he said he would not.

288. And I suppose you had often had, as you say, rows before there was anything said about the contractors? Oh, yes, we often had a few words at different times; Mr. Weston had a very queer temper, he was either too good or very bad.

289. But you have not the best temper in the world yourself, Mr. Jones? No, I have not—I am very hasty.

290. You mentioned in your evidence a circumstance, as to the name of Staunton having been written on paper during your absence one day? Exactly.

291. Where was that paper lying on that day? On my desk.

292. In what room did you sit? In the public room—the large room.

293. With all the other clerks? With all the other clerks.

294. What reason had you for saying that it was Mr. Weston who had written that name, more than anyone else in the place? I said I suspected Mr. Weston had been practising the name.

295. Why? Because I saw the writing on the desk.

296. But why suspect him more than anybody else? I do not know the reason why, but I did.

297. You had no reason? I asked the other clerks at the time, the next morning; of course they did not do it, and they said at once it was Mr. Weston that did it.

298. Did you ask them all? I shewed it to them all, certainly, to look at it.

299. You had no actual reason, but a mere suspicion—you have no reason for it? My suspicions were never confirmed; it is only my suspicion, and the way I have seen things going on in the office.

300. Did you consider it a very improper thing, this tendering by persons in the office? I did indeed, and I thought it an improper proceeding to take Government moneys at any time without doing the work for it; I used to feel annoyed at every little thing I saw done in the office.

301. But you did not consider any of the little things you saw of sufficient consequence to report or mention to Mr. Buchanan? No, of course not; because my suspicions were always unfounded, especially these contracts, that I would never go to Mr. Buchanan, and I should never have mentioned the subject at all, only I asked my brother's advice about some things and this affair; but as for saying anything to my brother or anybody else since, I have never mentioned a word about the working of the department, good or bad, for eighteen months, except in the office publicly.

302. During those eighteen months, have there not been more of those contracts entered into in Staunton's name than in any other period? Than the last two years; I do not think there were any previously.

303. Not before the last two years? I think the first name that I had a suspicion about was James King, then James Wilson, and the next was Staunton; and I fancied and spoke publicly to the clerks; I said, I fancied that the three were all one. And if that tender of Wilson's were produced now, I dare say the signature would be similar to Staunton's signature. I have never seen it.

304. Have you seen your brother since your return to Sydney, Mr. Jones? Yes.

305. Did you have any communication from him while in Brisbane? Not a word, nor from anybody connected with him.

306. Has he been talking to you about this inquiry since your return? Since my return.

307. You have been talking to him? Yes; I am living with mother now.

308. In the same house? Yes; I took up my abode in Cunningham's Hotel, and remained there one day, but my mother asked me to go and stay there, and I did.

309. Did he tell you that he had given evidence before this Board? He never told me a word about it.

310. What was the conversation then? I had no conversation about the department with him. Mr. A. R. Jones.
311. I understood you to say you had been speaking about this inquiry to him? Oh, no; I had been talking to him; but, previously to my being examined here, I never spoke to him upon the subject. 20 Feb., 1860.
312. Of this inquiry? Yes.
313. *By the Chairman:* Before your examination, on Friday last, you had no conversation with your brother touching this inquiry? No, sir.
314. *By Mr. Abbott:* Was it not for the purpose of this inquiry that you came from Brisbane? Mr. Lane wrote me a letter to come up; I will shew it you.
- Mr. Abbott:* I don't want it.
315. *By the Chairman:* You stated in answer to Mr. Abbott, that the books were under Mr. Weston's control? Exactly.
316. Were they open to Mr. Buchanan's inspection, and subject to his control? Yes, sir.
317. You said, in answer to a question in immediate connection with the matter of practising a signature on the paper on your desk, that your suspicion had not been confirmed? Not with regard to Mr. Staunton.
318. You are then, subsequently, asked as to your suspicion being confirmed; it was not quite clear whether that question referred to your general suspicion as to the matter of contracts, or as to this particular matter of the signature having been practised by Mr. Weston; but you have stated that the clerks admitted to you that it was Mr. Weston's writing—that it must have been Mr. Weston's writing—would that have confirmed, or did it confirm your own suspicion that it was Mr. Weston's? It did confirm my suspicion, or partly confirm my suspicion, that he had written the name; but it did not confirm my suspicion that Mr. Weston was James Staunton, and had signed the vouchers as James Staunton.
319. Did the fact in any way alter your suspicion as to who did sign the vouchers in the name of James Staunton? Yes, it did; I fancy that Mr. Weston did not write it as it is written on those vouchers.
320. What you saw on that sheet of paper? On that sheet of paper.
321. You have stated, in answer to a question from Mr. Abbott, that you did not think these matters of sufficient importance to report them to Mr. Buchanan? Exactly.
322. Did you not consider these matters of very considerable gravity—officers of a department belonging to the Government supplying public stores? I knew it was contrary to the Government regulations; but I never knew who the particular parties were.
323. But am I to consider that you did not deem it of sufficient importance, or that you did not consider yourself called upon to report? I did not consider them of sufficient importance; my suspicions were never confirmed that it was done with the consent or knowledge of the Colonial Storekeeper.
324. What period was this tender you speak of, of Wilson's, sent in? I believe it was in 1858.
325. I find one, James Wilson, of the 8th March, 1859—those tenders of Wilson's which you refer to, have they come under your notice—have you ever seen them? I believe not.
326. You believe you have never seen them? No.
327. Have you ever seen the signature, James Wilson? No, never; at least, I think not.
328. Will you look at the signatures of these tenders, and say whether you have ever seen that signature before? No, I think I have never seen that.
329. Then what was it raised your suspicion with regard to Wilson? Because this Wilson was another contractor I had never seen, and none of the clerks had.
330. That was you sole — ? That was my suspicion.
331. Did it come under your notice how the payment was made to Wilson for any contract? I am not sure that his tenders were accepted.
332. Those tenders were not? It was not accepted for oil; I do not know whether it was accepted for clothing.
333. Will that entry enable you to say whether the tender for clothing was accepted or not? No, I cannot say.
334. That entry does not afford the information whether it was accepted or not? No, sir, it does not afford the information.
335. *By Mr. Abbott:* Was it not that fact, Mr. Jones—the fact that you did not see the contractor here—which led you to suspect Staunton's accounts too? Yes.
336. As well as the others? The same as the others; I suspected Wilson was the same man that signed the name of King. Now I am almost certain that signature is the same as Staunton's; if you will examine that signature you will find——
337. But it was that fact which led you to suspect them all? That is the fact; I had never seen them, nor had any of the clerks of the office seen them, directly or indirectly.
338. Now were there not several houses well known in Sydney whose principals were never seen here contracting? Not to my knowledge. I do not think there are any contractors in Sydney whose principals, or some one belonging to them, I should not have seen.
339. Here? In the office.
340. Or somebody belonging to their house? Or somebody belonging to them.
341. And anyone coming here and saying they represented a particular house you would not suspect, but take it for granted that it was so? If any came here and said he represented such a place I dare say I should have known them. I was born in Australia, and I know nearly everybody here.
342. The majority of people in business here were not born here, and have not been long here? No, they were not.

Mr. A. R.
Jones.
20 Feb., 1860.

343. And for that reason you think you ought to know the whole of them? No; I never saw the name of James Wilson as an importer, nor Staunton, nor King.
344. Did you ever have any other means of knowing anything about business people, except as you got the information here? Yes; all my lifetime I have been connected some way or other in business.
345. *By the Chairman:* You have said, in answer to a question from Mr. Abbott, that it was not seeing James Staunton, or Wilson, or King, here that led you to suspect that those were not the names of *bonâ fide* contractors? Exactly.
346. In Mr. Staunton's instance—though that led you in the first place to suspect, were there, or were there not, circumstances which afterwards confirmed the first suspicion? Yes, my suspicions were confirmed so far that I suspected it was somebody in the office, but I do not know who; I thought it could not have been done without the knowledge or consent of Mr. Buchanan.
347. You have, in fact, stated in your first examination circumstances connected with payments and other things — - ? Which led me to believe — —
348. Which led you to suspect, as well as the first fact of not seeing them? Exactly.
349. *By Mr. Abbott:* When you were about resigning, Mr. Jones, you took your resignation to Mr. Buchanan, I think? Yes.
350. Will you tell us what he did with it, or how he acted? He told me I was very foolish in sending in a resignation, and asked me to apply for leave of absence for a month, or whatever time I required.
351. Did he say he would recommend it? He did; he said he would recommend me for leave of absence, and I applied for three months leave of absence, and Mr. Buchanan gave me leave to go. This was on the first day of the month; on the last I went on board the steamer at night, and went down; I had been under Dr. Hobbs' attendance three months after I arrived, and I wrote up my resignation.
352. But had you not tendered your resignation on an occasion previous to that—and did not Mr. Buchanan tear it up and advise you to stay? Yes.
353. Did you never write a second resignation? No, not in Sydney; when I was in Moreton Bay I did.
354. Did not Mr. Buchanan destroy your resignation, so as to prevent your going, and induce you to stay? He wished me to stay; Mr. Buchanan did not wish me to leave the office.
355. And he did all in his power to induce you to stay? He did. Mr. Buchanan was very kind to me indeed; but when I found I was under Dr. Hobbs' advice down there, and could not come back, I resigned my situation.
356. Before the expiration of three months you resigned? I resigned.
357. The clothing that you say was supplied by Staunton & Co.—do you know, as a fact, whether that same kind of clothing had ever been supplied by anyone else in Sydney? No, I do not.
358. Do you know whether that kind of clothing was ever included in the indents sent home, or was it imported by the Government? Yes.
359. Do you recollect what particular time? For the three years previously I had been in the office, especially shirts; we always imported shirts from England; but the shirts we bought from Staunton were not like the English shirts, but some of the jackets, I believe, were; Staunton's were rather better than the Government pattern.
360. They were rather better? Yes, a person could see at a glance that somebody who knew the Government samples had got them out; nobody would risk these things without knowing that they were wanted by the Government. They are articles which are never sold anywhere else.
361. And for the three years previously they had been imported by the Government? By the Government.
362. And the clothing entirely? We have tendered for all other articles of clothing, and purchased them from Messrs. Thompson and Symonds for the last five years—other clothing.
363. But of a similar kind? No; I never saw a similar kind of clothing come from any other house in Sydney.
364. But shirts? There is very little deviation in shirts; the shirts we use are the common shirts—bush shirts.
365. The clothing had often been tendered for in Sydney? Yes, in small quantities; but I never saw any large amounts of clothing at all until I saw Staunton and King's name.
366. Do you recollect stores having been sent back by the different establishments as not being in a proper condition for use? Yes.
367. I suppose that was a thing not at all, unfrequent? No.
368. It was common enough? It is not very common; but several times we have had them sent back, especially stationery.
369. In that case you must advertise for tenders? No. Mr. Buchanan used to write to the Treasury about these goods. If they were Government goods they had to take them; but when they were sent back to contractors, they had to send in return better articles.
370. But if imported by the Government — — ? They must keep them in the store.
371. Then they must be supplied by private parties? They must have Government goods, or none at all.
372. But what is to be done with them? If they did not take them, they must be put back into the store.
373. How were the establishments supplied? I do not know. They used to purchase themselves if they wanted anything we had not got.
374. Are they allowed to do so? They used to do it.
375. With Government funds? With Government funds; but where they have exceeded the contract price, I believe they are always surcharged. Mr.

Mr. Buchanan here proceeded to put a question to the witness.

The Chairman suggested that, as *Mr. Buchanan* had placed the matter in the hands of his attorney, *Mr. Abbott* should conduct the examination for him.

Mr. A. R. Jones.

Mr. Buchanan: I wish to put a question of which *Mr. Abbott* can have no knowledge whatever. 20 Feb., 1860.

The Chairman: You can put the question in writing. I shall take the sense of the Board upon the matter. It will be recollected that I counselled *Mr. Buchanan* that if he placed the examination in the hands of his attorney, it must be left in his hands. I will take the sense of the Board, whether they are prepared to allow both *Mr. Abbott* and *Mr. Buchanan* to conduct the examination. I can see no difficulty in *Mr. Buchanan* placing any question he may desire to have put in *Mr. Abbott's* hands in writing.

Mr. Buchanan: It has been stated two or three times by *Captain Mayne*, that his desire is merely to elicit the truth, and that in attempting to arrive at that he is not bound by any strict rules.

Captain Mayne: I did not say that I was not bound by any strict rules; I said, by strict rules of evidence.

Mr. Buchanan: By strict rules of evidence. As there are two or three points in the evidence of this witness which *Mr. Abbott* does not clearly apprehend, I wish to put them myself, and claim the right to do so. If the Board refuse it, well and good.

Mr. Abbott: So far as I am concerned, I am quite in the hands of the Board. I do not say that there is anything I do not understand. If I get food for cross-examination, I will make use of it; if I do not, I cannot ask a question that I know nothing about.

Captain Browne: It is always usual where solicitors are employed to hear the solicitor, and it is so much better. We only get irregular by deviating from that rule. I can see no difficulty in *Mr. Buchanan* asking the question. If he will write it, and put it into the hands of the Chairman, he will put it himself, I have no doubt. I do not think you can well put a question, *Mr. Buchanan*, having a solicitor to defend you; write it, and pass it to the Chairman, and I have no doubt he will put it for you.

Mr. Rolleston: It will be much better for *Mr. Abbott* to conduct the examination all through, unless it is a point which he absolutely cannot understand and follow up.

Captain Browne: Perhaps we may not be able to understand it if *Mr. Abbott* is not able to understand it.

The Chairman: If *Mr. Abbott* himself makes the application on behalf of his client, that he should, as a matter of convenience, and to forward his interests, put the questions himself;—if *Mr. Abbott* states that he cannot understand them, or put them in a way *Mr. Buchanan* wishes, I shall be happy to entertain the question.

Mr. Abbott: I cannot say that I have any question to ask in that way. I have not seen any matter yet that I do not understand, and I cannot make the application.

The Chairman: You had better confer with your client upon the point.

Mr. Abbott: I have nothing further to ask.

The Chairman: Do I understand that you have conferred with your client, and that there are no more questions to be put?

Mr. Abbott: Not by me.

The Chairman: Have you any application to make on *Mr. Buchanan's* behalf, in putting the questions?

Mr. Abbott: I have none whatever.

The Chairman: Am I to understand that there are no further questions to be put to this witness?

Mr. Abbott: I have no further questions.

The Chairman: *Mr. Buchanan* does not instruct you to put any further questions?

Mr. Abbott: Well, I have no other to put; he has expressed his desire.

The Chairman: Have you, after conference with *Mr. Buchanan*, found that you are not in a position to put the questions he wishes to put?

Mr. Abbott: I cannot ascertain that I have anything to ask him further.

The Chairman: On *Mr. Buchanan's* behalf?

Mr. Abbott: On *Mr. Buchanan's* behalf.

The Chairman: Are you satisfied with having conducted the examination as far as it is in your power, to elicit the truth?

Mr. Abbott: Yes; I objected before, and I hope the Board will take observation with reference to the manner in which the evidence has been taken with regard to the legal rules of evidence. There have been leading questions put; and it is not as if a witness were on oath. They cannot help, if a witness is so inclined, (I do not accuse any one)—if he is disposed towards *Mr. Buchanan* in a friendly way—he could see very well what was wanted from him. As to whether it is right or wrong in an inquiry of this kind, I cannot say; but it certainly is not according to the rules of legal evidence.

The Chairman: We do not know anything about the rules of legal evidence here; but I am not aware of the questions being generally leading questions; on the contrary, I have guarded against them.

Mr. Abbott: I think if my protest is taken notice of, the questions will speak for themselves.

The Chairman: There they are, of course, to speak for themselves; but, at present, what I desire to know is, if there is anything further you, on behalf of your client, would seek or desire—is there anything that can facilitate your examination—that can in any way tend to elicit what is the object of the Board—the real truth?

Mr. Abbott: I have nothing further to ask.

The Chairman: And it is not your client's desire to have any further questions put?

Mr. Abbott: I do not know that it is quite right to question me further. I have no further questions to ask. I act on my client's instructions.

John Williams Jenkins called in and further examined:—

- Mr. J. W. Jenkins.
20 Feb., 1860.
1. *By the Chairman:* It is your duty, Mr. Jenkins, to receive all goods into the store that are sent to it either from contractors or importers? Yes.
 2. Have you ever received into the store goods at the time they were delivered not belonging to a contractor? No.
 3. You have never had such goods in the store? No, I never recollect any such thing.
 4. Have you ever had packages of goods belonging to Staunton—James Staunton—not furnished under a subsisting contract? Not that I am aware of; I never knew anything to be there that was not tendered for.
 5. Must you have been aware of it had they been there? I should think so. I generally knew when the tenders were opened, and I received the goods accordingly afterwards.
 6. But when you say you think so, could they—the question is, could they have been there? Not without my knowledge.
 7. They could not have been there without your knowledge? No.
 8. Have you ever had in store goods belonging to James Staunton in excess of what were tendered for? I may have had in a few numbers, if the packages were whole.
 9. There may have been a few in number? If there was more in a bale than the exact quantity of the tender: it may have happened in that way.
 10. And in such cases what is done with the excess? I think it is kept.
 11. It is kept in the store? It is kept in the store.
 12. Then when a definite quantity of an article is called for and there is a quantity in excess sent in, is it the practice to keep that and pay for it? If it is kept in the store I suppose it will be paid for. It would be only in small quantity.
 13. Have you ever known goods in excess of a tender belonging to James Staunton subsequently issued in satisfaction of another contract? No.
 14. Were there ever shirts that had been supplied by James Staunton issued when there was a subsisting contract of David Jones for shirts at a lower price? I have no recollection of such a thing.
 15. *By Mr. Browne:* Are there any goods belonging to James Staunton now in the store that are not covered by a contract? I think not.
 16. You think not? I do not think there are any. They are all under contract we have; I never knew anything to come in without.
 17. Understand me: are there now in the store goods that are in excess of any contract? I could scarcely tell you without looking at the numbers, without knowing what numbers came in. When I said articles may have been received in excess I think I said it would be just a few, where the whole quantity would be in a bale. A bale may be 250, or something like that, and the contract may not require 250 to make up the number; in that case the bale would be received and not broken. The whole package would be sent in.
 18. I asked you whether there is any similar instance now in existence—of goods of James Staunton now in the store? No, I do not think there are any. I am not certain that there has been any. There may have been. I have known instances where they would not break a bale.
 19. *By Mr. Rolleston:* Would not those that were over be sent back? No; Mr. McNab will never break a package. We have to take the whole package.
 20. *By Mr. Browne:* It is a custom of merchants not to break a package? Yes. They send a sample down.
 21. Then do you pay for the excess at the contract price? At contract prices.
 22. *By Mr. Rolleston:* And that excess goes to satisfy any future contract or demand? Any future demand: we only tender when we run short.
 23. *By Mr. Abbott:* There are other persons in Sydney who supply clothing under contract to the stores beside James Staunton? Yes.
 24. Will you name some of them? Mr. Chisholm, they have supplied clothing—Thompson, Symonds. I do not recollect any more. There was a man at Parramatta (I forget the name) supplied some shirts at one time. Mr. Buchanan may recollect his name; he lived in Parramatta.
 25. *By Mr. Buchanan:* Mr. Hellman you mean? Hellman, that is the name.
 26. *By Mr. Abbott:* Thompson, Symonds' business—is that known as David Jones'? Yes—David Jones'.
 27. *By Mr. Rolleston:* You say that you never knew of any goods, except such as were for contracts actually called for, being admitted into the store? No; small articles were ordered without contracting for them.
 28. To supply current demands from the departments? Yes; small articles of stationery, and so on—anything not worth tendering for.
 29. *By Mr. Abbott:* Do you recollect the quality of the clothing supplied by James Staunton? Yes.
 30. Was it generally good or bad? Always good—much better than I have seen in the country.
 31. Much better than that supplied by any of the contractors? Much better. I never knew of any complaints being made about them, but there have always been complaints of the others.
 32. There have been complaints about the clothing supplied by other contractors? Chisholm, and Thompson, Symonds—of both of them we had to complain, and in some cases reject some of the things they sent in.
 33. Have they ever been returned to you from the different establishments? In one case some trousers, supplied by Thompson, Symonds, were returned.
 34. Do you recollect how they were replaced or how they were disposed of? I think Thompson, Symonds had to make fresh as near as I recollect. I cannot state positively.

35. Was not that particular kind of clothing always obtained in the Colony—always in Sydney, and not imported from home? Which? Mr. J. W. Jenkins.
36. This clothing, supplied by James Staunton, was that ever imported or obtained here in the Colony? Always imported, that class of goods, with the exception of woollen jackets and trousers. Shirts, we have purchased in Sydney, but never as good. 20 Feb., 1860.
37. Never as good? We could not get the sort. We could not get anything to compare with the sample.
38. As supplied by Staunton? As supplied by Staunton.
39. *By the Chairman*: What was the particular kind of clothing supplied by Staunton? Woollen trousers, frocks and trousers, shirts, striped cotton shirts, and woollen jackets.
40. What description of jackets? A sort of hip-jackets.
41. For what service? For general service—lunatic asylums generally.
42. Was there anything distinctive about them? No, nothing—jackets the same as others.
43. Any particular kind of button? There was a black horn button.
44. Was there anything particular on it—anything by which it could be distinguished? No; I cannot say that I ever took particular notice of the buttons.
45. Have you any of that clothing in the store now? No.
46. None of those jackets? No.
47. Is it a plain horn button? A plain horn button with a round top.
48. And nothing on it; no device—no lettering? I cannot say. I do not think I ever took notice.
49. Was there any part of the police clothing ever supplied by James Staunton? No.
50. For no branch of the police or gold guards, or gold force? No sir.

The Board adjourned until eleven o'clock to-morrow.

TUESDAY, 21 FEBRUARY, 1860.

Present:—

W. C. MAYNE, Esq., IN THE CHAIR.

MR. H. H. BROWNE, | MR. C. ROLLESTON.

Mr. Buchanan and Mr. Abbott were also present.

The transcript of previous evidence was read over to those by whom that evidence had been given; after which the Board adjourned until eleven o'clock to-morrow.

WEDNESDAY, 22 FEBRUARY, 1860.

Present:—

W. C. MAYNE, Esq., IN THE CHAIR.

MR. C. ROLLESTON, | MR. H. H. BROWNE.

Mr. Buchanan and Mr. Abbott were also in attendance.

Mr. Edmund Jones and Mr. A. R. Jones were present to hear their evidence read over to them.

At the request of Mr. Abbott, Mr. A. R. Jones withdrew while the evidence of Mr. E. Jones was read.

Mr. Abbott made an application to the Board to have appended to the evidence the entry to which Mr. Jones repeatedly referred in his examination.

The Chairman said he could not, of course, over-rule the Custom House, but that he would give every facility in his power for the obtainment of the document, and if procured it should be appended to the evidence. (*Appendix No. 7.*)

The evidence of Mr. A. R. Jones was then read, after which—

The *Chairman*, addressing Mr. Abbott, said—The Board, having reference to what was stated by Mr. Buchanan—(that Mr. Weston had distinctly stated and assured him that he was prepared to appear before the Board at their call, and to state all he knew of the transaction)—yesterday decided on calling Mr. Weston, and communicated with the Treasury for the purpose of his attendance being requested. I have received the result of the call on the part of the Board from the Treasury. The Secretary to the Treasury writes—

The Treasury, New South Wales,
22 February, 1860.

My Dear Sir,

I addressed an official letter to Mr. Weston, [*Appendix M., 13*] requesting his attendance at the Board. I enclose the reply from that gentleman (just received).

Respectfully, &c.,
HENRY LANE.

The

Mr. E. Jones.

The letter enclosed is as follows:—

22 Feb., 1860.

Sir,

Balmain, 21 February, 1860.

I have to acknowledge your communication of this date, conveying the desire of the Board investigating accounts for stores supplied the Public Service under the names of James Staunton and Staunton and Co., that I should attend before them at 12 to-morrow. It appears to me that the Government, in adopting towards a public department the degrading course of subjecting it to police surveillance, ought to possess information something beyond the mere belief of sneaking, lying, and cowardly informers. Taking this view the Government must depend, inasmuch as I am concerned, upon its own agents in furtherance of this matter.

I have, &c.,
JOHN WESTON.H. Lane, Esq.,
Under Secretary, Treasury.

It is evident from Mr. Weston's answer, that he declines to appear and give evidence before the Board in the way they were led to believe he was prepared to do.

Mr. Abbott: It is the only conclusion which can be arrived at. But I may state, that Mr. Weston told me, at the commencement of this inquiry, that he was at any time prepared to give evidence if required.

The Chairman: So I would collect from what was stated during the proceedings.

Mr. Abbott: He told me so himself; and I also knew of his refusal to attend, although I requested him to do so. He stated as his reason for not attending that Mr. Jones had gone to the Argyle Stores, where some goods belonging to him are stored, and demanded them as having been taken from the Colonial Stores; and in that way he considered the Government had treated him as if he was a criminal, and had taken goods in an improper manner.

Mr. Browne: Which Mr. Jones?

Mr. Abbott: Mr. Edmund Jones. Therefore he did not consider he would be safe, or that he would be right, in attending here to give evidence in the matter. That fact had come to his knowledge since he told me he was ready to give evidence.

The Chairman: Referring to what Mr. Abbott has now stated, I wish to take the opinion of the Board as to having Mr. Jones' evidence upon that matter.

The Board decided upon the further examination of Mr. Jones.

Mr Edmund Jones called in and further examined:—

1. *By the Chairman*: The Board have found it necessary to send for you, in consequence of a certain statement which has been made. Mr. Abbott has stated to the Board that Mr. Weston (who had originally promised to attend and give evidence before the Board) has stated as his reason for declining (which he has positively done) that you went to the Argyle Stores and demanded goods belonging to him there, as having been removed from the Colonial Stores—is that correct? If Mr. Weston has stated so, it is positively false. I never made any inquiry directly or indirectly.

The Chairman: I believe I have correctly stated to Mr. Jones what was stated to you?

Mr. Abbott: Oh! yes.

2. *By Mr. Abbott*: Did you go to the Argyle Stores about this matter at all, Mr. Jones? No, never.

3. Did you ever make any inquiries from any of the storekeepers—from any one—in reference to the matter there? No.

4. You never spoke to them on the subject? No.

5. You never spoke to anyone who had charge of goods belonging to Mr. Weston about them? No, I never spoke to any person having charge of the Argyle Stores.

6. Nor to any person having charge of goods belonging to Mr. Weston there? Nor to any person having charge of goods belonging to Mr. Weston.

7. Or anything that had been removed from the Colonial Stores by him? I have not spoken to any person about anything connected with Mr. Weston's goods.

8. Did you answer that question with respect to any goods removed from the Colonial Stores by him? I was not aware that any goods were ever removed, and I have never spoken to anybody on the subject. I will state this now, if you have done, Mr. Abbott: One evening I was walking into town and I met the locker who is at the Argyle Stores, and he said "Do you know anything about the Colonial Storekeeper's Department?" "Oh, yes," I said, "I believe there is some inquiry going on;" and Mr. Eldershaw, who is the locker, there said, "Mr. Weston was up at the stores to-day, and I was bantering him about the inquiry." He said his going up there was to inquire about a case of goods.

9. *By the Chairman*: Is that all? That is all I know. I, of course, did not consider it at all necessary to —

10. *By Mr. Abbott*: You made no further remark? No. Another gentleman joined; he came up and spoke in reference to the matter. But I distinctly state that I have made no inquiry of any person connected with the Argyle Stores, as to Mr. Weston having any goods there at any time.

Witness withdrew.

The Chairman: The Board do not propose to call at present further evidence; but they reserve to themselves the right to do so at a future stage of the proceedings, if they see reason to do so. Should they call further evidence, opportunity will of course be afforded to cross-examine under such evidence, and to adduce any desired in rebuttal of it. The Board, I have no doubt, are prepared to consult the convenience of Mr. Buchanan and Mr. Abbott, in naming a future day for hearing anything Mr. Abbott has to state or any evidence he proposes to adduce.

Mr.

Mr. Abbott: I would ask the Board to appoint a day which would be convenient to them to take any evidence that may be produced by Mr. Buchanan.

The Chairman: I have just consulted with the Board, who express their desire to consult your convenience. Will you name a day? We will meet your views, as far as it is in the power of the Board to do so.

Mr. Abbott suggested Monday, and the Board adjourned until eleven o'clock on Monday next.

THURSDAY, 1 MARCH, 1860.

Present:—

W. C. MAYNE, Esq., IN THE CHAIR.

MR. W. C. MAYNE, | MR. H. H. BROWNE.

Mr. Abbott and Mr. Buchanan were also in attendance.

At the request of Mr. Abbott the Chairman communicated with Mr. Lane, the Secretary to the Treasury, with a view to his examination before the Board. At a subsequent stage of the proceedings Mr. Lane's reply was received—that he could not attend to-day or to-morrow, but would do so on any future day, upon due notice being given him.

The Chairman, addressing Mr. Abbott, said:—Before you commence the proceedings on behalf of Mr. Buchanan, the Board desire to place on the proceedings the tender which I hold in my hand (Appendix No. 2), and the recommendations connected with it, in a case where Staunton & Co. tendered for and were recommended to supply a certain number of reams of paper. Connected with that, I also wish to have placed upon the record of the proceedings the note addressed by Mr. Lane to Mr. Buchanan, and Mr. Buchanan's minute upon it. The schedule shews that Sands and Kenny tendered for one hundred reams of double foolscap, at eight-pence halfpenny per pound, with ten shillings and sixpence per case in addition. Staunton & Co. tendered for five hundred reams, at one shilling and two-pence per pound. The recommendation upon that is:—"Messrs. Sands and Kenny's tender recommended for acceptance. As the quantities they offer, it is stated, must be sent for to Melbourne, and a supply being required here at once, it is further recommended that the Storekeeper being empowered to treat for the purchase of enough for immediate wants, at a rate not exceeding one shilling per pound.

" Treasury, 20th December, 1859.

" JNO. BUCHANAN.

" HENRY LANE."

" Approved—

" S. S.

" December 22nd, 1859."

But on the 21st, previous to that approval, this note was addressed by Mr. Lane to Mr. Buchanan:—

My dear Buchanan,

Before submitting this, allow me to ask why Sands & Co. will not supply the remaining four hundred reams at the price tendered, eight-pence halfpenny, instead of one shilling, as recommended by you.

" Most truly yours,

" HENRY LANE."

On this Mr. Buchanan writes:—"They have not got it to offer. Mr. Sands tells me the price he names is less than English cost to us, and he gives it so low because he is desirous, I believe, to clear out his stock for the Victorian Government, whose contract he no longer holds.—J.B." The Board also will place on record, and draw your attention before you commence your case, to a recommendation connected with tenders of James Wilson, whose name has been referred to in these proceedings. The recommendations are here written and signed by John Buchanan and Henry Lane. Messrs. Thompson, Symonds and Co. tendered for trousers at nine shillings per pair, (Appendix No. 12) and James Wilson at thirteen shillings. The recommendation is:—"The tender of Mr. James Wilson (No. 2) although the higher, is recommended for acceptance as conforming to the Government pattern, the sample submitted by Thompson and Co. being of a very inferior sloop quality." In the same schedule the tender of Thompson, Symonds, and Co. for coarse linen shifts is three shillings; that of James Wilson being three shillings and three-pence. The recommendation is:—"The tender of Mr. James Wilson (No. 2) conforming to Government pattern is recommended to be accepted—the sample at the lower rate submitted by Thompson and Co. being inferior and of calico."

The Honorable David Jones, Esq., called in by Mr. Abbott and examined:—

1. By Mr. Abbott: Your name is, I believe, David Jones? David Jones.
2. You have been for a long time in business as a draper in Sydney? Yes, for about twenty-five years.
3. And during that time have you on different occasions supplied the Government stores with goods of different kinds? Yes, for many years.
4. Can you state, from recollection, what was the form in which tenders were made and accepted? Well, for many years, during the time Mr. Thomson and Mr. Riddell held the office of Colonial Secretary, articles were supplied by contract as they were required. I believe

The Hon. D. Jones, Esq.

1 Mar., 1860.

The Hon.
D. Jones, Esq.
1 Mar., 1860.

- believe my house supplied most of the things that were tendered for. More recently yearly contracts were issued. I think that from first to last I have served the Colonial Store-keeper's Department by yearly contract for five or seven years; for many years, at any rate.
5. From year to year you have supplied them? Yes, from year to year; the contracts being, of course, renewed annually.
 6. For different kinds of goods? Yes, for goods of different kinds.
 7. Do you recollect how the accounts were settled during the time you supplied? By the usual warrants. We were supplied at the Colonial Stores with printed forms which we filled up.
 8. Forms of account? Yes, in duplicate.
 9. And you filled them up? Yes, we filled them up.
 10. Should you know that form, do you think, if you saw it again? I think I should.
 11. Is that similar to the form of which you speak? [*Form handed to witness.*] It is something of this kind. I cannot swear that it is exactly the same.
 12. At the foot of that you will see a printed form of receipt? Oh, yes; the receipt is exactly similar to those attached to the forms to which I have referred. I do not know that I ever received money myself, but the clerk did, and then I might have seen the accounts.
 13. But do you recollect, with reference to any of these accounts sent in, whether the receipts were signed beforehand? I do not think they were.
 14. You do not know? I do not recollect anything of the kind.
 15. For instance, when that form of account was filled up, would the receipt be signed and sent on with the account? The receipt was not given until the money was received at the Treasury. I never heard that there was any irregularity in a single instance. I would not positively swear, because for nearly ten years I have not engaged much in business. My impression is that the receipt was not signed. The money was got from the Treasury, was it not?
 16. No, the accounts were paid here? Oh, paid here, were they?—I do not recollect ever coming down here for the money.
 17. They used to be paid at the Treasury, but for some years past they have been paid here? Oh! indeed! my impression was that they were always paid at the Treasury; I recollect that we had a great deal of trouble in getting the money sometimes for two or three months together.
 18. That was some years ago? Yes; I know perfectly well that we used to hunt them from this office to the Auditor General's Office, and so on. I have been three months without the money.
 19. That was during the time payment was made at the Treasury? I think the money was received at the Treasury at that time. I do not recollect signing this receipt before payment, but I would not positively swear I did not. I assume it was perfectly regular. I know I have served the Government for sixteen or seventeen years, and in no instance do I recollect any complaint of irregularity. I have often complained of delay.
 20. You have often complained of delay in payment? Yes. An idea has just struck me that there used to be more printing in the old forms than in the one you have shewn to me. It was a printed form, at any rate. I recollect now that there was some difficulty in connection with those forms, in consequence of it being necessary to state for what part of the country the goods were supplied, and (at one time) for what department. The fact is, I am speaking more of the state of things which existed fourteen or fifteen years ago than of the present time.
 21. But having had dealings with the Government for so long a period, would you think it extraordinary to send in to a Government establishment a form with the receipt for payment signed before you actually got the money? Not if it were a regulation of the Government. I do not say that I would volunteer anything of that kind. If I were requested to do so I should make inquiry whether it was contrary to the regular rule of office. I do not think I would do it upon the mere *ipse dixit* of anyone, or unless I thought it was a regulation of the department.
 22. If it gave you less trouble in obtaining payment, would you do it? Well, if it were in this way—if a party were to say "Well, Mr. So-and-so is not in the way; you had better put your name to the receipt"—I might perhaps do it.
 23. You would not think there was any risk in signing it? Not in a case of that kind. I believe that was really the case too—that in an instance of that kind it has been done.
 24. But as to sending in the accounts received? I do not know whether I would.
 25. You would not consider that there was any risk in doing so? I do not know. I could not say whether there would be any risk or not. If it had been a rule I would have done it; if it had not been a rule, I do not see why I should have done it. To the best of my knowledge I saw no irregularity to complain of, nor am I aware that *douceurs* were ever received by any one connected with the department. I contracted pretty largely—four or five thousand a year—and I never gave a sixpence, except at one time, which I recollect very well. I mention it because it was an exception to the rule. There was a large sum of money due and I wanted to get it. The account, however, was three times sent back as being informal, and I said I wished one of the clerks in the office would fill up the forms, and I would give him £5 for doing so—that was not the head of the department. I wish to mention this because it was an exceptional case.
 26. How long is that ago? About fourteen years ago. I am not sure whether it was in the time of Mr. Buchanan. It was done simply to expedite the payment.
 27. You do not recollect to whom you spoke on that occasion? No.
 28. It was not to Mr. Buchanan? Well really I cannot say; but it is a matter of little consequence, I imagine, because the money was given merely for value received.

- 29. During all the time you were contractor here, was it your habit to come to the Colonial Stores on business yourself? Yes; I came here several times to view various kinds of goods when I was not a contractor.
- 30. Did you ever, during all that time, have reason to find fault, on the ground that favor was shewn to any contractor more than yourself? Not the least.
- 31. Never? Not the least.
- 32. You never had anything to complain of in that way? No, certainly not.
- 33. Were you in the habit of receiving payment yourself, Mr. Jones? I do not think so; I do not recollect having received payment.
- 34. Do you recollect ever receiving a single payment here—at this place? I do not think I did. I might have received a payment; but, if I did, I have no recollection of it whatever.
- 29. Did the same person always come from your establishment for money—and do you recollect how it was received? No; the same person did not always come.
- 30. Do you recollect whether the money was not very often sent to you? Not often. It may have been sent sometimes.
- 31. And you always had confidence in the department, and the way in which it was conducted? I certainly had. I saw nothing to warrant me in coming to a different conclusion.
- 32. *By the Chairman:* Have you, during late years, Mr. Jones, taken an active part in the business of your establishment? No; not for the last ten years.
- 33. Not for the last ten years? No.
- 34. And what you have been speaking about occurred previous to the last ten years? Yes. I may have been here once or twice since, but I do not think I have upon any business whatever.
- 35. You said, Mr. Jones, that while you were supplying the Government you used yourself to come to the Colonial Stores? Yes, in the early part of the time.
- 36. On those occasions, or on several of them, had you interviews with Mr. Buchanan? Yes; oh yes.
- 37. On those occasions did Mr. Buchanan ever tell you that your coming yourself to the department was needless? No.
- 38. He said nothing to dissuade you, nor pointed out that it was unnecessary? Oh dear, no.
- 39. *By Mr. Abbott:* Although you say you did not take an active part in your business, you would know what was going on? I could not say that.
- 40. Generally speaking? No.
- 41. You have been interested in the business? Yes.
- 42. As a principal? Yes; but I did not take the least part in it. I have occasionally heard how it was going on; but I could not say personally what transpired. I only knew what was told me by my partners.
- 43. You were sufficiently interested to make inquiries? Yes.
- 44. And to hear what was going on? Yes, of course.

The Hon.
D. Jones, Esq.
1 Mar., 1860.

Mr. Joseph Burdekin Holdsworth called in and examined:—

- 1. *By Mr. Abbott:* You are an ironmonger, I think? Yes.
- 2. And are now in business on your own account? I am.
- 3. Were you formerly connected with Hawley & Company? Yes, I was a partner of the firm of Hawley & Co.
- 4. Until lately? Until the 31st March last.
- 5. And how many years were you connected with them previously? With Hawley & Co.?
- 6. Yes—a great many years? Yes; in fact Hawley was not out here when I was connected with him. I carried on the business all the time—about thirteen years.
- 7. Thirteen years? Yes.
- 8. During that time have Hawley and Company, and yourself since, been in the habit of supplying goods to the Government? Yes.
- 9. Under contract? Yes, under contract.
- 10. Will you state the way in which you got the contracts? By tender.
- 11. By tender? Yes.
- 12. And on the contracts being entered into, you sent the goods here to the Colonial Stores? Yes. We have supplied other goods not under contract—things which have been sent up on requisition.
- 13. Requisition from this office to you? Yes, the same as from the Colonial Architect's Office and others.
- 14. Was that a thing of frequent occurrence? Yes.
- 15. You have managed Hawley and Co's. business for the last thirteen years or so? Yes.
- 16. And during that time have you been in the habit of coming to this office about these contracts? I was never down myself but once.
- 17. You were never here but once? No.
- 18. Had you the sole management of that business? Yes; I think that is about two years ago.
- 19. How did you obtain payment? We used to make out the accounts on the forms, and send them down.
- 20. Just look at that form? Yes; that is the style of form—(*Appendix O, No 14.*) We used to make out the accounts and send them down to see if they were correct. If they were correct they used to come up again, and I used to sign them and then get the cheque.

Mr. J. B.
Holdsworth.
1 Mar., 1860.

- Mr. J. B. Holdsworth.
 1 Mar., 1900.
21. Have you not on some occasions sent down the blank form to be filled up here? Sometimes when it was in duplicate we have done so.
22. But have they not been filled up here in consequence of some difficulty in the form? Sometimes they have been wrong, and then they have altered them themselves.
23. And have you not often sent them with the receipt signed before the forms were filled up at all? No, I do not recollect sending them down signed in blank.
24. Is not that your writing? (*Form marked O, with signature, handed to witness.*) Yes; but I do not recollect it.
25. That is signed by you? I am almost sure it is—yes, that is right.
26. Do you recollect when that was signed? I have not the slightest idea. I have no recollection of signing it.
27. During the time you have been contracting for the supply of goods to the stores, have you ever had reason to find fault with the manner in which the business was conducted? Not the slightest.
28. Did you have any reason to think that more favor was shewn to one contractor than to another? Not that I am aware of. The fact is, these tenders which we used to send in, were generally split up. I suppose we were the lowest. On very many occasions we only got small portions.
29. But there was nothing to lead you to believe that others were more favored? No; I have not any idea that such has been the case.
30. Did you or any of the members of the firm of Hawley and Co., ever receive payment yourselves—actually at your own hands? No; I have received cheques at my office.
31. Sent to you? I will not be sure whether the clerk has not sometimes come down to get them; but, generally, they have been sent up. I would sign, and the messenger would bring the cheque up. At other times, the clerk has been down and got payment.
32. Then in the case of the cheques being sent to you, would not your accounts be here, signed, at the time, before the cheques were sent to you? Oh yes, the accounts. We would make the accounts out and send them down, and then they would come up to be signed; and after they were sent back, the cheque would come.
33. The accounts would be here before the cheque would be sent? Yes.
34. Have you any personal acquaintance with Mr. Buchanan? I believe I saw him once here, the only time I was down, about two years ago. I know nothing of him further. I do not think I have seen Mr. Buchanan this last twelve months.
35. *By the Chairman:* You say that some of your clerks used to come down here on some occasions? They came down here to receive the cheque for the account sometimes.
36. Was it known by the department that the clerk who came down here belonged to you? He used to bring the accounts down. The clerk, that made the accounts out, brought them down, and when they were correct, he would get them for my signature, and bring them down again; but, latterly, I think, the accounts have been sent down when the cheques have been sent up.
37. And signed? Signed.
38. Then I understand you that lately the practice has been for the messenger of this department to bring you up the cheque in payment of the account, and to obtain your signature to the account at the time? I think the signature has been to the accounts before the messenger has brought them up. The accounts come up, and I sign them and send them down, and the messenger afterwards brings the cheque up.
39. I think you stated just now, that recently the accounts have been brought at the same times as the cheques? No; I said the accounts were sent down. [*At the request of the Chairman the shorthand writer read the evidence previously given upon this point, and witness explained.*] The accounts have been sent down signed, and the cheques have been afterwards sent up. There might have been instances, as far as I recollect, where the cheques have been sent up, and the accounts have been signed at the time.
40. Is that your signature [*to form marked O*]? Yes.
41. Can you recall any circumstance connected with it? No. I have no recollection of it, unless it be that the clerk has got it to recopy the account. I have not the slightest recollection of having signed one in blank.
42. But was not the usual course for the clerk to come down and see that the account was correct, and then to bring it back for your signature, before you signed? Yes; but I say I cannot recollect how that got signed, unless it was for some purpose such as I have mentioned, or where there has been some hurry in the account.

Mr. Buchanan here, with the consent of the Board, made the following explanation in reference to a portion of the evidence given by Mr. D. Jones:—What Mr. Jones states is perfectly true. He did send me a note. He had a large sum of money, as he states, to receive; but at that time, owing to the mode in which the accounts had to be classed, so as to charge certain specific sums to certain specific votes, and the impossibility of the accounts being prepared in the proper official shape in his own house, he sent the blank accounts to me, with a note enclosing this sum, and stating that he should be very happy to pay it if I would suffer one of my clerks to prepare the accounts; and I let them do it in their own time. That I suffered, on that occasion. As he states, it is now fourteen or fifteen years ago. At that time the payments were not made through this office. The accounts had to be left here to be audited first, and then go to the Treasury before payment was made.

[The Board adjourned until Eleven o'clock on Tuesday next.]

TUESDAY,

TUESDAY, 6 MARCH, 1860.

Present:—

W. C. MAYNE, ESQ., IN THE CHAIR.

MR. W. C. MAYNE, | MR. H. H. BROWNE.

Mr. Buchanan and Mr. Abbott were also present.

Mr. Abbott: There is a tender by James Staunton since the date of the last one noticed by you, that I would like to have put in evidence. It is the last one. (Tender referred to produced.)

The Chairman: This is by Staunton and Co? Yes, it is the latest. It is the last tender in that name. (The tender and schedule marked P and Q respectively were put in evidence—Appendix No. 15.)

Mr. Abbott: Messrs. Sonds and Kenny have tendered for the goods mentioned in this schedule; but not for any further double foolscap beyond the 100 reams included in their first tender. (Tender referred to put in and marked R—Appendix No. 2.)

Mr. Abbott expressed his desire to examine Mr. Wells, Accountant to the Treasury.

The Chairman communicated with Mr. Wells, with a view to his examination before the Board, in accordance with the desire of Mr. Abbott.

Henry Lane, Esq., called in and examined:—

1. By the Chairman: Mr. Abbott has expressed a wish to have Mr. Wells' evidence. He thinks it would save time if Mr. Wells were sent for during your examination—do you think he will be able to attend before you return? Yes; I think he will be able. Henry Lane,
Esq.

2. By sending for him now he will be able to attend at once? Yes. (Sent for.)

6 Mar., 1860.

3. By Mr. Abbott: What is your name, Mr. Lane? Henry Lane.

4. You are Secretary to the Treasury, I believe? Yes.

5. Are you one of the Board appointed to open tenders for the supply of goods to the Colonial Stores? Yes.

6. And I think you have a separate key of the tender box? I have.

7. Can you tell the Board what is the method of dealing with tenders when they are received—they are received at the Treasury, are they not? Yes; they are received at the Treasury and deposited in a box, of which I hold one key.

8. And the box is in your possession? In my possession.

9. Will you tell us the way in which these tenders were disposed of, Mr. Lane? At the time appointed the Board assemble; the box is opened; the tenders are taken from the box, and then, as opened, the contents are entered in a book kept for the purpose. When I say the contents, I mean that an abstract is made.

10. Of all the tenders received? Of all the tenders received. These tenders are numbered and initialed by the members of the Board. The abstracts of the tenders in the book are also signed by the members of the Board. In the case of stores the tenders were handed to the Colonial Storekeeper, for the purpose of being scheduled; his receipt being given to me for them.

11. Who are the other members of the Board? In the case of stores for this department, the Board consisted of myself and the Colonial Storekeeper only.

Mr. Abbott: I should like Mr. Lane to see those particular tenders of James Staunton and Staunton and Co. that have been given in evidence (The documents were handed to witness—Appendix, No. 1, 2, 5, 6, and 15.)

Mr. Lane: All these tenders have been opened and dealt with in the manner I have described.

12. By Mr. Abbott: You identify them as having passed through your hands? Yes.

13. They bear your initial, I believe? They bear my initials and my signature to the schedule.

14. Will you have the kindness to look at the signatures of James Staunton and Staunton and Co. to those documents? I see in three cases the name of James Staunton; and in two, those of Staunton and Co.

15. Will you look at the signatures to those accounts, Mr. Lane? (Accounts handed to witness—Appendix, V, W, X, Y, U.) It has been stated here that the signatures to those accounts and tenders were in the handwriting of Mr. Buchanan; do you believe that they are in Mr. Buchanan's handwriting? There is a similarity.

16. Do you think there is sufficient similarity to warrant you in saying that those accounts and tenders were signed by Mr. Buchanan? I should hesitate to say so.

17. Did the similarity ever strike you before—Did it ever occur to you before? It never occurred to me; but I have seen the accounts before.

18. But did the similarity ever occur to you before? My attention was drawn to it.

19. By whom? I do not feel at liberty to state.

20. But at the time those tenders passed through your hands as one of the members of the Board you had no suspicion? No.

21. And you would not say who pointed out the similarity to you? No.

22. You knew Mr. Buchanan's handwriting—have known it for many years? Yes.

23. Do you know Mr. Edmund Jones, Mr. Lane? Yes.

24. And his brother Alfred Jones, who was in the office? Very slightly. Edmund I knew, he having been in the office with me—in the Audit Office.

- Henry Lane, Esq.
6 Mar., 1860.
25. Were you in the Audit Office with him at the time his brother was here? I must have been for some portion of the time.
 26. Did Mr. Jones, during the time you were in the Audit Office, ever mention to you any suspicion he had with regard to the Colonial Storekeeper's department? No.
 27. Has he since? I would decline answering that question, if you please.
 28. Well, can you tell me whether it was not Mr. Edmund Jones who gave the Government information which led to this inquiry? No, I decline to answer the question.
 29. Do you know Mrs. Jones—the mother of Edmund Jones? Yes.
 30. Do you recollect the time Mr. Alfred Jones left this office? Yes.
 31. Did Mrs. Jones at that time make any application to you to get a younger son into his place? Yes, she did. It is by that means I know her—she having applied several times to me.
 32. She importuned you very much about it—she was very frequently with you? Yes, she was frequently with me; but I cannot term it importunity.
 33. Did you assist her views in any way? I think I promised that I would write to Mr. Buchanan about the lad. I really forget now whether I did so or not. I think I spoke to him.
 34. Do you know why he did not get the situation? I really do not.
 35. And you have not seen Mrs. Jones since, I suppose? Not since, that I recollect.
 36. Did she ever tell you that she had had a promise from any person in power, of this situation? I do not recollect.
 37. Do you know anything of her character? Not at all.
 38. Did she ever, to you, express any dissatisfaction with yourself or Mr. Buchanan—did she ever complain to you of Mr. Buchanan or yourself not having done what you could for her? No, she never expressed herself so to me.
 39. How long have you been a member of the Board for the opening of tenders, Mr. Lane? Since the year '57—since my appointment as Secretary to the Treasury.
 40. During that time do you recollect any tenders coming in there—fictitious tenders—either in name or otherwise? Never, that I know of.
 41. No circumstances connected with them which have led you to believe that they were fictitious tenders? Certainly not.
 42. None of them? None.
 43. The tenders were not generally regularly filled up and sent in, were they? I think so. There were some on a printed form such as this, and others in manuscript. If they were informal we would reject them.
 44. In your position as Secretary to the Treasury, has it come to your knowledge on what information the Government acted in this matter? Yes.
 45. Will you state what the information was? I am not at liberty to do so.
 46. Nor what its nature was? I am not at liberty to communicate it.
 47. Will you state whether there is anything beyond what is stated in the instructions to the Board contained in the letter? I would rather that you did not press these inquiries further.
 48. You know it is very necessary that Mr. Buchanan should have any information he can get on the subject, as the Government have had from the other parties examined previously. They gave all the evidence they have been asked for—and must do so, in fact.—It is rather hard on the other side, that if any person in the Government employment is asked a question he will not give the information he possesses? I am willing to give all I can.
 49. Except what you do not wish to give? I am not at liberty to communicate some.
 50. Will you say, Mr. Lane, whether there were any instructions given to the Board further than appeared by this written document or by the letter? Are there any further instructions?
 51. Yes; any instructions further than those written? I am not aware of any other.
 52. Do you know by whose orders the papers and documents in this office were all locked up and sealed? Yes; by order of the Government.
 53. Will you say whether, in your opinion, the information given was of such a nature as to warrant the suspension of an officer so long in the public service as Mr. Buchanan? I would rather not give an opinion upon the subject.
 54. Can you say whether it is a usual course without previous inquiry? I have not known an instance. In fact, I have known no charge similar to this, excepting on one occasion, when there was a charge brought against the then Government Printer. I believe a course somewhat similar to that lately pursued was adopted.
 55. And you would not say whether you consider the charge preferred in that written document sufficient to warrant the course taken here? I would rather you did not press that. I would rather not give an opinion on the matter at all.
 56. Did you ever know a case where a public department was put into the hands of the police in a similar instance? No, I do not recollect.
 57. In any case, did you ever hear of such a thing in your connection with the Government service? I do not recollect hearing of an instance of the kind.
 58. Can you say what led to the withdrawal of the police from this place? No, I cannot.
 59. You took some part in this proceeding yourself, did you not, Mr. Lane? No.
 60. Did you not come down here? Yes; the Treasurer wished me to come down.
 61. The Treasurer wished you to do so? Yes.
 62. Will you say what you did, Mr. Lane? I assisted in sealing up.
 63. The sealing up? I sealed up a portion.
 64. Of the cupboards and drawers? Yes.
 65. By the Treasurer's orders, I think you say? Yes; I was directed to come down by the Treasurer.

66. You were instructed to come and assist in carrying out the directions given to the Board—is that it? Yes.
67. Did those orders extend to private papers? The orders, I believe, were to seal up all papers.
68. In the office? Yes.
69. Did you consider that those orders extended to papers the private property of the clerks in the office, people connected with the department? I thought the orders were that all papers should be sealed up.
70. You consider that they extended to the private property of gentlemen connected with the department? Yes; if within the public presses or drawers.
71. But all furniture in Government offices belongs to the Government, don't it? I suppose so.
72. Do you know whether any of those papers were removed from the offices? I do not.
73. At the time of the sealing up of these presses and drawers, was there anyone connected with this department present? Connected with this department?
74. With this department? Yes; all the gentlemen of the department were here.
75. They were present during the time? Yes.
76. Do you know when it is the intention to return these papers—the private property of Mr. Buchanan and the clerks? I do not.
77. Do you know if these drawers or presses have been opened since? I understood not.
78. Did you say you could not tell the Board why the police had been removed? Yes.
79. Do you know whether there is any more serious charge to be brought against Mr. Buchanan? I am not aware.
80. Now, Mr. Lane, if there is anything further to be charged against Mr. Buchanan, do you think that the letter written by the Government conveying instructions to the Board is sufficient to warrant the placing of police in charge of this department? I would rather not give an opinion at all upon the course pursued by the Government in the matter.
81. And you refuse to say on whose information these proceedings were taken? Yes.
82. And you cannot produce and will give to me, for Mr. Buchanan, no further information respecting the charge made? No.
83. Or the grounds for that charge? No.
84. Nor by whom they were supplied? No.
85. Can you say whether it was by the Treasurer's order that the members of the Board proceeded with their own hands to fasten up all the presses and drawers and tables in this office? Yes.
86. Papers, public or private—all papers? All papers, I suppose.
87. Do you know whether it was also by his directions that every person employed in the department was turned into the street—told to leave the place? They were not suspended, as I understand. The stores were closed, but their services were retained.
88. But they were not admitted into the stores? No; but they were not suspended or dismissed.
89. That course was taken by order of the Treasurer? The stores being closed, they could not be admitted.
90. And the clerks put out? Yes.
91. And the premises were placed in the hands of the detective police? Of the police, so I understood.
92. *By the Chairman:* You have stated in answer to questions respecting those signatures of Staunton's to the tenders and to the accounts, that there is a similarity to Mr. Buchanan's writing? Yes.
93. Is that similarity a strong and striking one? It appears to me to be a striking similarity.
94. Will you point out to the Board the particular parts of those signatures, if there be such parts, that strike you as particularly strong in similarity to the particular signatures themselves, both in the tenders and in the accounts? The "m-c-s" of the "James" are like those usually employed by Mr. Buchanan in writing.
95. Now, as to particular signatures among all these—will you look through them, and see if there is any one that strikes you particularly strongly? These three of the accounts, and these three of the tenders.
96. Will you have the kindness to mark those particular accounts, so that they may be recognizable? [*Witness marked upon them, in pencil, the word "similar," and "H. L." See Appendices No. 1 (S), No. 6 (B), and W, X, Y.*]
97. And you have marked the tenders also? Yes.
98. You are not prepared to say that that signature was written by Mr. Buchanan? No.
99. What is the impression that the similarity of the writing has made upon your mind with respect to it? I should hesitate in stating the impression. The writing is certainly very similar; and after the information given to me, the impression on my mind would be that the signatures were written by Mr. Buchanan.
100. You have been asked several questions with respect to placing police at the stores on their being closed—do you know the object for which the police were placed at the stores? I understood at the time that, as you had sealed up all the property in the stores, it was considered advisable that there should be some one here for the protection of that property, as well as to prevent, perhaps, any communication between the contents of the office and persons connected with the department.
101. *By Mr. Browne:* Is there any similarity in the signature of Staunton and Co. now attached to that late tender (*Appendix No. 2*) to that of the "James Staunton" you have just now been describing? Between this signature of Staunton and Co. and that of James Staunton?
102. Yes, of James Staunton? No.

Henry Lane,
Esq.
6 Mar., 1860.

- Henry Lane, Esq.
6 Mar., 1860.
103. You do not see any similarity? I do not perceive it.
104. Do you know Mr. Weston's hand-writing? Yes.
105. Have you ever seen him write? I know his hand-writing.
106. Does that signature (Staunton and Co.) bear any resemblance to his hand-writing? Yes.
107. Does that signature of "James Staunton" bear a like resemblance? No; it does not strike me so.
108. *By Mr. Abbott:* I think you said, Mr. Lane, that the "m-e-s" in the word "James" was the portion most like Mr. Buchanan's writing? Yes.
109. Those letters do not occur in "Staunton & Co."? No; they do not.
110. And do you think that the signature "Staunton and Co." is like Mr. Buchanan's writing, too? No.
111. You do not think it is? No.
112. Nor the "Staunton"—you do not think that is like? No.
113. Did you know, before coming here, that Mr. Weston had left this department? Yes, I was aware that he had left it. I knew it at the time.
114. Did you know that that tender was made since he left the department? I shall know from the date.
115. Did not that go through your hands? Yes; I want to see the date of it (*witness looks at date*). Yes; he had left the department when this was received.
116. Don't you know, from information you have received since he left the department, that he has been tendering—that he has tendered for the supply of goods, and has supplied them to the Government? I did not know.
117. Have you ever heard? I did not hear of it up to the day that Mr. Buchanan was before the Treasurer. On that day I heard of it.
118. Since then have you heard? Since then I have heard.
119. Under the name of Staunton? And Company.
120. Now, don't you think, Mr. Lane, that the fact of having that knowledge would lead you to be impressed with the idea that that was Mr. Weston's writing more than anything else? The—
121. The fact of being impressed with the knowledge that Mr. Weston had tendered? It might have done—that fact being impressed upon my mind.
122. It is very probable it would have that effect? Yes.
123. And having that knowledge, you would almost say it was his writing without comparing his writing with it at all? It would have directed my attention more carefully to it, I think.
124. You would not have considered it so necessary to compare the writing, having that knowledge beforehand? I think that would have directed my attention more closely to it, would it not?
125. I think if you knew that Staunton & Co. were tendering, and that Mr. Weston represented that firm, you would not want to compare the handwriting —.
Mr. Abbott, (addressing the Chairman): I should like Mr. Lane to see the tender in Mr. Wilson's name (*tender handed to Witness*). [*Appendix, No. 11 and 12.*]
126. *By Mr. Abbott:* Mr. Lane, it is also said that that signature is in Mr. Buchanan's handwriting: do you see the similarity there? No.
127. You don't think there is any? I do not think so.
128. Your attention was never called to that before? My attention was never called to it before.
129. And you do not think it like? It does not strike me as being so at all.

Mr. John Wells called in and examined:—

- Mr. J. Wells.
6 Mar., 1860.
1. *By Mr. Abbott:* What are you, Mr. Wells? Accountant in the Treasury.
2. How long have you been in the Treasury—a long time? I am in my three-and-twentieth year now.
3. Do you know anything of the supply of goods to the Colonial Stores—the plan of tendering for them by persons generally? I merely know that they are supplied by tender usually.
4. And do you happen to know whether goods are ever bought privately by the Colonial Storekeeper or anyone in the department without advertising for tenders? I am not aware as a positive fact, but I believe so.
5. That such has been done? That such has been done.
6. Now, did you ever supply any goods or anything to the Colonial Stores in that way? No, I never supplied any goods; I never had any goods to supply.
7. You never supplied any article? No, I did not.
8. Did you ever procure the sale to the Government of anything belonging to another person? Yes, I think I did some short time ago.
9. Will you just state to the Board the circumstance, if you please? I think it was a rifle pistol a friend of mine had to dispose of, and it was purchased, I think, privately, by the Colonial Storekeeper.
10. Who was it purchased by? The Colonial Storekeeper, I presume.
11. Do you know who received payment for that? I received payment for my friend.
12. From whom? From Mr. Weston; at least, the cheque was sent up to the Treasury. Therefore I do not know by whose authority it was sent up to me.
13. Then why do you say it was from Mr. Weston? Because it was through Mr. Weston. I first spoke to him about the sale of the article.
14. And you concluded it was through him the cheque came? Yes.

15. Then why do you mention the Storekeeper's name? I presume the Colonial Storekeeper is the person who pays all those things. Mr. J. Wells.
16. But you said the sale was effected through him—now you say it was through Mr. Weston? C Mar., 1860.
It was through the department. I presume the Storekeeper is the head of the department.
17. Then only as head of the department, you presume, he knew something of it? Yes, exactly.
18. But you arranged the sale with Mr. Weston, and supposed you received the cheque through him? Yes. I asked Mr. Weston if the Colonial Storekeeper could take this article, and he said, Yes—he dare say there would be some wanted soon, and he dare say he could. When that took place Mr. Weston informed me of the fact that he could take it, and I sent it to him.
19. But, for all you know, Mr. Buchanan knew nothing of it beyond signing the cheque? Yes, merely signing the cheque.
20. You never had any communication with him about it? No, not any.
21. *By the Chairman:* How did the circumstance arise of your applying to the Storekeeper's Department to take this pistol, or to see whether they would take it? Because I was fully aware that these were articles which were very frequently required.
22. Was not the article saleable in the usual way to any person in the trade? Oh! I dare say it might have been. It was a very excellent one. It was sold very much under its value.
23. What was the price obtained? I think it was seven pounds, as far as I recollect now; and it cost ten guineas in London, and was nearly new.
24. Had it been endeavored to be disposed of in any other way? Not that I am aware of.
25. Was it of a particular pattern? It was a very good one. I do not think it was a Dean. It was—I forget the name of it now, but I know it was a very good one.
26. And it was sold considerably under its prime cost? Considerably under the prime cost in London, and it was purchased, as my friend informed me, with twenty others. He gave ten guineas each for them.
27. In what condition was it—how long had it been in use? It was in excellent condition. It had been in use but a short time. I saw it myself, and it was in excellent condition. There was a case with it, and all the appliances.
28. You yourself and not your friend spoke to Mr. Weston on the subject? I spoke to him myself.

Mr. Abbott informed the Board that he had no further evidence to take.

The Chairman: The Board propose on a future day, in the appointment of which they will be willing to consult your convenience, to call for the evidence of Mr. Sands, with reference to the matter of his tender and the report upon it.

Thursday having been agreed upon, the Board adjourned until that day at eleven o'clock, in the event of Mr. Sands being able to attend.

THURSDAY, 8 MARCH, 1860.

Present:—

W. C. MAYNE, Esq., IN THE CHAIR.

MR. W. C. MAYNE, | MR. C. ROLLESTON.

Mr. Abbott and Mr. Buchanan were also in attendance.

Mr. John Sands called in and examined:—

1. *By the Chairman:* You are one of the firm of Sands and Kenny? Yes. Mr. J. Sands.
2. Carrying on the business of stationers in George-street? Yes. C Mar., 1860.
3. And you have been in the habit of tendering for and supplying stationery to the Colonial Stores? Yes; we have done so several times.
4. Will you look to the notice calling for tenders (*Appendix No. 2*)? Yes; I remember it perfectly well.
5. Do you recollect tendering under that notice? Yes; for one hundred reams.
6. Is that the tender? Yes.
7. Do you observe the condition—that this is required to be supplied within a certain time? Yes; I am aware of it.
8. And, so tendering, were you prepared to supply the paper? We had the paper in Melbourne, and, of course, by telegraphing, we could get it back. We did supply it within the specified time.
9. You only tendered for one hundred reams—the quantity called for being five hundred? Yes.
10. Were you not in possession of any larger quantity? No; we were not then.
11. You tendered at the rate of eightpence halfpenny per pound? Yes.
12. You previously, I believe, had been supplying the Victorian Government? Yes; the price we were getting was sevenpence halfpenny or sevenpence three-eighths, I think.
13. From the Victorian Government? Yes, for the same description of paper; but that was by getting thousands of reams at a time.

- Mr. J. Sands. 14. Did the rate at which you supplied the Victorian Government leave a margin of profit to the firm? Well, sevenpence halfpenny leaving a profit in Melbourne, eightpence halfpenny would leave a profit here.
- 8 Mar., 1860. 15. I was asking you with reference to Melbourne? Yes.
16. And, of course, the price at which you further tendered would leave a higher margin of profit? Yes.
17. Had you any communication with Mr. Buchanan respecting that tender otherwise than through your written application? Not before the tender was accepted. I think, either the same day or the day after, I called upon him to mention the fact that we only tendered for one hundred reams, and wished to know if the balance was filled up, so that, having more coming forward in Melbourne, we could put in a further tender. It was not likely, however, finding paper was so scarce, that I should have put it in at eightpence halfpenny—perhaps I should have required a higher price.
18. But, previous to the acceptance of the tender, had you any communication with Mr. Buchanan? No, I had not. It happened to be only the evening before I put in the tender that I observed the advertisement.
19. But between the period of putting in the tender and receiving notice of its acceptance, had you any communication with Mr. Buchanan? No. I received a quarter of an hour after the tender was sent in a requisition for the goods.
20. Subsequently had you any communication? Subsequently I saw him and informed him that we had more coming forward in Melbourne, and I wished to know whether the five hundred reams had been filled up by other tenderers.
21. Within what period had you that interview? Either the same day or the day after, I will not be certain. It was probably the same afternoon.
22. As the intimation of acceptance? Yes.
23. You then asked Mr. Buchanan whether the other quantity had been taken up? Yes.
24. Did you state to Mr. Buchanan that you were in possession of a supply if it had not been? No; I told him it was coming forward. I think it was in the "Lincolnshire."
25. *By Mr. Buchanan:* In what? In the "Lincolnshire."
26. That is, in a ship? It was not at hand.
27. *By the Chairman:* Had you any communication with Mr. Buchanan respecting your not having any larger quantity than one hundred reams to offer? A few days prior to that—a fortnight or three weeks—they telegraphed up to me from Melbourne that they had five hundred reams in stock; but in the interim they had sold four hundred reams. I think I mentioned that to Mr. Buchanan as a reason we could not supply the whole quantity required.
28. *By Mr. Abbott:* Was that prior to the tender? No, after.
29. Prior to the tender you had been apprised that you had five hundred reams? Yes.
30. *By the Chairman:* But it was prior to your making of the tender for one hundred reams that you received the intimation that they had been sold? I did not know until the tender was advertised. I telegraphed down, presuming we had five hundred reams; but the reply was that there was only one hundred.
31. And when you telegraphed you found there were only one hundred reams? Yes.
32. Did you communicate that fact to Mr. Buchanan that that was the reason you only tendered for one hundred? Yes; I have not the slightest doubt.
33. Had you any communication with Mr. Buchanan as to the reason of your tendering at so low a rate as eight-pence halfpenny? No, I think not. I should not have thought it necessary to give Mr. Buchanan any particular reason for supplying the paper at eight-pence halfpenny. But if I had known that it was so scarce, perhaps I should have charged a higher price. Under ordinary circumstances, I should not think eight-pence halfpenny an out-of-the-way price—certainly not a low price.
34. The price at which you tendered was not in fact a low price? Not particularly low. I should have no objection to supply the Government at seven-pence halfpenny for all they wanted.
35. Had you ceased to hold the contract for supplying the Victorian Government at that time? Yes—one contract. One contract we still hold. It is divided into two portions; one is a contract for papers only, and the other is for the sundry goods. The former contract is for one specific quantity; that is, we do not hold a stock to supply it. We import five hundred or five thousand reams, and they go to the stores at once; we never keep it in stock.
36. Then you had a contract at the time binding you to furnish the Victorian Government? That contract does not at all apply to this double foolscap now in question. That contract was for specific quantities, deliverable on a certain day. This paper of course was not any part or parcel of that. It was such as we kept for ordinary printing purposes.
37. *By Mr. Rolleston:* What description of paper? Double foolscap.
38. *By the Chairman:* Can you recall whether you had any communication with Mr. Buchanan, or gave him any reason for having tendered at the rate of eight-pence halfpenny for those hundred reams? No, decidedly not: I do not see what reason I could have assigned for it. It is not as if it were a useless paper. Foolscap is always in requisition.
39. Did you ever state to Mr. Buchanan that you gave it so low because you were desirous of clearing out your stock for the Victorian Government, whose contract you no longer held? Oh, no; decidedly not.
40. To your knowledge, did any of your firm, or any person on your behalf, give that information to Mr. Buchanan? Not to my knowledge; certainly not. I did not, because I had no reason for doing so. We were not bound by any contract to supply it, and as it was a thing of every-day use there would be no great anxiety to part with it at that price.
41. I ask you that question because I have before me a reason assigned by Mr. Buchanan, in
answer

- answer to a communication from the Treasury. I will, in the first place, read you the recommendation given with reference to these tenders, and then a subsequent communication, which will explain to you the reason of the questions I have put, and perhaps recall something to your memory if such a matter did occur. (*The Chairman here read the recommendation, Mr. Lane's letter, and Mr. Buchanan's minute.—Vide introduction to proceedings of March 1st*)? That is not certainly the case. The very fact of our having at one time proffered to supply the paper at seven-pence halfpenny per pound — (I have in my pocket, I think, the list of January 8th—*Appendix No. 16.*) That was in answer to a letter I had from Mr. Lane, requesting to know the probable prices at which I could supply these goods.
42. Was that at the period of this tender? No, prior to it. So that to imagine that double foolscap cost eight-pence halfpenny in England, when we proffered to supply it here at seven-pence halfpenny — That is January, 1859, in answer to a letter I received from Mr. Lane. (*List produced.*)
43. That is twelve months previously? Yes. Here you see three thousand reams of double foolscap at seven-pence farthing per pound, subject to exchange at par.
44. *By Mr. Rolleston*: And seven-pence farthing per pound left you a margin of profit? We made a profit out of it. So that eight-pence halfpenny was not to be considered a low price. If I had known it had been scarce I would have had a larger price, no doubt about it.
45. *By the Chairman*: But you never assigned to Mr. Buchanan as a reason—you never stated to him that you gave it so low because you were clearing out your stock? No; I did not think it at all necessary to make any excuse for parting with it at that price.
46. Then what should you consider one shilling per pound as a price? I should not think it much if I happened to be the only holder. Of course I should then get as much as I could. But still it is a high price, no doubt about it. It leaves a very large margin of profit.
47. *By Mr. Rolleston*: You would take advantage of the market? Yes.
48. *By the Chairman*: But the price you name, eight-pence halfpenny, is distinctly not less than English cost with the usual charges added? Well, I can give any amount of security for the fulfilment of a contract according to the prices in that document. That, I think, will be sufficient proof that seven-pence farthing does pay.
49. Will you put this document in, so that it may be appended to the evidence? I have no objection. (*Appendix No 16.*) Mr. Lane has the original document. (*Document put in, and marked S.*)
50. Have you, during the last three years, been frequently a tenderer and supplier to the Colonial Government? Yes, I have tendered several times.
51. Have you generally been a successful tenderer? Well, I think so, perhaps with the exception of two or three times. Few people had some of those goods which were generally advertised for, and I have supplied them as a matter of necessity. Few other people would, perhaps, come into competition with us. Having a house down at Melbourne as well, we could supply when, perhaps, other people could not.
52. In the course of your business with the Colonial Store, and in your tendering and supplying, have you found any want of facility or any difficulties thrown in your way? None whatever.
53. Have you had any reason to complain of the way in which your tenders were dealt with in any respect? No, none. If a tender were not accepted, that I suppose would be the end of it.
54. Have you ever had reason to suppose that there was any favoritism shewn in the acceptance of tenders or in dealing with tenders? No, I have not.
55. This Board has been ordered to make inquiries, in consequence of the Government having reason to believe, from information they have received, that large quantities of stores, on account of the public service, have at various times been tendered for and supplied by Mr. Buchanan and the late Chief Clerk of the Colonial Storekeeper's Department, Mr. John Weston, under the assumed names of James Staunton and Staunton & Co.—Is there any matter within your knowledge, or any information which you can afford the Board with reference to that charge, Mr. Sands? No, there is not.
56. *By Mr. Rolleston*: Did you ever hear of such a firm as Staunton and Company, or James Staunton? No.
57. Do you know anybody in business of that name in London? I certainly do not; I know of none of that name.
58. You know most of the large paper dealers and stationers? Yes; I have had very large transactions with them.
59. Did you ever know that Mr. Weston was tendering or supplying? No, I never imagined such a thing.
60. *By Mr. Abbott*: Do you recollect the date of the advertisement for tenders under which you supplied the one hundred reams? No, I do not; but that was the document.
61. The 15th December, 1859? Yes.
62. Under that you supplied one hundred reams of double foolscap? Yes.
63. Did not Mr. Buchanan communicate with you immediately on the acceptance of that tender? I received the requisition immediately for supplying it—within half-an-hour.
64. Immediately? Within a very short time.
65. Was your tender to supply one hundred reams, or the whole? No; one hundred reams only.
66. Do you recollect tenders having been advertised for subsequently to that—soon after that—for some kind of paper? Yes, without quantities.
67. Without quantities? Yes; and to supply what paper might be required during the period of five or six months—such paper as might be required up to March.

- Mr. J. Sands. 68. March or April was it? Yes; I then sent in tenders for some portions of them. I put them at a high price because I did not want particularly to part with them.
- 8 Mar., 1860. 69. You did not want to ———? For some of the descriptions of goods—the double foolscap I did not tender for at all.
70. The same kind of goods that you supplied under the previous tender? Yes. If you had that tender I could point out at once. It was only for cartridge papers and lithographic papers. I did not tender for the others. There was no definite quantities asked for.
71. Do you recollect whether that was the date of the advertisement—the 31st December? I should think it was very likely about that period.
72. Is that it? (*Shewn to witness—Appendix No. 15.*) Yes, that is the one. The reason I did not tender there for the double foolscap, or any of those things was, there being no definite quantities given. They might have wanted five hundred reams or five thousand reams, and I could not bind myself to supply any indefinite quantity. These being papers of which it was likely they would want but a comparatively small quantity, I tender for the supplying of them. Seeing that they tendered for five hundred reams double foolscap, I thought it possible they might want a thousand reams or two before the expiration of the year.
73. And you sent in no tender at all on that occasion for the double foolscap? No.
74. You did for the other kind of paper? Yes.
75. Did not the same difficulties exist with reference to the other kinds of paper? No; comparatively small quantities are consumed, while very large quantities of the other papers are consumed.
76. Of the double foolscap? Of the double foolscap.
77. And you took the chance? The stock we had here, and in Melbourne, was certainly quite equal to supply all that I tendered for. The prices are high——
78. Those prices are high? There is no doubt of it.
79. As high as the one shilling and two-pence for the ———? No, it is not quite equal to that.
80. As much as one shilling? Oh, those are hand-made papers.
81. But are they in proportion equal to the charge of one shilling? No. I think some of those papers are nearly two shillings per lb.; but there is a great difference between hand-made paper and double foolscap.
82. At the time of this advertisement, the 31st December, had you this double foolscap in stock in any quantity? I had some down at Melbourne.
83. I understood you that you had only one hundred reams left? Are you speaking of the last or the first.
84. I am speaking of the second. I understand that the one hundred reams cleared out your stock? Yes; but there was a quantity coming on in the "Lincolnshire."
85. In a vessel to arrive? Yes.
86. But you had it not in stock? Are you speaking of the first.
87. No; the second? I do not know whether she has arrived or not. It is not likely that she will bring more than five hundred or one thousand reams, and I would not, with a stock like that, tender to supply at a fixed price an indefinite quantity of paper.
88. Is it not a fact that when any kind of paper or any other description of goods is scarce in the market, the price is high in proportion to the scarcity? Certainly, I think that is always the case, without anybody gets into the same position that I did. I did not know that paper was so scarce, or I should have charged a higher price for it.
89. Do you recollect after the 31st December seeing Mr. Buchanan and speaking to him about the advertisement, Mr. Sands? I think I did. Yes, I think I came down.
90. Do you recollect what was the——? I think it was to ask him particularly the probable quantities likely to be wanted of these goods.
91. He met you in George-street I think, close by your own place? Yes; and I think at the time I pointed out to him the absurdity of whoever constructed that advertisement—the manner in which it was put in—the impossibility of anybody tendering under those conditions.
92. Can you state what passed between you, Mr. Sands, with regard to this matter? It is impossible to tell what the conversation might have turned on. That was the subject matter of the conversation, I know—that and trying to elucidate the probable quantities of each of those descriptions of papers likely to be used during the period. I think that was the tenor of the conversation; I fancy so.
93. Can you say whether Mr. Buchanan suggested to you the propriety of your limiting your offer to any particular quantity that you could furnish? I cannot say that I do remember; but it is possible he might.
94. He might have done so? Yes; but I really cannot charge my mind as to the fact. It is very likely that he might have given some definite quantities to be tendered for.
95. Do you recollect whether he did not tell you that, so far as it was in his power, he would take all the paper you collected in that way, to prevent your being burdened by more than you wanted in your trade? No, I do not remember it.
96. Do you recollect whether there was anything to that effect? I think not.
97. Can you state positively whether it was so or not? I should say, decidedly, that there was no suggestion of the sort—decidedly.
98. In the event of yours being the lowest tender? No; decidedly not. There was no proposition of the sort.
99. Not a proposition, but that he would do *what he could* to take it off your hands, not that he *would* do it? There was no such proposition or suggestion.
100. There was no proposition of the kind? I am quite sure. In ordinary conversation it might have passed—some suggestion of the sort; but, really, I am perfectly well aware that
after

after the lapse of two or three months the ordinary points of conversation slip through your mind. Mr. J. Sands.

101. Would you go so far as this: if Mr. Buchanan states positively that it was so, would you contradict him? I would not like to do it; but it is one of those things which would have been likely to have impressed itself on my mind had the statement been made. 8 Mar., 1860.

102. Do you recollect suggesting the probability of your being left with a large stock of goods on your hands which you would not require? It would be impossible for me to be, in that case. Where was I to get a large quantity from? The period was so short that you could not have made yourself the possessor of a large quantity. The difficulty would be, if you bound yourself by any tender to have bought the goods, and certainly not the fear of being overburdened with them.

103. The difficulty of getting them? Yes, than the probability of having too many.

104. The probability of having to pay too high a price? The probability, too, that I should have had to pay a very high price to obtain the goods from other people if bound by some fixed tender, which, of course, would have been known immediately in the trade. They would have said, "Sands and Kenny must have it, and my price is so much;" or, "the Government must have it," and I should be surcharged with the difference.

105. And for that reason you would not tender? For that reason I did not tender.

106. At the time you had this conversation with Mr. Buchanan, you were aware that this double foolscap was scarce in the market? Of course I was.

107. Very scarce? I was certainly aware that it was very scarce then, but not before.

108. You were not aware of the fact when you sent in the tender for the one hundred reams? No.

109. Did it not seem probable at the time that it was so scarce that the Government would have to come to you for this stock you had in the "Lincolnshire," and give you your price for it? Oh! no. There are too many vessels arriving to hold on anything of that sort with the probability of success.

110. But the same probability would apply in both cases—either that if you took the contract you would have to pay a high price—? Of course it is a probability.

111. Or that the Government would have to come to you? But I do not see the point of your question.

112. Why not—if this double foolscap was very scarce, and you had a large stock to arrive? But at no time did I say to Mr. Buchanan that I would supply the balance at eight-pence half-penny.

113. I did not think you would when you found it very scarce? I should then look for a higher price.

114. But you had a large stock to arrive? Yes; I am speaking of it. Though I had supplied the one hundred reams, I certainly should not have supplied the other four hundred at the same price.

115. But did it not appear probable to you that they would have to come to you for this stock which was coming in the "Lincolnshire"? I do not know. Gilchrist Watt, McNab, and lots of those people, have it in by from fifty to five hundred reams at a time, and it might be filled up.

116. But if that stock had happened to come here just at the time, you could have got for it any price you liked? I should have got as much as I could for it, I can tell you. If I am not mistaken, the principal matter of conversation at the time I met Mr. Buchanan was relative to a letter I had addressed to the Colonial Treasury, and which I conceive had been handed over to Mr. Buchanan for his report. I think that was the principal point of our conversation.

117. Do you recollect what was the subject of the letter? It was relative to a suggestion as to the importation of stationery generally.

118. That paper you handed in, Mr. Sands, is a tender and list of prices? It is not exactly a tender; it is replying to a letter I received from Mr. Lane, giving the probable prices at which we could tender.

119. For any particular period? A definite quantity to be delivered at a fixed period—ten or twelve months, perhaps—at one fixed period. And those are the prices at which we are supplying the Victorian Government.

120. But when any one of the articles mentioned in that list became scarce, you would not supply them at that price? If I were bound by a contract.

121. At the price named in the schedule if you were not bound by a contract? I do not know. The usual arrangement in Victoria is, that a sufficient quantity for a year's supply is imported in one lot and handed over to the Colonial Storekeeper, or whoever it may be, and then you get your draft. On delivery you receive the money. Those are the terms on which we had it down in Melbourne. There is no keeping the goods in store and supplying them in detail; of course, that would never do at those prices.

122. But if you had an order from the Government, or from anyone else, for the supply of a lot of any kind of paper, you would not supply it at that price? No, decidedly not.

123. It would be according to the scarcity of the article in the market, or the demand and supply? As I pointed out to you before, it is only by making a perfectly wholesale transaction of the thing that it could be done at those prices. If the things come into my store, and I have to retail them out three or four, or five reams at a time, I get as much for them as I can; that is the simple fact, and consequently, when I put a tender in for those papers I did not care whether I got it or not. If I had got it I should have got a very large price.

124. There is one item tendered for here by you—superfine laid imperial, inside, 72 lbs. weight per ream, £7 10s.—that is your price? Yes, that is the price we tendered for.

125. Was not that a high price? It is a monstrous price—no doubt about it.

- Mr. J. Sands. 126. Do you recollect, on or about the same time, what you supplied the Victorian Government for? Well, if I am not mistaken, our price then was either 1s. 1d., or it might have been 1s. or 1s. 0½d. per pound; but I cannot exactly charge my memory.
- 8 Mar., 1860. 127. That would be under £4 a ream? Yes. There is another thing—you will observe that at the prices attached we supplied the Victorian Government. By referring to any of the Port Phillip *Gazettes* you will see the tenders advertized, and the schedule of prices. So that if you have any doubt about the list of prices I have given in, you can see in the *Gazette* that the last tender accepted was still under our last one.
128. I have no sort of doubt about it. I only want to ask you the charge there and here, and what is the difference? Yes. The difference is this—there you have got a specific order. The position in which I should have been placed here would have been very different. You might have sent to me for ten reams of imperial, for instance, and at the present moment in Sydney I do not believe you could buy ten reams of imperial at any price you like to put upon it.
129. At that time? At this or that, or any time—hand-made imperial. I do not think you could buy ten reams of hand-made imperial at any price you might like to give for it.
130. Did you at any time, Mr. Sands, take instructions from any Government officer, other than Mr. Buchanan, for the supply of paper and general stationery? Well, I think, generally speaking, the requisitions were sent down. There were no particular instructions beyond that. We have certainly supplied, I think, to the Surveyor General's Office, and some of those people, when a requisition has come from them, I think, but I will not be quite positive. Oh! I think not. I think the requisition has always come through Mr. Buchanan. You are speaking of that, I presume?
131. Yes. Did you on any occasion send specially to Melbourne for articles required? Oh! yes, several times.
132. For which you had orders other than through Mr. Buchanan? Yes, I think so. On one occasion a lot of lithographic paper for the Surveyor General's Office—for maps. That one, at any rate, particularly recurs to my mind.
133. Lithographic paper did you say? Yes.
134. How were the prices for that—were they high at the time? I had a good price for it, no doubt. I forget now, but I think it was eighteen-pence per lb.
135. Is that a high price? It is a pretty good price. I dare say one shilling would have paid me.
136. One shilling per pound would have paid you, and you got one shilling and sixpence? Yes. It was one of those things which had to be got elsewhere. I dare say they charged me about one shilling a pound for it. It is only just another thing which bears out the letter I addressed to the Colonial Office here. The departments get badly supplied, and most expensively supplied, with goods not adapted to their use.
137. The Colonial Stores? Yes; when out of their own goods they have to throw themselves on the mercy of the trade here—and, I was going to say, that they were fleeced.
138. And they are fleeced on all sides? If they lay themselves open for it.
139. By the trade? It is impossible for Mr. Buchanan, or anyone else, to write out indents beginning from an anchor and going down to a steel pen—I cannot do it in a stationer's shop,—and consequently they must occasionally run very short of many things during the twelve months, and when they do they will find that people do not keep stock for the Government without getting paid for it.
140. They make them pay for it? They are bound to do so.
141. I think I understood you to say that some portion of the contract you had with the Victorian Government you had given up, or lost at the end of last year? The last year's contract we lost. Some one else, I forget now the person's name (Cook, I think) got the tender last year, at a very small reduction under our prices. I do not think we were more than about £3 out in about £7,000.
142. Francis Cook, was that the name of the person? Yes; but he did not get the tender for the odd matters—the subsidiary small things.
143. But did he for the substantial part? Yes.
144. Was this double foolscap part of it? Of course it would be.
145. That was the larger portion of it? Yes, that would be a large item.
146. Cauldwell, was that the name of another contractor—Do you recollect him getting any of the Victorian contracts? That I think was not the last year; I think it was the year before that.
147. And Franklin and Company? Yes, they had the contract for the hand-made papers only; not for the machine-made papers.
148. Then it is quite possible that it could have come to Mr. Buchanan's knowledge that you had lost these contracts, although you did not tell him? Of course. It is very likely I did tell him that we had not got the contract.
149. I think you stated, in your examination-in-chief, that you did not tell him? I did say that I did not tell him, as a reason for selling the paper at eight-pence halfpenny per pound.
150. You state now that it is very likely you told him? I might have told him that we had not got the contract; but I should certainly not have assigned that as a reason for selling a number of reams of double foolscap at eight-pence halfpenny.
151. But you thought you would have had five hundred reams? Or a thousand reams.
152. If it had been the case that you had had a large stock, in consequence of the loss of these contracts? Oh! we could not, in consequence of the way in which the contract was got out; you could not be left with a residue. We imported a specific quantity to meet the contracts. But these five hundred reams we had in stock were altogether independent of any supply the Government might want.

153. Do you recollect whether, several months before the 15th December, you had spoken to Mr. Buchanan about that particular paper—five hundred reams? It is very likely I have. I was down at Melbourne, and I think I brought up some samples of foolscap.
154. And you think it likely that you shewed the samples to Mr. Buchanan? Yes, it is likely; I think it is almost sure that I did so.
155. And you told him you had that quantity? Yes.
156. And, between that period and the 15th December, they had sold four hundred of the five hundred reams? Yes; they must have done.
157. Do you recollect at what price you offered it to him then? No; I could not say. I do not know that I offered it at any price. I think I shewed him the kind of paper we were supplying, and the price—
158. You do not recollect what the price was? No; I think that year we were supplying at seven-pence halfpenny; but I will not be certain. But whether I offered it at any price to Mr. Buchanan I do not know. I think I shewed it him more as a sample of the description of paper we were supplying at the time. That is my impression.
159. But does not the price of that paper depend upon its quality? The same as all papers do.
160. All papers do? Yes.
161. And of double foolscap some portions are superior to others—it is of different kinds? Yes; some kinds are better than others, and of course there is a difference in the price.
162. There are different kinds? Yes; but I never saw double foolscap worth more than eight-pence per pound.
163. Unless when it was scarce? I am speaking of its worth—of its invoice cost.
164. Not what it is worth here? No; it is worth here what you can get for it.
165. *By the Chairman*: Does not the weight generally fix the quality of the paper? No; for instance, there is some hand-made paper, seven pounds to the ream, worth three shillings per pound.
166. Then double foolscap, 24 lbs., would fix the quality of that foolscap? No, not its quality. You might have the same quality of paper 24 lbs. or 28 lbs., the same description of pulp and coloring matter. The one would be a little thicker than the other, but they would both be of the same quality.
167. Would it fix its thickness? The weight and quality govern the value.
168. The weight? The weight.
169. And eight-pence halfpenny is a price which will leave a profit upon the actual cost in England and all charges? Yes.
170. It is not less than English cost, or what it ought to cost the Government? No, decidedly not. I could give any security for supplying at the rate stated in the paper I have put in; seven-pence halfpenny or seven-pence farthing does leave a margin of profit.
171. Then you did not state that eight-pence halfpenny was a low price? No, I cannot see that I could have made such a statement.
172. And you did not assign the loss of the contract? I did not assign that as a reason for such a price.
173. Had you a large stock to arrive in the "Lincolnshire"? Five hundred reams.
174. Do you consider that a large stock? Well, it is a large stock for stationers to keep, because it is a paper that is not very much used. I do not suppose at any time you could buy one hundred reams in Sydney, except at M'Nab's and other places, where they have been gradually accumulating or bought with the idea of waiting for a chance of selling to the Government.
175. You have stated that your reason for not tendering under the notice of the 31st December was, the quantities not being defined? Yes.
176. And you charged a high price for what you tendered for? Yes.
177. Were you induced to charge that high price from the fact of the quantities not being defined? That was one of the principal reasons, because, had I been run out of my own stock, and compelled to go to Piddington's or Sheriff's, or some other of the stationers, for the goods required, they would know that I was bound to supply, at a fixed price, and would make me pay. But I was independent of that position. We had a good stock of those papers at Melbourne, and a good stock here. They are not papers that we import for ordinary sale or use, but more for bookbinding.
178. Then if it had been suggested to you to tender for a definite portion—a part—would not that have removed your objection? Well, I wished them to give me some definite quantity. Without I had had some rough idea of the quantity, I would not have tendered.
179. I am referring to the double foolscap. Would a suggestion to make a tender for a definite quantity have removed the objection? Well, it would. It has been asked whether Mr. Buchanan did not make that suggestion; I certainly cannot charge my mind.
180. Such a suggestion would have tended to remove your objection? No doubt about it.
181. Did you make the tender after your conversation with Mr. Buchanan for supplying the double foolscap? Yes.
182. To supply double foolscap? Oh! no, I did not. I never tendered to supply double foolscap: my tender was certainly subsequent to my conversation with Mr. Buchanan.
183. And after such a conversation as that referred to, and the suggestion that you should tender for a definite quantity, and that everything would be done to take any excess off your hands, what would be the natural inference? I think it would have induced me to tender for some definite quantity.
184. Did you do so? I certainly did not.
185. Such a notice as that, leaving the quantities undefined, does it give an advantage to any person who must have a knowledge of the quantity, or pretty nearly the quantity, likely to

Mr. J. Sands.
8 Mar., 1860.

Mr. J. Sands. bo required, over the trade generally? Most decidedly. Any one knowing those quantities could put a tender in with confidence. For instance, if I knew you must have "fifty reams of imperial flat, forty pounds weight," I might be able to put it down at two shillings per pound, and "two reams of blue laid, sixteen pounds," I might afford at one shilling, although it might be a more valuable paper than the other.

8 Mar., 1860.

186. Would such an advertisement as that, in fact, operate to deter the trade generally, not possessing the peculiar knowledge, from coming into competition? It would most decidedly do so. Everyone knows how the tenders are doctored by that means, where you have got a positive knowledge. I know of a most delightful instance, where an eight-quire book was tendered for at ten shillings and sixpence, and a six-quire book at twenty-one shillings. The real fact was that the eight-quire book never was used, and consequently made the tender add up most beautifully.

187. *By Mr. Abbott:* If a very large quantity were required by the Government, and tenders were invited for that quantity, would it not raise the price at once? I do not think so.

188. Not amongst people knowing the stock in town? No, I do not see it at all.

189. Do you know whether or not Government contracts are generally for an indefinite quantity during the year when they are advertised for? It is not so down at Melbourne; there definite quantities are advertised for.

190. But not here? No, there is nothing of the sort.

191. Is it an invariable rule at Melbourne? It has been for the last four years, I think. They first commenced the system by calling for tenders at the rate per cent. on English cost you would import their goods for, and afterwards at specific prices on the cost. Some tendered at sixteen and some at ten per cent., and so on.

192. Did you ever hold a contract for indefinite supplies during the last two or three years? Yes.

193. At Melbourne? Not of any leading goods, such as papers, but simply office materials, such as sealing-wax, pens, inkstands, and the ordinary little things stationers deal in. Those are open contracts.

194. Indefinite supplies? Indefinite supplies.

195. Do you recollect holding a contract within the last year or two for the Melbourne Government, for an indefinite supply of something more than sealing-wax? Well, yes, of those infinitive articles; but all those large things, such as double foolscap papers, account-book papers, book-binding materials, were kept separate from that indefinite tender.

196. And can you state whether or not it is the general practice in Melbourne to have contracts for certain quantities, or for an indefinite supply? For positive quantities.

197. *By Mr. Buchanan:* Everything? Not everything. I can assure you it is not everything. They have another tender altogether, which I hold now, for supplying little things which are required for the different offices.

198. Will you have the kindness to look at that—(*Appendix No. 17.*) You will see there is a list of goods to be supplied by you? The qualities, not the quantities.

199. There are no definite quantities? No definite quantities. It is as I have said—we are bound as to price, but we are not bound as to quantity for them. In the other portion (I do not know whether you will find it here or not) you will find the tender for double foolscap and some of those things of which definite quantities are ordered, or I am very much mistaken. I have not looked over this. Was it in the tenders for the main items of stationery?

200. You will see a list of papers as long as my arm in your contract? In ours?

201. Yes, contract 691? There is no double foolscap in this. We are speaking of double foolscap and demy generally. I am speaking of the large items. These are small compared with four thousand reams of double foolscap.

201. *By Mr. Abbott:* There are no definite quantities given in that schedule? No, but I say there is another one in which definite quantities are given.

202. There was no hesitation in tendering in that case? No, because we know pretty well the quantities which will be consumed, having done business with them for so many years past. In here you will find none of those larger items of papers—not one.

203. But in that schedule there is no definite quantity stated? No; but you will find another schedule. That is not in this *Gazette*—it will be somewhere else—where they do give a definite quantity. I do not know whether it is in this *Gazette* or not. I think Mr. Buchanan will know that they tendered several times for definite quantities of papers.

204. *By Mr. Buchanan:* I admit that they did so tender, and that they use both practices—that is all I wish to elicit? I stated long ago that there were two systems of tenders.

205. Here is a contract embracing 150 items at least—that is something more than sealing-wax and inkstands? Bless my life, I cannot exactly take the list and go through it. I am speaking of miscellaneous goods.

206. *By Mr. Abbott:* But is there not in this schedule paper of all kinds? If you can find a sheet of double foolscap, I cannot.

207. Of all kinds? There is no imperial.

208. Imperial—imperial drawing paper? Well, read just above it.

209. Hand-made, 45 lbs., £2 10s.—I presume, 45 lbs.—Is it book imperial? That is 72 lbs. It may be lithographic imperial for all I know. It certainly is not book paper.

210. But can you say what the exceptions are to those items that are undefined? Double foolscap, foolscap, royal, imperial, demy, medium, and most likely hand-made foolscap. Perhaps you will allow me to read that. You are confusing yourself about the description of those things, I think. Imperial, 45 lbs. Everybody knows that is not imperial for account-book manufacturing. You cannot tell me a line there—

211. *By Mr. Buchanan:* You said royal and demy were not there. They are both there, and

- and foolscap is there? Yes; but you know as well as I do that when I allude to foolscap it is not foolscap for the *Gazette* purposes. Mr. J. Sands.
212. I am speaking of single foolscap? That does not alter the fact that the larger items are contracted for in definite quantities. (*Contract No. 691, Victoria Government Gazette, put in at the request of Mr. Abbott—Appendix No. 17.*) 8 Mar., 1860.
213. *By Mr. Abbott:* Is this foolscap mentioned here, 15 lbs. per ream, better than the double foolscap or inferior to it? Very much superior, of course; most likely it is blue laid paper—I do not know whether it is described as blue laid.
214. It is not described as laid paper—foolscap, 15 lbs. per ream? Are you sure it is not hand-made.
215. It is not described as hand-made? But the paper just above—
216. Drawing imperial, per quire; drawing—per dozen pieces, 1s. 6d.; foolscap, 15 lbs. per ream? What is the price at which it is quoted?
217. Seventeen shillings and sixpence? That is hand-made foolscap. Mr. Buchanan must be perfectly well aware that no machine-made foolscap is worth that.
218. *By Mr. Buchanan:* I am satisfied it would not be the manufacturing price, but I am by no means sure you would not ask that price if you could get it? That is a different thing altogether. But with reference to that particular tender, no persons with their eyes open would tender for 17s. 6d., knowing that there were other contractors who would shave each other as low as they possibly could.
219. It is so described there? It may be a misprint for all I know.
220. Here is hand-made foolscap, 17 lbs., will you look at the price? Where is it?
221. Three lines below? £1 5s., 17 lbs. The other is 15 lbs. Well, perhaps it might have been a bad sample sent in. One might have been of better quality than the other.
222. It all depends on the quality? There is all the difference in the world between a machine-made paper and a hand-made paper. 17 lb. foolscap is charged 21s; that, if I mistake not, is 18s 3d. at Home. There might have been samples supplied, which for all I know, account for the difference.
223. The inference is that one is machine-made and the other hand-made? It is utterly impossible; and I am sure you or any one writing it out would never be so stupid as to put 15 lbs. foolscap at 17s 6d., and expect to get a tender where half a dozen as keen fellows as you would find anywhere are competing.
224. But there is a difference of 2 lbs. in the weight of the paper; that is all that is described here? I think you will admit that two samples of hand-made paper—one may be worth 1s. and another 1s. 6d.
225. But as far as we see from the printed tender, there are two samples of paper—one 17 lbs. and the other 15 lbs.—and the difference in price is 7s. 6d. a-ream;—is not the inference that one is inferior to the other? Inferior in weight and quality.
226. There is only 2 lbs. difference in weight? That cannot create more than a difference of 2s. 6d. in the price.
227. Then there is 5s. difference in quality? Yes; and that will never account for the difference between hand-made paper and machine-made paper.
228. What will account for it? Perhaps they do not use any of that 15 lbs. You perfectly well know how these things are doctored up—how they can be doctored up—how some of those items are altered. You know how you tender year after year for many of them without having one in your place, and never use one. Of all that list of goods tendered for, I'll be bound that there is not a requisition for one-third during the year.
229. *By Mr. Rolleston:* I wanted to ask you, Mr. Sands, if the paper tendered for under this notice of the 31st December, 1859, is of a similar description to that to which your attention has been called by Mr. Abbott—blue wove single foolscap, 13 and 14 lbs. weight? No. I should presume from the price that it is hand-made paper. There is a vast deal of difference. There are no hand-made papers here. I should presume that the superfine laid imperials, inside, would be hand-made, and the laid super-royals. They are not described as such. You might put them as hand-made or machine-made papers, with a difference of about 6d. per lb.
230. Is it unusual to advertise for tenders for this description of paper without giving definite quantities? But if definite quantities were given, it should certainly be advertised whether it is to be machine-made or hand-made, seeing the difference in the margin of price.
231. Then a tender of that kind being invited was calculated, you say, to deter the trade from tendering? I think so. I should not like to get a tender of that sort.
232. And would therefore throw it into the hands of any person who might be acquainted with the quantities likely to be required? Yes; it would place all other tenderers who had the means of knowing the positive quantities at an enormous advantage over everyone else—no doubt about that.

Mr. Francis M'Nab called in and examined:—

1. *By Mr. Abbott:* You are carrying on business in Sydney, Mr. M'Nab? Yes.
2. Have you, at different periods, supplied goods to the Colonial Storekeeper's department? Yes, for some time, occasionally.
3. During some years? Yes, for some years, less or more.
4. Sometimes by private purchase and sometimes under public tender—very rarely under tender. I do not know that we have had a tender at all.
5. Generally under an order sent to you? Generally under an order sent to us for the goods.
6. Who generally transacts your business with the Colonial Stores for you? Whoever happens

Mr. F. M'Nab.
8 Mar., 1860.

Mr. F. M'Nab. happens to be in. We have supplied the Stores with paper at various times, and if the young man is not in I am generally there myself. One or other of us attends to it.

8 Mar., 1860. 7. I think you are agents for Cowan and Co., the great stationers? Yes, we are; we have been for some time.

8. Do you recollect, on the 15th December last, tenders having been invited for the supply of five hundred reams of double-foolscap? I recollect it.

9. Did you tender on that occasion? We did not. It was rather indefinite, and on that account we did not. There was no quantity mentioned.

10. On this occasion I speak of, there are five hundred reams? I do not think we tendered.

11. There were five hundred reams? We had not so many in stock. We did not tender.

12. You recollect that particular advertisement? I recollect one of the advertisements. I recollect going to the Chamber of Commerce to look at one of the advertisements. It was indefinite, and we did not think any more of it; but I do not think we tendered for any of them. We had, I think, some conversation with the Colonial Treasurer about that time, or previously, in reference to tendering for all the paper he required. We gave him an estimate, I think, of what we could supply certain classes of paper at.

13. At that time you furnished the Treasurer with information as to the prices? Yes, we did. We gave him a letter, and an estimate along with it.

14. Was double foolscap one of the items? It was. There were several items; in fact, I believe all the papers they required. We got a list of them. We were asked what we could supply them at per ream, and we gave the Treasurer an estimate at per pound for them. I suppose there might have been fifteen or twenty various kinds of papers.

15. Do you recollect, on the occasion of that advertisement for tenders, whether a form of tender was sent to you from this office? It was.

16. At that time? Sometime about that period. I could not be particular as to the day. Sometime about the end of the year.

17. Do you recollect whether that was sent after being asked for it or whether you made an application? I think we might have made an application for it in some shape or other. I think so. My impression is that we might have applied for it, but I cannot be certain, because Mr. M'Cormack applies sometimes without consulting me.

18. Who is Mr. M'Cormack? He is corresponding clerk.

19. Do you recollect on a second occasion—about the end of December—a tender being invited for foolscap? I do recollect it.

20. For other kinds of paper? For other kinds of paper.

21. Did you tender on that occasion? We did not tender on that occasion.

22. Can you say why? I think there was no quantity specified at that time, and we did not care about tendering for an indefinite quantity. It was for a short period.

23. For a short period? Yes, I think it was for a short period.

24. Would that have been an objection if it had been for any length of time? If it had been for any length of time we might have tendered, and taken some trouble about the matter.

25. You would not consider that an objection? On the contrary the longer the time the better we should have prepared. If it had gone over a series of years we could have done it. But at the particular time I do not think we were very full of double foolscap.

26. You do not think you had any quantity? I do not think we had much of it about that time. It is a thing we do not keep perhaps more than a couple of hundred reams of at a time.

27. Do you recollect a purchase of Mr. Buchanan from you of single foolscap about that time—after the 31st December? Some time in January?

28. Sometime in January? Yes.

29. Do you recollect if that was one of the items included in the second advertisement? I think it was. I think there was some single foolscap advertised for.

30. Can you state the date particularly, Mr. M'Nab? I think it was the 18th of January; at least it is entered in our books on the 18th, and I have no doubt it was the 18th.

31. Do you recollect what the quantity was? I think there were about a couple of hundred reams altogether.

32. About 200 reams? Yes.

33. And the particulars do you recollect? The prices are,—The best fines and superfines from 9½d. to about 11½d. or 11¾d.

34. From 9½d. to 11¾d.? About that; 11½d. to 11¾d. were our current prices for them. our current prices for superfines were 11½d. and cases charged, or about 1s. and no cases charged.

35. What are the current prices here, Mr. M'Nab, for this foolscap? Our price invariably for superfine is 1s. per lb., and cases charged for the best superfines; and the others from 10½d. to 11d.

36. And the prices are according to the quality? The prices are according to the quality.

37. You will see under the head of Staunton & Co. a column of figures? Yes.

38. Can you state to the Board whether the prices stated there (*Appendix No. 15*) are higher or lower than those paid to you by Mr. Buchanan? These prices are higher than paid by Mr. Buchanan—ours are nearly 20 per cent. under that.

39. Yours were? Nearly 20 per cent. less than that. 14 lbs. we charge, for fines, ten shillings and nine-pence—they charge, if fine, fourteen shillings; for 15 lbs. we charge eleven shillings and nine-pence—this is charged seventeen shillings for 16 lbs.

40. Nearly 20 per cent. less than was charged by Staunton & Co.? Fully 20 per cent., some of them. I should say they are more in some instances. We should charge for yellow wove, of good ordinary quality, 25 per cent. less.

41. For the yellow wove? Yes.
42. There was some of that bought from you, I believe? Yes.
43. At the same time as the other papers—at nearly 25 per cent. less than Staunton & Co.? ^{Mr. F. M'Nab.} ^{Mar., 1860.} Yes, for the yellow wove; but for the cream wove—considerably better quality than ordinary yellow wove—ours is very nearly 20 per cent. less, two-pence three-farthings is the difference in one shilling and three-pence.
44. At the time you sold the paper to Mr. Buchanan, had you heard anything of Staunton and Co.'s contract? No, I did not know anything at all about it.
45. When, afterwards, did you hear that they had contracted? I never heard of it until I saw something in the papers about the Colonial Stores being closed.
46. Would you have sold that paper to anyone at the same price, in the same quantities? To any man that I should be sure of. Of course when we are sure of getting paid we do not put so much on for risk. We should not have sold them for less to any man if he had paid us cash down on the spot.
47. Then by purchasing from you there was nearly 25 per cent. saved on that contract of Staunton & Co.? On these particular articles; I did not look at the others. [*Tender handed to witness.*]
48. Those that were purchased from you? There is exactly the difference between nine-pence three-farthings and ten-pence which we charged, and thirteen-pence—that is the difference. It averages from 20 to 25 per cent. as near as possible. I look at this article particularly because I know it better by its description.
49. *By Mr. Rolleston*: That yellow wove? Yes, and this blue wove. There is exactly the difference between nine-pence three-farthings and thirteen-pence. These articles I know better by their description; unless extremely common, the quality does not vary so much as it does in very fine paper. Common yellow wove we could put in at eight-pence halfpenny, but we have none on hand at present.
50. *By Mr. Abbott*: Look under the head "Sands and Kenny"? Yellow wove, £1 6s.: Is that for yellow wove, 16 lbs.?
51. The same items were tendered for by both parties? If ordinary yellow wove, it is an extravagant price.
52. That you consider an—? It is outrageous altogether. I should have thought it would have been double foolscap at that price.
53. You see it is the same item? It is outrageous altogether.
54. It is very much higher than Staunton and Company? £1 6s., and 17s. The common yellow wove; the commonest paper could be put in at about—we offered, in fact, to supply it for something about 8s. 6d. to 9s., for 12 lb. paper, to the Treasury.
55. In the list sent to the Treasury? Yes.
56. And how much have Sands and Kenny charged? We offered to put in 12 lb. paper at 7s 8d., or less, free on board.
57. And what is Sands and Kenny's price? £1 6s. for a 16 lb. paper.
58. What would your price be for that? We should say 8½d. to 9d. for a very good ordinary paper; about 8½d. per lb.,—10s. 8d. to 12s. per ream at this rate.
59. And they have charged how much? £1 6s.
60. They have tendered for that? Yes. Yellow wove paper, 12 lbs. weight, we offered at 7s. 8d. free on board, I think, or at a lower price free in London on board. An extreme good price for that would be 10s., or something thereabout.
61. Did you look at the other charges there? I did not. (*Witness refers again to Tender.*) This blue laid imperial, is that to be hand-made paper?
62. *By Mr. Buchanan*: Hand-made paper? Best hand-made paper is worth here about 1s. 4d. to 1s. 6d. per lb.
63. 1s. 4d. per lb.? Yes.
64. *By Mr. Abbott*: What is their charge? £7 10s. for 72 lbs. I should be glad to get £5 for it, £2 10s. less; but these are very extravagant altogether.
65. They are all extravagant? Yes, outrageous altogether.
66. Then, Mr. M'Nab, if the Government had contracted with Staunton and Co. for the supply of that foolscap paper at the prices mentioned here, they would have had to pay a higher price; but by purchasing from you, Mr. Buchanan made a saving of 25 per cent.? I should say so, varying from 20 to 25 per cent.; the difference between 9¾d. and 13d.—about 22½ per cent.
67. And he did purchase that paper from you? Yes.
68. Will you have the kindness to look at that schedule (*Appendix No. 2*); double foolscap is an item there? This, under the head of Sands and Kenny, is very reasonable; not out of the way, 8½d. for good ordinary paper.
69. Do you recollect the state of the market with regard to that double foolscap?—
70. *By Mr. Buchanan*: Do you see the whole of it, the quantities offered for? Oh! I beg your pardon—100 reams.
71. *By Mr. Abbott*: It was for five hundred reams, and he offers to supply only one hundred? I do not think the price is out of the way.
72. Which price? 8½d. per pound for double foolscap is a very reasonable price.
73. But do you recollect at that time whether this double foolscap was scarce or not—had you a stock of it? This is in December.
74. Yes? I do not think we had any in stock.
75. You would be almost as sure to have a good supply as anyone in the market? I think so. I think we sold out sometime between September and November. We sold three or four hundred reams, and we do not generally keep over a stock of two hundred or three hundred and fifty reams.

- Mr. F. M'Nab. 76. But you generally have as large a stock as any in Sydney? We have a very large stock.
- 5 Mar., 1860. 77. As large as any one in Sydney? We very seldom have less than £12,000 or £15,000 worth of paper of one kind or another.
78. Would you consider at that time, taking into consideration the scarcity of the paper, that 1s. per pound was a high price? No, I should not.
79. Or an extravagant price? No. If I had had it, knowing that it was wanted, I would have held it for 1s. per pound.
80. You would not have given it? No; I would keep it for a rise, if I thought I could get more. I know it was extremely scarce at the time.
81. At that time? Yes; we had many applications for it from parties in town, and we could not supply them. I think Sands and Kenny applied to us once or twice.
82. For some? Yes.
83. Would they have purchased from you at 1s.? If it had been of the best quality we would not let them have it for less. They have frequently purchased paper at 1s. per pound—they may have paid us 1s. per pound for double foolscap.
84. Under ordinary circumstances? Under ordinary circumstances, and never less than 11d. and 11½d. for good quality.
85. Never less? I do not think they have; we have to keep them a long time.
86. You would not let them have it for less than that at any time? No.
87. In times of scarcity you would take advantage of the increased demand? Undoubtedly.
88. You would take advantage of the Government or of anyone else? When we have it here it is not as if we had a certain market for it. If we take an order for a certain quantity of paper we have a certain market for it, and we put it in as low as possible; but if we bring it out here, we do not part with it at a mere nominal profit; we must have something to cover the expenses.
89. Can you say what the invoice price of that is at Home? It depends on the quality very much.
90. There are several qualities of it? Yes; there are several qualities.
91. The best? Will cost at Home now—I think our last quotations was from ten-pence halfpenny to eleven-pence halfpenny.
92. The best double foolscap? Yes, the best blue laid is eleven-pence halfpenny.
93. That is the cost at Home? That is the cost at Home, at the mills. There is a drawback of three-halfpence a-pound on it, but then there are all expenses to add.
94. Now, importing that yourself, without having, as you say, an actual order for it, what would you consider a fair profit on it? We do not sell it under one shilling.
95. And it costs you eleven-pence halfpenny at Home? We get three-halfpence drawback, and it costs us then ten-pence. It is very bare. We have to charge cases.
96. You would not charge less than one shilling? No; we could get a lower quality—a common quality.
97. By Mr. Buchanan: Will you look at the quality of that (*Victorian Contract*, 691), [*Appendix No. 17*]? It is a very fair paper.
98. It has been wetted? Yes. It seems to me as good and hard a paper as this (*Blank sheet, marked T.*), [*Appendix No. 18.*]
99. By Mr. Abbott: You never have sold paper as good as that in Sydney for eight-pence halfpenny? No.
100. A person having a large stock on hand of anything of that kind would be induced to sell at a lower price, to get rid of it? If it were lying heavy on his hands he would sell as low as possible.
101. For instance, if you had got in a supply to meet a contract, and lost that contract, you would sell as low as cost price, or probably even below cost price? I should sell for as much as I could get. Unfortunately we have goods in that position at the present time, at a loss of twenty-five per cent.
102. On the invoice? On the cost here.
103. By the Chairman: Is eight-pence halfpenny per pound for double foolscap, 24 lbs. weight, less than it can be imported for here? The weight makes no consequence if it is at per pound.
104. The ordinary quality—such quality as that (*Sheet marked T.*), [*Appendix No. 18*], eight-pence halfpenny is less than it can be imported to this Colony for? I should say so. They could not supply it at eight-pence halfpenny at present. I am sure they could not.
105. Of these articles what were the principal ones purchased from you? These three articles.
106. Would you mention them? Blue wove foolscap, (yellow wove we did not supply), blue laid, and cream laid. The cream laid we supplied of a higher quality than the other.
107. In what quantities were these purchased from you? About eighty reams of blue wove, forty-eight of blue laid, and about eighty reams of cream laid.
108. Which you say was of a superior quality to that stated? Under this description. It is superior to what comes under the description of yellow wove—better finished. It is impossible to say what the quality of this is without seeing it, but our cream woves are as much under the price of this as I have mentioned.
109. Then all these which you supplied were in fact from 20 to 25 per cent. under the contract prices in that schedule? They were. The nearest approach is our best superfine machine-made papers. They come close up to 11½d., and these are close up to 13d.
110. I am speaking of what you supplied: did you supply that? I did; but I do not know whether these are the best superfines. If they are superfines they are still very high. If fines there is a difference of 25 per cent.

111. Was that the notice of tender which you went to the Exchange to look at? (*Appendix Mr. F. M. Nab. No. 15.*) That was one of them I think.

112. At that particular date? You see there are no quantities mentioned here, and we ⁸ Mar., 1860. could not put ourselves in a position to supply an indefinite quantity which might be a thousand reams or only twenty.

113. Then did the quantity being undefined prevent you from putting in a tender? It would have done. We rarely tender for those things; but if they had said they wanted a thousand reams of single foolscap and five hundred reams of double foolscap, we should have put in a sample and a tender.

114. Then you regard the quantities being left undefined as operating against taking the tender on the lowest terms? I would not take it at all.

115. The quantity being undefined would naturally operate to deter persons in the trade from tendering as low as they would otherwise have done? I do not know that it would, if they chose to tender for what they had in stock.

116. But the tender is indefinite? I might send in a tender for what I have in stock, then I might do it as low as I would do it for a greater quantity.

117. If you had part of this in stock? But the advertisement does not say how much was wanted: of course I should be bound to supply what was wanted if I obtained the tender.

118. That is what I say; therefore I asked you the question: the advertisement being for undefined quantities, was it calculated to deter the trade from tendering? I should not think of tendering.

119. You would not tender in such a case? No.

120. Is it unlikely that the same reason which would operate to deter you would also operate to deter others? I should think so; but they might take the trouble to ascertain whether a tender for any definite quantity would be accepted; I did not do it.

121. If persons tendered for such quantities, would it be unnatural that they should make their price higher than usual? They might not.

122. But if they did? The trade *may* have known at the time that the thing could not be had in the other Colonies.

123. I am speaking of all these things, and not simply of double foolscap. You said that one of these tenders was under the other? I say so still.

124. You say you can supply those things under that tender? I did do so.

125. You did do so? Yes.

126. Then you said that the indefiniteness of the quantity operated to deter you from tendering? I did not tender at all.

127. It did operate? I would not tender for an indefinite quantity; because, as far as I am able to understand, I might be called upon to supply them, and failing to do so, they might be bought of anyone at any price, and I must pay the difference.

128. Is it unnatural, then, that those who did tender, taking this point into consideration, would put on high prices? Not if they tender for what they have in stock, and not for an indefinite quantity.

129. You can refer to them? There are no quantities mentioned here.

130. No quantities? No; they would make themselves safe if they could.

131. Therefore it is not an unreasonable presumption that, tendering in this way, they would place very high prices upon such articles? If they did not know the quantities required.

132. But the quantity is not known in this instance—it is indefinite? It is natural.

133. But you consider that any knowledge of the quantity required would tend to—? I got a copy from the Treasury of the quantity wanted all the year round.

134. I am referring to this particular case, which is merely for indefinite quantities for a definite and short period? Yes. Upon the information I had from the Treasury before, if I had had four hundred reams of double-foolscap, or three hundred, or perhaps even less, in stock, with my other stock, I should not have been deterred from sending in an application for that tender.

135. Although the quantity is indefinite? Although the quantity is indefinite, because I know the quantity ultimately required in the year.

136. You would take your risk? I would take my risk.

137. But not having it you did not tender? Not having it, and having none come forward, I did not.

138. Then the same reasons may have operated with others? Undoubtedly.

139. And, consequently, to meet the risks they may have put on high prices? I could supply them with two or three thousand reams of single foolscap if they wanted them. Some of the trade knew that we had rarely less than from one to two thousand reams.

140. Then the fact is, that the putting forth of this tender without any defined quantities, operated to the disadvantage of the Government to the extent of 20 or 25 per cent.? Upon this article of double foolscap I think it would, because it was well known that there was little or none in the market. But in the article of single foolscap I do not think it ought. I dare say now in Sydney you could pick up several thousand reams of single foolscap.

141. You furnished a list of prices at which you would supply the Treasury? I did.

142. Were those prices what you would supply, or what you would merely import at? What I would import at. I gave two prices—what I would deliver here at, and what I would put on board free in London at, the Government afterwards taking all the risk.

143. Were those quantities definite or indefinite? Definite quantities consigned to me. Of course if I undertook to supply them with two or three thousand reams here in the course of the year, I should take care to have a good stock always in reserve.

Mr. F. McNab. 144. But the prices you named to the Treasury were for definite quantities? For definite quantities of each article—that is, that they give me a definite quantity, than which they would require no less; but as much more as they liked we would supply them at the same rate.

8 Mar., 1860.

145. *By Mr. Abbott:* Tenders having been called for for a definite quantity of that double foolscap without success, would you consider that there was anything extraordinary in advertising for a tender for an indefinite quantity—trying an experiment? I do not think so at all; it might induce parties to tender for what they had.

146. In the first tender, a definite quantity? Yes; the probability would be that anyone holding the quantity would tender.

147. Anyone holding five hundred reams would have tendered of course at the time? Yes.

148. *By the Chairman:* Would not the presumption be that at least five hundred reams would be required? I say, any one holding five hundred reams.

149. Would not that be a greater inducement to tender for the first tender? It would be.

150. *By Mr. Abbott:* If you had had anything like that quantity of double foolscap you would have tendered, I think I understood you to say? Yes, I might have tendered.

151. Under the second? With the information I had from the Treasury, I might have tendered and taken the risk of what would come forward.

DEPARTMENT OF THE COLONIAL STOREKEEPER.

SECOND INQUIRY.

SECOND INQUIRY.

UNDER SECRETARY TO THE TREASURY to CLERK OF THE LEGISLATIVE COUNCIL.

The Treasury, New South Wales,
23 April, 1860.

SIR,

The inquiry which has already taken place into the Department of the Colonial Storekeeper has satisfied the Government that further investigation is necessary. It has, therefore, been determined to cause a full and searching examination to be made into the general management of that department, in order that authentic data may be obtained as to the extent to which these irregularities have been carried, the existence of which, in some degree, is manifest.

I have, therefore, the honor, by direction of the Treasurer, to request that you will be good enough to undertake this inquiry, in which it is proposed that you should be associated with Deputy Assistant Commissary General Wrentmore and Captain Scott. These gentlemen will be requested to place themselves in communication with you.

The Report, accompanied by the Evidence, which has been already made, will be forwarded to you; and, while the Treasurer does not consider it necessary to limit the scope of the investigation, he trusts that yourself and colleagues will be prepared to report fully upon the manner in which the department generally has been managed, upon the duties of the several officers of the department, and how far those duties have, or have not, been honestly and efficiently performed.

I have, &c.,
HENRY LANE,
Under Secretary.

UNDER SECRETARY TO THE TREASURY to CAPTAIN SCOTT.

The Treasury, New South Wales,
23 April, 1860.

SIR,

The Government being satisfied that further investigation into the Department of the Colonial Storekeeper is necessary, it has been determined to cause a full and searching examination to be made into the general management of that department, in order that authentic data may be obtained as to the extent to which the irregularities have been carried, the existence of which, in some degree, is manifest.

I have, therefore, the honor, by direction of the Treasurer, to request that you will be good enough to undertake this inquiry, in which it is proposed that you should be associated with R. O'Connor, Esq., the Clerk of the Legislative Council, as Chairman, and Deputy Assistant Commissary General Wrentmore.

I am further instructed to request that you will place yourself in communication with Mr. O'Connor on the subject, to whom the Report of the late Board, accompanied by the Evidence which has already been taken, will be forwarded.

I have, &c.,
HENRY LANE,
Under Secretary.

Similar letter to the foregoing sent to Deputy Assistant Commissary General Wrentmore.

UNDER SECRETARY TO THE TREASURY to ACTING COLONIAL STOREKEEPER.

The Treasury, New South Wales,
24 April, 1860.

SIR,

The Government being satisfied, from the evidence taken by the recent Board, that further investigation into the Department of the Colonial Storekeeper is necessary, it has been determined to cause a full and searching examination into the general management of that Department.

I am therefore directed by the Honorable the Treasurer to inform you, that the gentlemen named in the margin have been appointed a Board of Inquiry for that purpose, and to request that you will lend all the assistance in your power to the Board which may be considered necessary towards effecting the object in view.

I have, &c.,
HENRY LANE,
Under Secretary.

R. O'Connor,
Esq., Clerk of
Legislative
Council (Chair-
man),
G. J. Wrentmore,
Esq., D. A. C. G.,
and
Captain Scott.

DEPUTY

DEPUTY ASSISTANT COMMISSARY GENERAL to UNDER SECRETARY TO THE TREASURY.

*Commissariat, Sydney,
24 April, 1860.*

SIR,

In acknowledging the receipt of your letter of yesterday's date, requesting, on the part of the Honorable the Treasurer, that I should, in conjunction with Mr. O'Connor and Captain Scott, undertake an inquiry into the general management of the Colonial Storekeeper's Department, I have the honor to state that, with every disposition to assist the Colonial Government in this inquiry, it will be impossible for me to undertake this duty without neglecting, to a very serious extent, my own legitimate duties; and that, on this account, I am reluctantly compelled to decline the request of the Honorable the Treasurer.

Incidentally, I may remark, that I should feel it to be my duty to protest against being made a member of a Board of which it is proposed that a civilian be made the Chairman.

I have, &c.,
GEORGE J. WRENTMORE,
D. A. C. G.

UNDER SECRETARY TO THE TREASURY to ACTING COLONIAL STOREKEEPER.

*The Treasury, New South Wales,
30 April, 1860.*

SIR,

Referring to the 2nd paragraph of my letter of the 24th instant, apprising you that R. O'Connor, Esq., G. J. Wrentmore, Esq., and Captain Scott, had been appointed a Board for the purpose of inquiring into the general management of the Colonial Storekeeper's Department, I am now directed to inform you that Paymaster Olivey, of the 12th Regiment, has been substituted for Mr. Wrentmore, that gentleman having been compelled to decline undertaking the duty.

I have, &c.,
HENRY LANE,
Under Secretary.

UNDER SECRETARY TO THE TREASURY to CLERK OF THE LEGISLATIVE ASSEMBLY.

*The Treasury, New South Wales,
30 April, 1860.*

SIR,

Referring to my letter of the 23rd instant, relative to the examination into the general management of the Department of the Colonial Storekeeper, and to the proposal therein that you should be associated with Mr. Deputy Assistant Commissary General Wrentmore and Captain Scott, I am directed to inform you that Paymaster Olivey, of the 12th Regiment, has been substituted for Mr. Wrentmore, in consequence of the latter gentleman having been compelled to decline undertaking this duty, which he states he could not perform without neglecting, to a very serious extent, his own legitimate duties.

I have, &c.,
HENRY LANE,
Under Secretary.

UNDER SECRETARY TO THE TREASURY to PAYMASTER OLIVEY.

*The Treasury, New South Wales,
30 April, 1860.*

SIR,

I am directed by the Treasurer to inform you that the Lieutenant Colonel commanding the Troops has no objection to your co-operating with R. O'Connor, Esq., and Captain Scott, for the purpose of inquiring into the general management of the Department of the Colonial Storekeeper. I have, therefore, to request that you will be so good as to place yourself in communication with the first named gentleman, to whom all papers on the subject have been forwarded.

I have, &c.,
HENRY LANE,
Under Secretary.

UNDER

UNDER SECRETARY TO THE TREASURY to CAPTAIN SCOTT.

The Treasury, New South Wales,
30 April, 1860.

SIR,

Referring to my letter of the 23rd instant, relative to the investigation into the Department of the Colonial Storekeeper, I am directed to inform you that Paymaster Olivey, of the 12th Regiment, has been substituted for Mr. Deputy Assistant Commissary General Wrentmore, in consequence of that gentleman having been compelled to decline undertaking this inquiry, which, he states, he could not perform without neglecting, to a very serious extent, his own legitimate duties.

I have, &c.,
HENRY LANE,
Under Secretary.

UNDER SECRETARY TO THE TREASURY to CLERK OF THE LEGISLATIVE COUNCIL.

The Treasury,
7 May, 1860.

MY DEAR SIR,

I return you many thanks for the kind suggestion in your note of to-day. I assure you the fact of my not having written to the Colonial Storekeeper, in reference to the appointment of the Board of which you are the Chairman, was quite overlooked.

I have now, however, written to Mr. Buchanan, apprising him of your appointment, and of the nature of the inquiry about to be instituted; also, requesting him to attend when summoned, and give all the information in his power.

I have, &c.,
HENRY LANE.

UNDER SECRETARY TO THE TREASURY to COLONIAL STOREKEEPER.

The Treasury, New South Wales,
7 May, 1860.

SIR,

The Executive Council having carefully considered the Report of the Board appointed to inquire into certain charges made against you, have come to the conclusion that further investigation is necessary into the general management of the Colonial Storekeeper's Department.

I am, therefore, directed to inform you, that the gentlemen named in the margin have been appointed a Board for that purpose, and to request that you will attend, when summoned, and furnish the Board with such information as it may be in your power to give.

I have, &c.,
HENRY LANE,
Under Secretary.

COLONIAL STOREKEEPER to COLONIAL TREASURER.

Monday, 7 May, 1860.

SIR,

I annex copy of a note addressed me by Mr. O'Connor, the Clerk of the Legislative Council, informing me that a second Board of Inquiry into the Department of the Colonial Storekeeper had been appointed; that the said Board resolved to meet this day at 11; and that my attendance was requested.

This intimation only reached my hands after the hour of meeting had passed. Entertaining a desire to avoid the appearance even of discourtesy to the Members, I appeared as early as possible, and explained my reasons for declining to be examined by them at present. They specially touch upon the mode of procedure adopted by the Treasury, and, in consequence, I beg to submit the few following observations for your information:—

The fourth month has commenced since this inquiry was initiated. Two months have elapsed since the first Board finished its business, and, as I supposed, closed the inquiry.

About seven weeks have run their course since I applied, both in writing and verbally, to be furnished with a copy of the Board's report, and to this hour I have not been honored with any reply to my requests, beyond the promise that they should be "brought before the Cabinet."

Manifesting, as these circumstances do, the desire to protract this matter, and keep everything in suspense, I had formed the opinion that the intention was held of ignoring my existence altogether, and of quietly setting me aside. While slumbering on this idea, I am awoken by Mr. O'Connor's note in a manner, as I conceive, rather rudely and suddenly, though I attribute no blame to him. Reflection came to my aid, and I clearly saw how consistent the course pursued was with the tactics that ordinarily govern the Treasury. In past times its studied and scrupulous avoidance of committing anything to paper, except under indefeasible necessity and compulsion; its shrinking from responsibilities proper to its office, and its general desire to settle nothing except by word of mouth, had all been the subject

subject of remark, and been pointed to by me as a source of danger to every department it controlled. Why then I should expect the open straightforward course to be followed of acquainting me, at least as early as the public press, that a second Board had been named, and what the objects of the second inquiry would be, I can explain merely by reference to the blindness with which all are afflicted in matters concerning themselves.

The *open and avowed* accusation of the Treasury was, that I had, expressing it briefly, been guilty of official irregularity. By its *acts*, however, as is well known, it impugned—I write the words with suppressed rage—*my honesty*.

Cloaked and attempted to be suppressed as this imputation was when it had been quietly and silently ascertained that grounds for its existence there were none, I had imagined its remembrance would at least suffice to induce more candour and plain dealing in future. The lesson appears to be lost; and I therefore appeal to you, sir, as the responsible head of that branch of the public service to which I am attached, to learn whether this second Board is constituted under your orders?

What its functions are?

Whether I am still to consider myself suspended?

Whether, under the investigation already made, I was condemned or not?

And, finally, once more to apply for a copy of the report of the first Board.

I have, &c.,

JNO. BUCHANAN.

CHAIRMAN OF THE BOARD to COLONIAL STOREKEEPER.

Legislative Council Office,
4 May, 1860.

SIR,

I have the honor to inform you that Capt. Scott, Capt. Olivey, of the 12th Regiment, and myself, have been appointed a Board to make further inquiry into the Department of the Colonial Storekeeper, and that the Board have resolved to meet at the Colonial Storekeeper's Office on Monday next, the 7th instant, at 11 o'clock, A.M., for the purpose of proceeding with such inquiry.

And I have to request that you will favor the Board with your attendance at that place and time, in order to your being examined upon the matters involved in such inquiry.

I have, &c.,

R. O'CONNOR,

Chairman of the Board.

COLONIAL STOREKEEPER to COLONIAL TREASURER.

8 May, 1860.

SIR,

I beg to acknowledge Mr. Under Secretary Lane's letter of yesterday, (P. O. 544,) received under cover, bearing to-day's date.

It conveys the first authentic and official intelligence I have received in regard to the charges preferred against me on the 30th January last.

I learn from it that the Executive Council have come to the conclusion that "further investigation is necessary into the general management of the Colonial Storekeeper's Department"; that with this object in view another Board had been appointed, and that I am requested "to furnish the Board with such information as it may be in my power to give." I find the aid of this brief and indefinite communication of little service to me in my effort to divine what my position is in regard to the new inquiry, and I therefore earnestly press for answers at your earliest convenience, to the queries at the end of my letter of yesterday, as I hope such replies will make the occult meaning hid in Mr. Lane's communication, clear.

I have, &c.,

JNO. BUCHANAN.

UNDER SECRETARY TO THE TREASURY to COLONIAL STOREKEEPER.

The Treasury, New South Wales,
15 May, 1860.

SIR,

In consequence of the illness of the Under Secretary, your letters of the 7th and 8th instant were only yesterday submitted to the Honorable the Treasurer. I am now directed by him to enclose, for your information, a copy of the Report of the Board appointed to inquire into the charges brought against you, and also to acquaint you with the decision of the Executive Council thereon, which is, in substance, as follows:—

That, without reference to those matters which at present give rise to suspicion only, they see ample reason to believe that the department generally is in a thoroughly disorganized state, and that there are good grounds for questioning, at all events, your efficiency in its management. They therefore advised that "a full and searching inquiry be at once instituted into the general management of the business connected with the Colonial Store," and expressed their regret that, considering the lengthened period during which you have been in the public service, and the confidence hitherto reposed in you, they felt constrained to advise that, pending the result of such inquiry, you should remain under suspense.

As

As the Board which has been appointed under this recommendation cannot satisfactorily perform the duty intrusted to them, unless you give such information as may be considered necessary to enable them to arrive at a decision; and, as it is obviously your duty to afford all the assistance in your power, during an investigation into the state of the department, I am directed to request that you will facilitate the operations of the Board as much as possible, and give your attendance at any time when called on by them.

I have, &c.,
HENRY LANE,
Under Secretary.

UNDER SECRETARY TO THE TREASURY to CLERK OF THE LEGISLATIVE COUNCIL.

The Treasury, New South Wales,
21 May, 1860.

SIR,

I do myself the honor to inform you, that, in compliance with the request contained in your note of the 11th instant, I was directed by the Honorable the Treasurer to forward to Mr. Buchanan a copy of the Report, made by the late Board of Inquiry into the Colonial Storekeeper's Department, as also to communicate to him the decision of the Executive Council on the subject, and, at the same time, to advise him that, as the present Board cannot satisfactorily perform the duty intrusted to them, unless they receive from him all information considered necessary, and as, moreover, it is obviously incumbent on him to render all the assistance in his power, during an investigation into the state of that department, he is expected to facilitate the operations of the Board as much as possible.

Mr. Buchanan was instructed accordingly on the 15th of the present month, and requested to give his attendance at any time when called on by the Board.

I have, &c.,
HENRY LANE,
Under Secretary.

COLONIAL STOREKEEPER to COLONIAL TREASURER.

Sydney, 31 March, 1860.

SIR,

At the termination, respectively, of the months of March and April, I applied to Mr. Campbell, who is at present in charge of my department, for payment of my salary, but was informed in reply he had been instructed to withhold it.

The amount due for the first complete month of my suspension—February—I duly received. I purposed at the time at once drawing your attention to the subject, and inquiring what were the circumstances, or difference of views of the present Government from those of the preceding Government, that called for the imposition of this additional penalty? But, on reconsideration, deemed it as well to let the question await the report of the Board then sitting.

In matters of this kind there are three courses that can be taken—suspension from office; suspension from salary; and suspension from both office and salary. The terms of your Under Secretary's letter of the 31st January last, places me in the first position. I do not think, therefore, it would have been surprising had I at once sought to learn why I was brought under the operation of the third. Now, however, that the Board have brought up their Report (with which it will be my duty yet to deal), I cannot longer hesitate to prefer, with even greater reason, my claim to salary up to this date.

Although compulsorily removed from duty, special care has been taken in written terms not to relinquish a command over my services. It is therefore mere folly to say, as I understand has been said, that my time is my own. Obviously in the case of men destitute of the means of living, suspension without limitation or definition of meaning, might, in inquiries, protracted as this has been, become a potent engine of oppression, injustice, and even ruin. Except by their own act, and the consequent forfeiture of all claims, they could not disrobe themselves of their badges of official servitude, and, without doing so, they are debarred seeking, with any hope of success, the means of existence beyond the pale of the service.

The burden, annoyance, and (worst feature of all) the lingering suspense of an inquiry, already spread over four months, and that, in the shape into which it has now resolved itself, may last four more, are tortures enough, I should have thought, to gratify the heart of a Busiris; to add to them pecuniary loss and embarrassment is a refinement to which I cannot suppose the Government desire to lend themselves. On this ground, therefore, I seek relief from this penalty, as well as on the principle that the mention of one degree of suspension implies the exclusion of every other degree.

I have, &c.,
JNO. BUCHANAN.

UNDER

UNDER SECRETARY TO THE TREASURY to COLONIAL STOREKEEPER.

*The Treasury, New South Wales,
7 June, 1860.*

SIR,

In acknowledging the receipt of your letter of the 31st March (May?), I am directed by the Honorable the Treasurer to inform you, that it appears to be the invariable rule of the service not to pay salary to an officer during his suspension.

He desires me to add that it is expected that the inquiry into the Storekeeper's Department will be very shortly brought to a close.

I have, &c.,

HENRY LANE,

Under Secretary.

COLONIAL STOREKEEPER to COLONIAL TREASURER.

Sydney, 15 June, 1860.

SIR,

I have the honor to acknowledge Mr. Under Secretary Lane's letter of the 7th instant, informing me, in reply to mine of the 31st ultimo, "that it appears to be the invariable rule of the service not to pay salary to an officer during his suspension."

I am not prepared to contravene this assertion; but I presume it has reference merely to cases in which the facts are of an ordinary character, and the suspension brief. I hold that I possess a moral claim (perhaps even a legal one) to my salary up to the period, viz., 15 May, when the result of the first Board's labors and the decision of the Government thereon were communicated to me; I, therefore, beg to request that you will be good enough to take into consideration the distinction in my case from ordinary ones, that an investigation has been held and closed; and though I remain suspended (why—is not very clear), pending a second inquiry on new grounds and before a fresh Board, that circumstance I conceive ought not to be suffered to militate against and strip me of an antecedent claim.

I have, &c.,

JNO. BUCHANAN.

COLONIAL STOREKEEPER to COLONIAL TREASURER.

St. Leonard's, 16 July, 1860.

SIR,

In the concluding sentences of the first paragraph of the Report of the Board of Inquiry into the management of the Colonial Store, a suggestion is thrown out that I should place in your hands a statement of my private banking account.

It is to be regretted that the Board did not make me aware of this desire of theirs, as I presume the intention was really entertained of making known what such a statement might shew. I cannot, however, avail myself of the offer, inasmuch as since the year 1843 I have had no banking account.

I am now, however, in a position to state that Mr. Weston, whose private concerns at the London Chartered Bank have already been partially submitted to the Board's inspection, will offer no obstacle to further re-search into them at the hands of the Board; and, at my urgent request, he has consented that this re-search, to be complete, shall embrace the entire period within which his account has been open—the debit as well as the credit side.

I have, &c.,

JNO. BUCHANAN.

PROCEEDINGS of the Executive Council on the 31st July, 1860, with reference to the Report of the Board of Inquiry into the conduct of the Colonial Storekeeper's Department.

Minute 60-33. Confirmed 7 August, 1860.

REFERRING to the proceedings on the 5th April last, when the Council had under consideration the Report of a Board appointed to investigate certain alleged irregularities in the Department of the Colonial Storekeeper, and in consequence of that investigation being incomplete and inconclusive, advised that a fuller and more searching inquiry should be instituted into the general management of the department,—His Excellency the Governor General now lays before the Council the Report of a Board which was appointed, in pursuance of the above recommendation, to fulfil the duty in question, with instructions “to make further inquiry into the manner in which the Colonial Storekeeper's Department generally has been managed—the duties of the several officers of the department—and how far those duties have, or have not, been honestly and efficiently performed.”

The evidence taken by the Board in investigating these several matters accompanies this Report, as does also the Report, with its appended evidence of the previous Board.

All these documents have, for some days past, been in the possession and under the consideration of the majority of the Members, and the Council having now again carefully considered the two Reports in connection with the facts disclosed by the evidence, express their entire concurrence in the views recorded by the Honorable the Colonial Treasurer in a Minute indorsed upon the last Report; and adopting the recommendation with which that Minute concludes, they advise that Mr. Buchanan, the Colonial Storekeeper, be now called upon to shew cause why he should not be dismissed from the public service, by reason of the various derelictions of duty held to be proven against him by the Minute of the Treasurer.

EDWARD C. MEREWETHER,

Clerk of the Council.

Approved,—

W. D.,
8 August, '60.

No. 681.

1860.

**MANAGEMENT OF THE COLONIAL STOREKEEPER'S
DEPARTMENT.**

REPORT.

THE Board, appointed to make further inquiry into the manner in which the Colonial Storekeeper's Department generally has been managed, the duties of the several officers of the Department, and how far those duties have or have not been honestly and efficiently performed, have the honor to Report as follows :—

1. The first occupation of the Board was, to make themselves acquainted with the proceedings of those who had gone before them ; and, in order to disengage their own inquiry from the matters involved in the previous investigation, they consider it expedient at once to state that, upon a most careful consideration of those proceedings, and a most minute examination of the several documents connected therewith, they arrived at the conclusion that the signature "James Staunton" is, in every instance, in the handwriting of the late Chief Clerk. They regret, however, that they cannot, with equal confidence, acquit the Colonial Storekeeper of all knowledge of the practices of his late Chief Clerk, seeing that the dates involved in the transaction per "Walter Hood," shew a fitting in of the two orders for stationery from England, which wears an appearance of contrivance they cannot overlook ; although, with a view to overcome this difficulty, they endeavored to trace the parties who cashed the several cheques in favor of "James Staunton" and "Staunton and Co.," but without success, except only in the case of the crossed cheques, which were, in the aggregate, for smaller amounts than the uncrossed cheques, and which were all, without exception, paid into the London Chartered Bank to the credit of the late Chief Clerk. The uncrossed cheques having been paid over the counter, and, consequently, no note taken of the person who presented them, the Board are thus deprived of the satisfaction they would have felt could they have reported that, up to the point of cashing the cheques, at all events, the Colonial Storekeeper stood acquitted of all pecuniary interest in the practices of his late Chief Clerk, and to that extent of all reasonable ground for the suspicion that he could have been in any way cognizant of those practices, which suspicion is in no way weakened by consideration of the circumstances that James Staunton's first tender came from "Melbourne," and was altogether uncalled for by advertisement or otherwise,—a circumstance which, on occasion of his subsequent tenders from "Sydney," might reasonably have been expected to produce in the mind of a vigilant and careful officer at the head of so important a department, a spirit of inquiry that might have led to the detection of the deception before acceptance of the second tender ; and that when his late Chief Clerk openly avowed, after quitting the service, that "Staunton & Co." was his own "trading name," the Colonial Storekeeper did not himself immediately make known that avowal to the Minister at the head of his department. But even as it is, there is yet one other means by which the Colonial Storekeeper may relieve himself of this suspicion to the extent the Board desired, and that is, by requesting his bankers to furnish the Colonial Treasurer with a detailed statement of his private account with them on every day included in the period within which those deceptions were practised by his late Chief Clerk.

Proceedings of
previous Board.

Signature,
"James Staun-
ton."

Transaction per
"Walter Hood."

Objects for which Colonial Store was established.

2. The objects the Government had in view in the establishment of a Colonial Store Department are set out in the following extract from Sir Richard Bourke's financial Minute for the year 1838, laid upon the Table of the then Legislative Council, on 4th July, 1837:—

“ A new appointment is proposed on the Civil Establishment, which has had its rise in the difficulty experienced in supplying the Colonial Departments with stores, since their custody has been transferred from the Commissariat to the Officers of Ordnance. The latter have found their time too fully occupied in the performance of their proper duty—the supply of the Military and Convict Departments—to enable them to take charge of the Colonial, nor is it the duty of the Commissariat to provide means of conveying stores to the latter. The whole duty, therefore, including the supply of the Police and Gaol Establishments has devolved on Colonial Officers since the 1st July, 1835. An attempt was made to dispense with the appointment of Storekeeper by directing each department to supply itself; but after some experience of this arrangement it was found expensive and inefficient. The consumption of stores was excessive, the articles received from the contractors were not properly surveyed, and their delivery was irregular. Most of these inconveniences will, it is hoped, be overcome by the proposed establishment, which is taken on as low a scale as the service will permit.”

The results attained will be seen by the evidence hereto appended, and the Board are free to confess that they fall far short of the objects for which the department was established. Much of this failure, however, is fairly attributable to the want of sufficient and appropriate accommodation in the buildings appropriated for purposes of the Colonial Store; and few of the improvements in its management which the Board will presently have the honor to suggest can be effected until new stores have been built, on a plan and scale suited to the daily increasing necessities and operations of the department.

Results attained.

Dissatisfaction of Colonial Storekeeper from his appointment to that office. Consequences thereof.

3. It is obvious, from the Colonial Storekeeper's evidence, that there has existed some feeling of dissatisfaction on his part from the period of his appointment to that office in 1845, and this may reasonably be supposed to account for many of the defects in the management of the department, to which the Board will shortly have to advert, as well as for the little importance the Colonial Storekeeper is inclined to attach to any one of the considerations for which the department was instituted, or to the necessity for even the most ordinary precaution in the disbursement of the public moneys placed at his disposal for paying for the stores. He considers that, in some shape or other, there must at all times be Colonial Stores, and, inferentially, that no faultiness in management can interfere with this necessity. The Board, however, are inclined to the opinion that the management may be so faulty, the store accommodation so insufficient and unsuitable, and the expense of the agency so great, that it might be for the best interests of the Colony to dispense with a Colonial Store Department in any form, and to leave it to the departments and services to supply themselves upon some well devised system of ultimate accurate accounting to the Treasury, and they are far from saying that that time has not even now arrived.

Present accommodation for stores in Colonial Stores proper.

4. The present Colonial Stores consist of one narrow building, with one floor, and a loft above the ground floor, situate between the Commissariat Stores and Campbell's Wharf. At the western end of the ground floor of this building are the offices; and when it is considered that these lean on the east line of George-street, and lie several feet below the traffic level of that street, it will not be matter of surprise to learn that they are dark, damp, and wholly unsuited to the uses of offices, although the Chief Clerk occupies one in which a humane gaoler would hesitate to lodge a criminal. The eastern end of the ground floor affords store-room for a few heavy unbroken packages. The floor above, running the entire length of the building, is occupied by broken packages, and unpacked stores, and is also used for packing and unpacking, although the space is altogether inadequate for the purpose. The loft is used for stowage of a few light cases. A large portion of the whole packages are stowed in Mr. Henry Moore's Stores, and are, of course, chargeable with store rent, cartage, and labor. Another considerable portion of them is stowed in one of the Commissariat Stores, and, from want of space on the ground floor, heavy portions of two field batteries and other heavy stores are stowed in the upper floor of this building, and are pressing out the walls so much, that, if not shortly looked to, the whole, it is feared, will come down with a rush that will probably involve much loss and mischief. The gunpowder is stowed in stores on Goat Island; and even there, although every thing is kept in good order, the space is altogether inadequate. The magazines are full, notwithstanding that the supply they contain would not extend beyond a very limited demand, and the Board did not fail

Mr. Henry Moore's Stores.

Commissariat Stores.

Powder Magazines.

by the merest possible accident, and to which, indeed, there is even a material door invitingly opening to a boat, whose bow might touch the step-ladder by which it is reached, whilst two-thirds of her length would be covered by the traffic surface of the Circular Quay; and whilst the system of promotion, which the evidence shews to obtain in the Department is well calculated to further the interests of the service under a proper method of accounting, the Board are bound to say that, in the absence of all check upon remains, the system is one equally well calculated to shield and perpetuate these practices, should the subordinates, into whose hands virtually the whole practical working of the Department has been thrown, be unhappily at any time other than the most sternly honest of their class. And as regards one other object the Government had in establishing the Colonial Stores, namely, to substitute regularity for irregularity in the delivery of stores, the Board consider that the circumstance of two-thirds of the supplies for 1859 being purchased in the Colony shows that, even in this respect the Colonial Store has failed of its object, if it is to be supposed that purchases in the Colony are made only to meet emergencies.

Unchecked by system of promotion.

Evidence of irregularity in furnishing supplies.

Calling for and dealing with tenders.

Tenderers ought to be known

to prevent recurrence of injury to service

and of malpractices on part of officers.

Board of three.

Storekeeper to advise on reasonableness of prices.

Scheduling of tenders.

Copy of accepted tender furnished to Storekeeper.

Storekeeper to return stores differing from pattern.

Storekeeper ought to have nothing to do with payments for stores;

6. The Board now come to the system of calling for and dealing with tenders for stores. They see nothing to complain of in calling for tenders to cover time in those cases where the supplies from Home are not expected to arrive, so as to meet the demands of the service, though the cases in which this mode is resorted to ought to be exceptional and very rare indeed, consistently with a due watchfulness on the part of the Colonial Storekeeper. But the system of dealing with the tenders themselves is, in their opinion, very loose and objectionable, and liable to great abuse, should an inclination exist to profit by the opportunities offered by its defects. To protect the service against the recurrence of frauds, delays, or other injuries, the Board are disposed to think that in all cases whatsoever, tenderers ought to be known to the Board who open their tenders, for even where sureties are required, the consideration of the loss and vexation likely to be occasioned to the public service by any probable default on the part of the contractor ought, in the opinion of the Board, in many cases, to be thought of higher moment than the sufficiency of his security; and where no sureties are required, it would seem to be absolutely indispensable to protect the service against loss, that the tenderers should be known to the Board who open their tenders, otherwise wrong parties might be paid, and tenders might be accepted from persons under the name of C. D. who, under that of A. B., had in a former contract acted in such a manner as to render them wholly ineligible as tenderers were: their real names and circumstances known to the Board; and also, as had been seen, from officers in the Colonial Storekeeper's Department, who might place themselves in competition with *bonâ fide* tradesmen, in a way that would be altogether unfair, if from no other consideration than that of the better information they would have on all the matters which are generally taken into account by an intending tenderer. The Board should consist of three officers, severally bound to do their duty with all vigilance and care; the Colonial Storekeeper ought not to be one of the three, but if he made himself acquainted, as the Board think he might reasonably be expected to do, with current market prices, he might be present and afford valuable information on that head, so as to enable the Board even to reject or recommend the rejection of all the tenders, in the event of any combination among the tenderers to exact prices unreasonably beyond current rates in the open market. The acceptance of tenders should, as now, rest with the Colonial Treasurer, but it should be the duty of the Board, after hearing what the Colonial Storekeeper had to say, to note their opinion upon the schedule to be submitted to him, and this schedule should be made out in the presence of and be signed by the Board, and immediately forwarded under seal to the Treasurer, who would furnish the Colonial Storekeeper with a copy of the accepted tender, because, in many cases, the tender accepted would differ unavoidably from the advertisement calling for tenders, and this is all the Colonial Storekeeper ought to have to do with the tenders; but it should be his duty to see that the stores, when supplied, are in accordance with the tender both as to quantity and quality; and, if not, to return them to the tenderer, reporting the circumstance to the Colonial Treasurer, and leaving it to the tenderer, if dissatisfied, to institute a survey and such other proceedings as his interests might dictate.

7. As they have already said, the Board are of opinion that the Colonial Storekeeper ought to have nothing whatever to do with payments for stores, and they think that the known want of effectual system and check in accounting, even for ordinary stores, in his department,

fail to observe that packages containing gunpowder in tins occupied at least twice the space occupied by bulk gunpowder of equal weight. The Board would remark that the expediency of making immediate provision for a much larger supply of this article is suggested as necessary, even for purposes of progress in time of peace, by the enormous quantities expended upon the daily extending lines of Railway, to say nothing of the large quantities that might be required for purposes of defence at any time; and they consider that the safety of all the magazines would be best consulted, if those which may be erected, from time to time hereafter, were placed at such distances from each other that an explosion in one would not, as now, almost necessarily involve the blowing up of the whole. The Board noticed that whilst the old military magazine is constructed on the principles observed in the erection of similar buildings elsewhere, the new or Colonial magazines (which are quite close to it and to each other) are of a very much lighter structure, and are covered, one with slate and another with iron, as if the architect desired to diminish the shock of an explosion, in proportion to the diminished capacity to resist a foe or an accident which he gave to the roofs of these magazines, and thereby, doubtless, to lessen the danger to those who in Sydney and Balmain dwell in their immediate neighborhood. The Board consider it but right to observe here, that by abandoning the present jetty, and throwing a platform over the cut originally intended as the landing-place, and using that for purposes of unshipping and shipping gunpowder, much time and labor would be saved, and much damage to packages and risk to the magazines in these operations might be avoided. In a yard to the south of the Colonial Stores are strewed about many gun-carriages, and in a small ruin at the upper end of this yard are stowed a number of iron bedsteads, &c. This is the nature and extent of the accommodation provided for the Colonial Stores, and the officers in charge of them; and, as they have already said, the Board are free to admit that its inadequacy affords much excuse for defects in management.

Yard and small ruin, south of Colonial Stores.

5. The leading objects in the establishment of the Colonial Stores were, as stated in the extract from Sir Richard Bourke's financial minute already quoted, to check excessive consumption, and to have the articles properly surveyed; but the Board find that no check whatever is opposed to excessive consumption, except in a few instances where the Colonial Storekeeper feels he can interpose with impunity, whilst, practically, the survey of the stores is left in the hands of the most subordinate and least responsible officers in the department, the Colonial Storekeeper being called in only as referee when the foreman and fourth or junior clerk cannot themselves agree whether the stores are or are not according to pattern. Two other objects have subsequently presented themselves as being at least equally desirable in the maintenance of the Colonial Stores,—the acquisition of stores at the lowest cost consistent with the highest quality required, and the right accounting for the receipt, issue, and remains of these stores. That there is an absence of vigilance in looking to the wants of the service, so as to anticipate demands by supplies from England, whence, to use the Colonial Storekeeper's own words, stores can be obtained at a cost that would save importers' profits, is evidenced by the circumstance that in the year 1859 the purchases at Home did not exceed one-third of the total purchases for the year through the intervention of the Colonial Stores. And here the Board may observe that if the right system of accounting for stores by the ordinary store ledger in use in the Ordnance Department had been in operation in the Colonial Stores, this could not possibly have happened, for the actual consumption of each previous year would be distinctly before the Colonial Storekeeper, and would suggest to him the time for ordering his supplies, as well as the quantities and patterns to order. And this brings the Board to the consideration of the loose and altogether unsatisfactory mode by which the stores are accounted for. When goods come into store, the filed invoices or tradesmen's bills, in original or duplicate, form the record of Receipts; and when goods are issued from the store, the requisitions, and probably the receipts of the departments and services supplied are filed, and form the record of Issues; but there is no record whatever of remains; in other words, there is no ledger in which the receipts and issues are set off against each other, so as to give the balance in *remains*, which is so desirable in all store accounting, as well for the protection of the officers in charge as of the public service. Without this store ledger so kept, and half-yearly or yearly checked by actual stock-taking under a Board of Examiners, peculation to any conceivable extent may be constantly taking place, under a slight amount of management on the part of those engaged in it, without the prospect of detection, except

Insufficient check to consumption of stores.

Inefficient survey.

Absence of forethought to anticipate wants of the service.

Unsatisfactory mode of accounting for stores.

May induce to peculation.

by

department, might well have interposed to save him from a burthen and responsibility which do not attach to analogous officers in the Imperial Service; but as the duty did devolve upon him, in common with all other Heads of Departments, the Board cannot understand how he could consider the regulation which requires the intervention of clerks, so far only as to fill in and enter the cheques drawn by Heads of Departments, in any other light than as a salutary check and safeguard, instituted as well for his own protection as for that of the Government; and they have no excuse to offer for the indifference to the public interests which has characterized his payments by uncrossed as well as crossed cheques, for large amounts, sent by messengers to persons who, according to his own evidence, were as likely to be unknown as known to himself or his department.

though inexcusable for indifference to the interests of the service when that duty did devolve upon him.

8. From the absence of all system of reliably accounting for the receipts, issues, and remains of stores, the singularly loose manner in which payments for stores have been made (the Colonial Storekeeper avowing that he never saw a payment made), and the extraordinary circumstance that though sureties may not be required it has not been thought necessary or even desirable to know the persons who supply the public wants in stores, it is obvious to the Board that the audit of stores is impossible, whilst that of payments for stores may be altogether illusory. There is no check whatever on speculation to any conceivable extent, except that furnished by the integrity of the officers and servants employed in and about the stores, aided, as that may be, by considerations of the uselessness of portions of the stores for any other than the purposes of Government. And, as the Board have no ground, so neither have they any desire, to say one word in disparagement of the perfect integrity of the officers and servants of the department; but they consider it is not too much to say, that the most reliable business men are precisely those who gladly accept and supply the most efficacious checks upon their own transactions; and therefore they expect that their suggestions in this direction will be accepted by the officers and servants of the department in the good faith and inoffensive spirit in which they are made. The only means by which the Government could ascertain, with certainty, the losses they have sustained (if they have sustained any), would be by a process so expensive, that no results they could obtain under it would warrant the outlay. They would have to begin at the beginning, some time anterior even to 1837, setting off the issues against the receipts, and finally striking a balance of *remains*. And whatever discrepancy might be found to exist between those remains and the stores then actually on hand, would represent the extent of loss to be accounted for. And if any loss were found to have been sustained, then would arise another question;—by whom ought it to be accounted for, in the circumstances of change to which the department has been unavoidably subjected since its establishment.

In absence of right system of accounting, audit of stores impossible, whilst audit of payments for stores may be altogether illusory.

No ascertain extent to which speculation may have been carried, except at a cost disproportionate to the possible result.

9. The present staff of the department would be amply sufficient to conduct its business on right principles, and does not fall short of its requirements even now that the want of system opposes itself at every point to economy in labor; and this want of system is not inaptly illustrated in the evidence given by the several officers of the department as to their duties, in which they singularly differ, not only from each other, but also from themselves. Nevertheless, in the view that they are called upon merely to do that which comes to hand to be done, and are not in any way responsible for the absence or presence of system in the conduct of the business of the department, the Board are bound to say that, in their several positions, they seem to have performed the duties coming to them as well as could be reasonably expected under the circumstances.

Staff of department need not be increased to conduct its business on right principles.

Officers perform duties as well as can be expected in absence of such principles.

10. The Board now come to treat of the expense of maintaining the department in its present unsatisfactory state. It appears from the evidence of the Colonial Storekeeper, that £90,000 may be taken to be the money value of stores under his charge at any given moment; that these stores are all paid for; that a great portion of them are stowed in private stores, at considerable expense for rent, carriage, and labor; that the working expenses of the department, in salaries and contingencies, amount to about £4,000; and that the value of the stores issued in the course of the year 1859, did not exceed £40,000. Now, leaving out of the account losses, by deterioration or otherwise howsoever, and taking the data here presented, and computing interest on the £90,000 at the rate borne by Debentures, namely, six per cent., it seems to the Board that these items shew an expense, in the maintenance of the department in its present state, greatly in excess of any saving in importers' profits upon the imported stores, of the value of £14,000, included in the £40,000 worth of stores issued in the year 1859.

Expense of maintaining department in present unsatisfactory state.

Three modes suggested by which the wants of the service might be more reasonably and more efficiently supplied, under a right system of accounting.

1st. Abolishment of stores and leaving departments and services to supply themselves.

2nd. To distribute the stores to the several departments.

3rd. The maintenance of Colonial Stores on the principles observed in the establishment of Imperial Stores, with the necessary provision in buildings, &c., for the working thereof.

11. Looking then to the absolute inefficiency of the department in its present state—the unlimited scope for speculation afforded by the manner in which its business is now conducted—and the disproportionate expense of maintaining it, even in this state—the Board are of opinion that some one of the three following suggestions might, under the circumstances, be found worthy the serious consideration of Government :—

1st.—To abolish the Colonial Stores altogether, and leave it to the several departments and services to supply themselves, under some well-devised system of ultimate accounting to a Store Audit Branch of the Auditor General's Department.

2nd.—With a similar provision for ultimate accounting, to distribute the stores to the several departments and services in manner following, or on any other similar principle the Government might prefer, viz. :—

- (1.) Military Stores to the Artillery Depôt at Dawes' Point.
- (2.) Naval Stores to Naval Depôt on Garden Island, or elsewhere.
- (3.) Light House Stores to Depôt connected with Harbor Master's Department.
- (4.) Stationery to Depôt connected with Government Printing Establishment.
- (5.) Police clothing and arms to Depôt connected with Central Police Establishment in Sydney.
- (6.) Penal clothing to Depôt connected with Penal Establishment at Cockatoo Island; and
- (7.) Gaol clothing to Central Depôt at Darlinghurst Gaol.

3rd.—The maintenance of Colonial Stores on the principles observed in the establishment of Imperial Stores. The adoption of the last suggestion would comprehend all the advantages Sir Richard Bourke expected from the establishment of the Colonial Stores in 1837, and would be in exact accordance with the conclusions arrived at by the Board, after mature consideration of the present and prospective requirements of the Colony in this most important particular; but it would involve the necessity for the erection of entirely new buildings, to the full as capacious as, and by far more suitable for their purposes than, the present Commissariat Stores, with room to add as the requirements of the Colony increased. The adoption of the second suggestion would also involve the necessity for the erection of some few buildings, though of a much smaller character; but it would have this recommendation, that in every case the stores would, without expense, be protected by, and be near to, those who are to use the bulk of them, whilst, in the opinion of the Board, they could be received, issued, and accounted for on the Ordnance principle, without any increase in the present departmental expenditure, notwithstanding that the establishment of a separate Store Audit Office, as a branch of the Auditor General's Department, would be necessary to the right working of any of the systems suggested. All requisitions for stores should come to this office in duplicate, and should shew the receipts, the issues, remains, and requirements of the departments in appropriate columns; one copy of the requisition should be forwarded to the department in charge of the stores required, to govern their issue, whilst the other should be filed in the office, to be employed as the legitimate check upon the departments issuing and the departments receiving; and in no case should the parties charged with the custody and issue of the stores be burdened with payments for them, but they should be required to keep a book or file of prices, separate from the store ledger, to enable them to put the proper values upon the stores they supply upon such requisitions. There may appear something like complication in all this, but if the Store Audit Office were headed by an officer accustomed to the use of the store ledger on the Ordnance principle, the whole would soon be reduced to a practice simple, clear, and effective, and therefore satisfactory to all within the sphere of its operation.

Colonial Agency in England.
Salaried Agent.
Mercantile Agent.

12. The Board are strongly inclined to the opinion entertained by the Colonial Storekeeper, that a paid agency at Home would in all respects serve the interests of the Colony better than an ordinary commercial agency, because by the former the Government could procure the stores required by any means that might to them seem of most advantage to

to the public service, and could rely upon the personal intervention of their agent in securing the goods according to pattern, and at the more reasonable rates generally prevailing under competition, whilst of the latter they could scarce expect anything out of the ordinary mercantile course in shipping to order, and yet, under appearance of economy in the agency, might be subject, indirectly, to allowances for discount, or other remissions on the private ventures of their mercantile agent, which might be equivalent to a much larger commission than they would be inclined to pay were they at all aware of its amount.

13. In conclusion, the Board invite a careful perusal of the Evidence appended, as *Conclusion*, offering their best excuse, if they have erred in passing from the province of comment to that of suggestion, which lay, it may be, beyond the limits of their commission.

R. O'CONNOR,
Clerk of Legislative Council,
Chairman.

D. C. F. SCOTT,
Police Magistrate.

W. R. OLIVEY,
Paymaster, 12th Regiment.

*Legislative Council Offices,
Sydney, 16th July, 1860.*

APPENDIX.

MINUTE of Colonial Treasurer.

Governor General and Executive Council,
E. C. W. 30 July, 1860.

The Colonial Storekeeper's Department has now been the subject of two several investigations.

The first Board was appointed for the purpose of investigating charges "that large quantities of stores on account of the public service had, at various times, been tendered for and supplied by Mr. Buchanan and the late Chief Clerk of the Colonial Storekeeper's Department, Mr. John Weston, under the assumed names of "James Staunton," and "Staunton and Co." That investigation appearing to be incomplete and inconclusive in various points, the Executive Council by Minute, dated 5th April last, ordered that a fuller inquiry should take place. A second Board was therefore appointed, "to make further inquiry into the manner in which the Colonial Storekeeper's Department generally has been managed, the duties of the several officers of the Department, and how far those duties have or have not been honestly and efficiently performed."

After a careful perusal of the two several Reports, and the accompanying documents and evidence, I have no hesitation in stating it as my opinion that grave charges have been most conclusively proved against the general administration of the Colonial Store Department. It is proved beyond all question, that large quantities of stores on account of the public service had been tendered for and supplied by Mr. John Weston, under a feigned name, while holding the office of Chief Clerk in the Colonial Storekeeper's Department. It is also, to my mind, established, that this was done with the knowledge of Mr. Buchanan, the Colonial Storekeeper. But even if I were to assume that Mr. Buchanan was ignorant of these transactions, his conduct would be scarcely less culpable, for there must then have been an absence altogether of the most ordinary vigilance in the discharge of his duties, or he could not have failed to discover proceedings so questionable, and so apparent, that they formed the common topic of observation amongst the subordinates of the department. No direct proof was elicited by either Board, that Mr. Buchanan derived any pecuniary advantage from these transactions, but considerable doubt may be expressed, whether as regards these supplies, the interest of the public service was not made subservient to that of Mr. Weston. It is proved that goods were bought from "Staunton" (Weston), without calling for tenders, and apparently without any necessity. In some instances, it appears that no record of receipt of goods from this party was made in the books at the store, a reliance for checking the receipt being placed, as one witness remarked, upon "memory." The evidence of another witness goes to prove, that it was his particular duty to check and examine all accounts of contractors previous to payment, but that the accounts for goods supplied by this particular contractor, "Staunton" (Weston), were only brought to him for examination *after* they had been paid, and in many cases were never examined at all. No one in the department appears able to throw any light upon how, or when, this contractor received payment, as the clerk above referred to states that payments

to this individual were not witnessed, as required by the ordinary regulations. That such proceedings as these were permitted—Mr. Buchanan, I conceive, should be held responsible. But in many respects, as disclosed in evidence, the Colonial Storekeeper appears altogether to have ignored the duties which must have devolved upon him, in common with all other heads of departments. So far as the disbursement of an amount exceeding £30,000 per annum was concerned, Mr. Buchanan considered himself altogether absolved from the slightest responsibility in a pecuniary sense, transferring it entirely to Mr. Weston, the late Chief Clerk, on no more sufficient grounds than a regulation of the Government, that the chief, or some other clerk in each department, should prepare and initial all cheques for payment of money. It will scarcely be admitted that a responsibility for practices, which, in the language of one of the reports, left the Board “no excuse to offer for the indifference to the public interests which has characterized his (Mr. Buchanan’s) payments”—which was exhibited in the absence “of the most ordinary precautions in the disbursement of the public moneys placed at his disposal for the payment of stores”—can be thus lightly evaded. In respect of the business of the department generally, the evidence shews that there was little, if any, check on excessive consumption, and that the survey of stores supplied, was left in the hands of the most subordinate and least responsible officers in the department, upon whom indeed the whole practical working of the establishment appears to have been thrown. It may be instanced, as exhibiting a want of forethought in anticipating demands in the Colony by supplies from England, that in the year 1859 the sum for goods purchased in England amounted to £13,970, while for the same period the sum for goods purchased in the Colony amounted to £25,263; thus proving that in perhaps one of its most important duties, the department has altogether proved wanting. It might be difficult, or perhaps impossible, to prove that supplies were intentionally ordered from England short of the known wants of the public service, yet the fact here exhibited, when viewed in connection with the practice of the late Chief Clerk, Mr. Weston, to import goods from England, with the object of supplying contracts called for in the Colony cannot but leave room for grave suspicion that such was the case. That the Colonial Store Department, conducted as it has been by Mr. Buchanan, has entirely failed to accomplish any of the objects for which it was originally created, is clearly established. The second Board has made certain recommendations, respecting arrangements for the future, which will require to be very seriously considered. To them my attention shall be given immediately. But considering the long period during which Mr. Buchanan has been suspended, and the equitable grounds which demand that he should, without further delay, be informed of the decision of the Government regarding himself, I recommend that he should be at once called upon to shew cause why he should not be dismissed from the public service. Unless an explanation can be afforded more satisfactory than I can, after the evidence adduced, consider possible, it would, as far as I can at present judge, appear to be impossible to retain him in his present position, or in any other where fidelity and the usual qualifications for the Head of a Department are essential.

E. C. W.
28 July, 1860.

1860.

NEW SOUTH WALES.

COLONIAL STOREKEEPER'S DEPARTMENT.

MINUTES OF EVIDENCE.

MONDAY, 7 MAY, 1860.

Present:—

R. O'CONNOR, Esq., IN THE CHAIR.

CAPTAIN SCOTT,

CAPTAIN OLIVEY.

Mr. John Buchanan, Colonial Storekeeper, being present,—

The Chairman said: Mr. Buchanan, before making any statement yourself, perhaps you will have the kindness to allow me to read to you this letter, addressed to me by the Under Secretary to the Treasury, and the Minutes of our Proceedings up to this point; and at that point I must stop to hear what you have to state.

The Chairman read the letters appointing the Board, and also the Minutes of its Proceedings, shewing that, up to the present time, no step had been taken at which it was necessary for Mr. Buchanan to be present. These are our proceedings up to this point, and, in pursuance of them, we are come here to-day to prosecute our inquiry—in the first instance, as a matter of course, by examining yourself. Are you prepared to be examined?

Mr. Buchanan: It is necessary that I should make a slight statement in connection with this matter. I received your note this morning, after the hour at which the Board was appointed to meet, and it is the first official intimation I have had of any kind in reference to this matter. I am not aware, although I have applied for the information both verbally and in writing, what is the result of the former inquiry. I have not been furnished with a copy of the Report, and I have had no intimation from the Treasury apprising me of this second Board being appointed. I have received no intimation whatever in reference to it, and I consider that, from proper respect to me and to the office I have held, the Government ought to have afforded me that intimation. If they choose to proceed *ex parte* of course they have the power to do so. I cannot dispute it. I am powerless; but, certainly, proper respect to myself will teach me not to appear before this Board for examination until I receive that information. I am quite willing to appear before the Board when I have received this intimation from the head of the department—that is, the Colonial Treasurer.

The Chairman: In reference, first, to the note addressed to you, Mr. Buchanan, I had it posted by a special messenger on Friday evening, and it must have been here yesterday. That you have only received it to-day is no fault of the Board. But, with reference to the other matter, we, of course, are not in a position to compel you to give evidence. If you decline until you have been apprised of the result of the late inquiry, we have simply to report to the Government. Am I to understand that you do decline?

Mr. Buchanan: Most decidedly, until I have been apprised by the Government of this Board having been constituted, and, also, of the result of the late inquiry.

The Chairman: May I ask, have you any objection to the Board itself?

Mr. Buchanan: Not the slightest—quite the contrary.

The Chairman: You simply require —

Mr. Buchanan: To be informed officially with regard to the constitution of the Board, and the object of its inquiry. With reference to the note, I may mention that the post-mark shews it to have been posted on the day mentioned; but, as I am a suspended officer, it is not my business to be here. If it had been my duty to be here, of course I should have been at my post, and the letter would have reached me; but, as it was not, I was away at my own residence across the water.

The Board then deliberated, and adjourned till a future day.

FRIDAY,

FRIDAY, 11 MAY, 1860.

Present:—

R. O'CONNOR, Esq., IN THE CHAIR.

CAPTAIN SCOTT,

CAPTAIN OLIVEY.

Mr. Buchanan was in attendance.

The Chairman said: That after the rising of the Board on Monday, 7th, he communicated with the Under Secretary to the Treasury, with a view of placing before the Government Mr. Buchanan's reasons for declining then to be examined, and that on the following day he received a reply thanking him for the information, and stating that the omission to inform Mr. Buchanan in reference to the appointment of the Board, &c., was an oversight; also, that he had written to Mr. Buchanan informing him of the meeting of the Board.

The Letters having been read—

The Chairman: Do I understand, Mr. Buchanan, that you are now willing that we should proceed with your examination?

Mr. Buchanan: Perhaps it would be desirable that I should make a few observations in reference to the course I have thought it proper to take since the Board last met; and with the permission of the Board I should wish to read the correspondence which has taken place between myself and the Government. I duly received your note summoning me here in accordance with what you have stated. After the Board separated on Monday last, I wrote this letter to the Treasurer. [*Letter read.*] Having read that letter I beg to hand in a copy.

The Chairman: The Board will receive a copy of the letter as a matter of course, but it will be for them, by and bye, to consider whether it shall appear on the Minutes or not. I mention this because I desire that there should be no misunderstanding on your part.

Mr. Buchanan: After addressing that letter I received a further communication, which I will now read. It reached me on Tuesday morning, the 8th instant. [*Letter read.*] On the receipt of that letter I thought it necessary to write a further one. [*Letter read.*] I am now ready to proceed with the investigation in the terms of the notification that has been sent to me.

The Chairman: I do not know that there is any material difference between the terms of the note sent to you and the terms of our appointment. The Board, of course, will be governed by the terms of its own appointment; that would be its authority for action; it would be its limit—its definition—its bounds. It says here: "The Report, accompanied by the evidence, will be forwarded to you; and while the Treasurer does not consider it necessary to limit the scope of the investigation, he trusts that yourself and colleagues will be prepared to report fully upon the manner in which the department generally has been managed; upon the duties of the several officers of the department, and how far those duties have or have not been honestly and efficiently performed." You see that there is, in point of fact, a wide scope given to us. We have the previous evidence before us, and it becomes part of our business to look into it. As I read to you—we have looked into it. We are, therefore, not in any way restricted in this inquiry; on the contrary it is very extensive.

Mr. Buchanan: It cannot be more discursive than as stated in my letter—an inquiry into the general management of the department. I desire that no misapprehension may prevail. All I am anxious to understand is, the relation in which I stand towards this new Board. Am I, or am I not, held by the Board as still open to the charges which were formerly arrayed against me? Are they trying me on those charges, or are they not? If they are, I deny their authority. I am quite willing to afford every information consistent with the inquiry as intimated to me; but I am not prepared to appear here longer as an accused person. The interpretation I place upon that letter is that the Government have abandoned those charges. If the Board concur with me in that interpretation I am ready to proceed; if not, I must decline until I am further instructed by the Government.

The Chairman: You will perceive by the examination how far the Board have considered it necessary to proceed. They think it would do you best justice, and also that it would do best justice to the Government, who are acting for the public in this matter, really to carry out the instructions contained in this letter, that is, to make a thorough and searching inquiry into the department.

Mr. Buchanan: I should have not the slightest objection to that; but I wish clearly to understand the relation in which I stand to the Government. Am I here as the head of the department, or do I stand here as an accused officer? That, at present, is doubtful. No effort has been omitted on my part to arrive at a proper view. I have put those queries, which directly bear upon the matter, but have received no answer.

The Chairman: The Board have come to no decision in reference to the matter. They commenced this inquiry with perfectly clear and unbiassed minds, having no impression either one way or the other.

Mr. Buchanan: Do not misunderstand me—I did not impute anything to the Board.

The Chairman: I am aware of that. The Board have only one desire—to carry out instructions which they believe, if fully carried out, will be satisfactory to all parties concerned. They simply desire to do justice in the matter.

Mr.

Mr. Buchanan : I have only to express my concurrence in that also ; but to me it is of the greatest importance to know the position in which I stand.

The Chairman : In every one of the letters that have been addressed to us you are termed " Colonial Storekeeper " ; and if there had been anything in the nature of suspension we might know that in some way, but we are not bound by it in these instructions. We deal with you as Colonial Storekeeper. Even though you should have been suspended (if that be the case), still you would be the Colonial Storekeeper, and as such we should deal with you.

Mr. Buchanan : I think it is stated in Mr. Lane's letter that it had been " forgotten " to communicate with me in reference to this matter ?

The Chairman : It states—" I assure you that the fact of my not having written to " the Colonial Storekeeper in reference to the appointment of the Board was quite overlooked." It is an omission.

Mr. Buchanan : I will now beg to read two other letters to the Board—they were not addressed to me. [*Witness read two letters referring to the appointment of the Board, and bearing date respectively April 24 and April 30.*] I put in these copies, and leave it to be judged whether it was forgotten or not.

By the Chairman : In point of fact, the letters were addressed to the Chief Clerk, and no letter was addressed to you until the receipt of my letter ? Yes.

The Chairman : That being so we shall proceed to carry out our instructions, so far as we possibly can, under the firm conviction that it will be for the advantage of all parties. As we go along, if there be any question to which you take exception, it will be in your discretion to answer it, or not, and you can give your reasons at the time ; but it would be a difficult matter for us just now to state exactly every question we shall ask.

Mr. Buchanan : I can understand that. But the desire I have is to know whether I stand here as an accused person or not. I cannot gather it from the correspondence. Every effort I have made to determine that point has failed. By that information my future course will be determined.

The Chairman : I cannot, from our own instructions, gather that you appear before us as an accused person. The only thing you see here is this—" in order that authentic data " may be obtained as to the extent to which these irregularities have been carried, the " existence of which, in some degree, is manifest"—and I need not tell you that this paragraph neither ought to have nor has weight or influence with us. We have nothing to do with it.

Mr. Buchanan : No.

The Chairman : I could not say that there is no kind of accusation. There is here an inferential accusation of irregularity, but whether we affirm that there is or is not irregularity will depend upon our own investigation. We are not in any way bound by this, nor will we accept it in any way. We do not allow any one to come to conclusions for us ; we will come to our own conclusions on our own evidence, taken in accordance with the terms of our instructions, to inquire into " the general management of the department, the duties of its officers, " and how far those duties have or have not been honestly and efficiently performed."

Mr. Buchanan : Then the inquiry takes this shape—the Board is not appointed for my trial.

The Chairman : I cannot understand it in that way. Here are our instructions. (*Instructions read.*) Our duty, therefore, is one of inquiry into the particular matters stated in those few lines—" the management of the department, the duties of its officers, and " whether those duties have or have not been honestly and efficiently performed." That is the whole affair. Therefore, it is clear that this is a Board to make an investigation into those matters as if they had not been inquired into before. Well, now, shall we consider that all the preliminaries are arranged, Mr. Buchanan.

Mr. Buchanan : It seems to me that the Board are very much in my own position. There is a lingering doubt as to the position which I occupy. Although the Board are not cognizant of my suspension, I am aware of it ; and I have not at this moment been relieved from the charges under which I was placed. If I were only satisfied that the Government had abandoned them, I should be quite ready to proceed or to do anything in my power ; but, until I know that the categorical charges levelled at my head have been dealt with in some way, I do not see that I can proceed. It appears to me as if the Government had done this :—that they made certain charges against me, and that after those charges have been investigated by a Board, and it has been found that they cannot be supported, there is an attempt made to shift the ground.

The Chairman : We do not know anything about that.

Mr. Buchanan : I am perfectly cognizant of that ; but, of course, I must be aware of it. If they will only pronounce a decision, and tell me that they abandon the charges, I am prepared to afford the Board every information that I can concerning the department.

The Chairman : We are in no way in a position to enforce anything upon the Government. On the last occasion, when you declined to give evidence, we thought the objection reasonable enough ; and, as you saw, we communicated with the Under Secretary. The consequence was, you were put in possession of the information that we had been appointed a Board, and also of the nature of the inquiry we were to make. This inquiry is a new inquiry altogether, and has no reference to the former inquiry. We are bound by the four corners of our instructions. We cannot compel you to give evidence, but if you refuse we shall not therefore consider that we have no functions, but go on with the examination of other parties. It remains then for you to determine whether you will give evidence or not. Of course it would be impertinent in me to offer you any suggestion. As I said before, we shall not consider your refusal as interfering with our functions, but go on with the examination of other officers of the department.

Mr.

Mr. Buchanan : I think that will be the better course, as the Government have left me in doubt as to what my position is. As I cannot get answers from the Government to plain questions I must decline.

The Chairman : It is a matter for your own consideration.

Mr. Buchanan : The information given to me does not even accord with your instructions. The ingenuous course has not even been pursued of apprising me of the extent or nature of the inquiry committed to the Board.

The Chairman : It states that there is to be an inquiry into the "general management" of the department; and, as you said yourself, perhaps in the term "general management" the other matters might very well be considered as included. An inquiry into the "general management" would naturally, to business minds, include everything stated in the subsequent part of the letter to me. Therefore, substantially, you are apprised of the nature of this inquiry, and with previous inquiries we have nothing to do. It is for you to judge whether you will go on or not. Whatever we may think, we are not in a position to give you advice in reference to the matter. You must act entirely on your own discretion; perhaps you would take a few minutes to consider of it, because it is a matter of some consequence.

Mr. Buchanan : No; I think there can be no question. An inquiry into the general management of the department can be conducted without my presence in any way. I am not the head of the department at the present moment, and the inquiry can proceed without my presence or interference, especially as I have received no communication relieving me from the accusations brought against me.

The Chairman : But, as it would be an inquiry into the management of a department, naturally, the chief officer would be the right authority from whom to seek information in the first instance; and his information would naturally be considered superior to that to be derived from anybody else. Therefore, I think it is a mistake for you to suppose that your information would be of no service. It would be of most essential service. Still, if you decline to give us that information it will not stop the inquiry. We will endeavor to carry out our instructions to the best of our ability and power under the circumstances.

Mr. Buchanan : The Board will clearly understand why I decline;—it is simply because of the uncertainty of my position in the matter, and the impossibility of eliciting from the Government what that position is. If the Government will determine that for me I am quite anxious to afford every information it is in my power to give, and am prepared to do so without delay. But until this has been done I should be taking a course unjust to myself in this investigation. There is involved in this matter not only an inquiry into those charges, but my own character. My own character has been involved by the public acts of the Government in reference to the late charges, and I call upon them to pronounce a decision upon that matter. If they choose to perpetrate an injustice, let them do it. I am powerless in the matter. I can only protest against it at the proper moment and in the proper way.

The Chairman : I might, perhaps, make this remark;—it seems by the letter addressed to us from the Treasury that the Government, so far as they are cognizant of the previous evidence, are of opinion that some irregularities seem to have existed, but that they have not made up their mind whether they do in reality exist or not, and desire further investigation to come to an ultimate conclusion upon the matter. Therefore they say that this second inquiry is necessary, as a continuation of the first, in order to put them in a position to judge positively whether there have or have not been those irregularities which seemed to exist. I do not understand from this letter of mine that they take it that there is anything proved; they say it is manifest to a certain extent, and they desire this further inquiry to convince them one way or the other.

Mr. Buchanan : Then am I to understand that you consider the present Board appointed to continue the labors of the former one?

The Chairman : No.

Mr. Buchanan : I think you used the word.

The Chairman : I was connecting the result of our labors with the Government, and then the Government with the result of the labors of the previous Board. I keep our inquiry separate; but when it goes to the Government they will be in possession of the result of the two inquiries, and be in a position to judge from the two. But so far as our own inquiry is concerned, we should act as if it were perfectly separate from the other.

Mr. Buchanan : In that case my course is clear. I stand accused, and shall give nothing further. Distinct accusations were made against me; they were investigated by three officers in the public service (I was not even allowed the right to challenge one of those officers—I protested against his sitting on personal grounds, but the Government still maintained him in his position); those officers pursued the investigation in the most inquisitorial style; they reported, and I presume the inquiry is closed. It is not competent that a man should be tried twice.

The Chairman : Then you persist in declining?

Mr. Buchanan : Most certainly I shall now, Mr. O'Connor, that being the case.

The Chairman : Of course we cannot make any suggestion, we must accept your refusal to be examined as absolute, so far, and consult what course we shall take—whether we shall proceed with the examination of others to-day or not.

Mr. Buchanan withdrew.

TUESDAY,

TUESDAY, 22 MAY, 1860.

Present:—

R. O'CONNOR, Esq., IN THE CHAIR.

CAPTAIN SCOTT,

CAPTAIN OLIVEY.

John Buchanan, Esq., Colonial Storekeeper, called in and examined:—

The Chairman having read the minutes of the last meeting and the correspondence which had since taken place. J. Buchanan,
Esq.
22 May, 1860.

Mr. Buchanan said: I received an answer on the 16th (dated the 15th—from the Treasury) to my letters of the 7th and 8th instant, transmitting to me a copy of the report of the former Board, and also an extract from a minute of the Executive Council, which I will read:—"They, therefore, advise that a full and searching inquiry be at once instituted into the general management of the business connected with the management of the "Colonial Store." Those are the exact words used, and I am perfectly prepared to go on with this inquiry.

1. *By the Chairman*: I notice the point on which you dwell—"into the management." Those are the exact words used. Of course, in proceeding with the inquiry, it will be for you to take exception to any question to which you may object. We may differ as to whether it relates to the general management or not; but, at all events, the question will be put down, and your answer or your refusal to answer will also be recorded.

Mr. Buchanan: The question in reference to the matter involved in the former inquiry is not at the present moment in a satisfactory state, but I am unwilling to trouble the Board about that. The battle on that question must be fought between me and the Government; it must be fought in the House, and there I am determined to take it.

2. You are Colonial Storekeeper, Mr. Buchanan? Yes; or, I may say that I have been. I am hardly in a position to say whether I am at this present moment or not.

3. How long have you filled that office? Since the 1st January, 1845. I may add that although that is the date from which I took charge of the department, my service in it dates from the year 1839. It perhaps may not be a matter of much moment, but as it is the first opportunity I have had of placing it upon record, I desire now to state that I took charge of this office from a gentleman who formerly filled the conjoint offices of Ordnance Storekeeper and Colonial Storekeeper. He resigned in 1844, in consequence of the contumelious treatment he received at that time.

4. I do not think we ought to go into that matter; our inquiry ought to be divested as much as possible of feeling of any kind? I am speaking of the past only.

5. You spoke of the contumelious way in which some other officer had been treated—that cannot affect your standing? It has a considerable bearing upon this matter. The feeling which led to the contumelious treatment of this officer years ago has existed from that day to this in reference to the department. It was on account of the treatment he received at the hands of the Legislative Council of that day that he resigned. I do not blink the question. He was one of the most efficient officers the Government ever had in the public service; but he has now retired to private life. I feel under considerable obligations to him, and I now wish to place it upon record. I succeeded him. I was appointed by Sir George Gipps to fill this office when the Government were in considerable embarrassment as to who should fill it, and I accepted the appointment at a less salary than I received as a clerk in the department, and held it for three years at that rate. I had to do the duty with one clerk only where four had been previously allowed. Such were the circumstances in which I was placed at the commencement of my charge of this department.

6. I think it will be better to divest this inquiry of any statements of this kind, because they clearly can have nothing to do with the management of the department now. I should like to divest it of anything which pertains to feeling, and go at once into the simple matter of business. You supply the departments and services of the Government with the stores they require? That is a portion of the duties I am called upon to perform.

7. You know their wants by requisition? Yes; that is the way in which I am made acquainted with what they absolutely require.

8. Do you comply with their requisitions in full, or do you exercise any discretion in the matter? The practice for many years—in fact from the commencement of the department, was, that all stores should be submitted to the Government for approval. If the Colonial Storekeeper saw in those demands anything unusual or extravagant, it was his duty to point it out to the Government, and leave it to their discretion whether the requisition should be complied with or not. He had not the power himself of refusing. He had the power to recommend but not to refuse. When Mr. Donaldson came into office—not as Premier, but as Colonial Treasurer—the practice was discontinued. It had been usual to submit the demands, previous to the introduction of Responsible Government, to the Governor, and of late years to the proper minister. Mr. Donaldson considered that the duty was one which he was scarcely called upon to perform, and on one occasion one of my clerks who had taken a number of demands up to him for approval, returned with a message to me to the effect that it was unnecessary for the future that those demands should be submitted. Since that day they have not been submitted. I have no record of that fact. It is not the custom of the Treasury to commit anything to writing if they can avoid it. Although it is a very important change, I have no record of it beyond the word of the clerk who received the instruction and mentioned it to me. I mentioned the matter to the Secretary to the Treasury, who said it was the case. I have never considered myself in a position to attempt to reduce the demands of superior officers unless those demands were notoriously extravagant.

There

J. Buchanan, Esq.
22 May, 1860.

There have been instances in which extraordinary expenses have been involved, in which I have made such reductions. I may mention one noted instance in reference to the fitting up of the Artillery Barracks. The demand was so excessive that I felt it my duty to draw attention to it and not act upon it, without special instructions. This is all that occurs to me at the present moment.

9. Previously then to the discretion being put into your hands, in the way you speak of, you did not, in point of fact, exercise any discretion in regard to the issue of supplies upon requisition? I did not; the Government exercised it; but in many instances alterations have been made in consequence of remarks from this office. I may add that Sir George Gipps invariably went over the demands himself, and there are in my office records to this day of the cuttings and carvings, and clippings to which he subjected all those applications—in his own handwriting.

10. Since that period you have exercised a discretion in some cases? Yes.

11. That discretion being exercised by calling the attention of the Government to any requisition which you considered excessive? Yes; in that way.

12. But have you, in any instance, exercised that discretion directly, by supplying a smaller quantity than that specified in the requisition? I may have done it in reference to some minor matter, but I do not recollect having done so. Since the requisitions have not been submitted to the Ministers, if I felt any doubt as to the extravagance of a demand, and if it were an important office, I should submit it to the Government. The duty is so delicate and so dangerous for one to exercise that I have been very cautious about it.

13. Upon the whole have there been many requisitions much in excess of the requirements of departments? I cannot pretend to divine what the requirements of a department may be. I may have my own opinions upon those matters, but I am not in a position to state positively.

14. What means have you of judging of the wants of departments better than their heads, who sign the requisitions? Of course my means of forming a judgment cannot be better than those of the heads of the departments; I do not for a moment presume that they are; but my experience teaches me this—that the heads of departments very often are not responsible for the demands sent in. In the pressure of other business they sign the requisitions, possibly *pro formâ*, and the demand is virtually that of the clerks. I have frequently suspected that to be the case. My suspicions may have been wrong sometimes—I am not infallible—but I am satisfied that in other cases I have acted quite correctly, and that my suspicions have been well founded.

15. But if the heads of the departments performed their duty in this matter—which it is supposed and expected they would perform—there would be no room for any curtailment of requisitions? True; but the heads of departments, as a general rule, look upon the question of obtaining stores as a minor matter, and not as the special object of their department. The duty, therefore, frequently falls into the hands of the clerks.

16. But a serious question is involved in the consideration of an application for a larger amount of stores than is really required by a department? Many officers really do not know what they require, especially officers newly appointed; they really have no conception of what they do want.

17. That is an exceptional case, it must be so, they can only ascertain from experience,—but I am not speaking of exceptional cases? You are speaking of old established officers?

18. Yes? I find that many officers are unable to name even what they require. They have some conception of what it is they want, but as to giving it a name or defining the quantities, it is out of their power; they come here actually for us to prepare their demands, which we are frequently in the habit of doing.

19. You must refer to the new departments of which you spoke? My observations may, perhaps, apply more particularly to country districts than to fixed establishments in town. The requirements of fixed establishments in town are of very little consequence; most of their demands are confined to stationery—a few sheets of paper, or pens and ink, and things of that kind, which everybody is versed in; but it becomes a different matter where stores are required which need a technical knowledge.

20. Now, looking at the difference between the demand as by requisition and the supply, do you think there is much saved in that way to the public? In what way?

21. By a supply short of the requisition? I do not think there is. I do not by any means found upon that circumstance any idea of the worth of the department at all. I do not attach the slightest importance to it.

22. You obtain the means of supplying these requisitions by calling for tenders through the *Government Gazette*? By calling for tenders through the *Government Gazette*—that is one of the modes. We also obtain stores from England; we also make private purchases;—those are two other modes.

23. When you obtain stores from England, you make, I suppose, the Treasury acquainted with the fact that you need those supplies to meet the public wants? In reference to such stores as are obtained from England by this office, the *indents*, as you would term them—the *demands*, as I term them in the office—are sent to the Treasury to be forwarded to England. They are not forwarded direct from this Office, but from the Treasury.

24. And in regard to the supplies that you purchase privately in the Colony without calling for tender—these, I imagine, are to supply immediate and urgent wants? Yes, generally that is the case; that power has always been vested in the department.

25. Now, supposing the heads of the departments to do their duty in this matter, and supposing those who have charge of new departments to understand anything whatever of the matters of which they are put in charge—could not their wants be supplied as promptly, as cheaply, and with articles as good, by men in the trade as by this department? In certain

certain cases they might be, but there are certain other cases in which they could not be supplied at all, and with some of the most material items. J. Buchanan, Esq.

26. Would you be kind enough to mention a few of those material items? I would simply ask the Board to consider in what way the police could be supplied with arms and ammunition by private trade? How could they be furnished except from a Government depôt? 22 May, 1860.

27. You consider then that it is absolutely necessary there should be always on hand a large stock of certain articles to meet the demand? I am convinced that no Government can exist without it. I do not see any Government in the world that can do it. Even in this Colony, although this department has nominally existed for only twenty-five years it has actually existed from the earliest days of the history of the Colony. Before there was a Colonial Storekeeper's Department there was an Ordnance. When the Ordnance came out here in 1835 they would not continue to do the duty, and Sir Richard Bourke found it necessary then to establish the Colonial Storekeeper's Department. Previous to 1835 it had been done by the Commissariat Store branch, which had existed since the foundation of the Colony; so that although the name had not existed, the department, in fact, existed, and must exist. This department may be swept away, and all the employés may be dispensed with, but you will not get rid of the department. It will exist in some shape. It will only be a change in name and not in fact. The supplies of the Government differ so materially from what is required in private life that the Government must, despite all efforts to the contrary, maintain a depôt somewhere, and in somebody's charge.

28. But as regards ordinary stores—we will say stationery, provisions, clothes? Provisions are not an item.

29. Well, stationery, and clothing, and ironmongery generally—these might be supplied by individuals in the trade; but as regards arms and munitions of war generally you think it would be absolutely necessary for the Government to have a store? Yes; but it is not only arms and ammunition. We will take the case of clothing alone. There would be no possibility of providing the clothing required by this Colony if we did not have a public depôt. It differs so much from what is used in private life. You could not go and buy police clothing in any Jew's slop-shop—you cannot pick it up at the corner of any street. You could not even buy it at any price you chose to name. You could not even get the material of which it is made. You could not in England—if you were in London. My knowledge of the state of things there proves to me the impossibility there would be, with all the immense appliances of England,—without the aid of the large army clothiers, it would be impossible for the country to equip ten thousand men. It is a special duty to supply clothing alone, but it falls into a few hands—it is engrossed by Abbott & Co., Dolman & Co., and other large houses in London.

30. There is no doubt about that; but you are aware that there is a Central Police Office here, with an Inspector General, and a considerable staff;—might not the Police Department supply itself with clothing from these very houses at Home in the same way that a regiment supplies itself with clothing? But a regiment does not supply itself with clothing.

31. They get the clothing? From a public depôt. The system is changed now. Formerly the Colonels used to be allowed the "off-reekonings," and they used to provide the clothing, but now that system is abolished.

32. I thoroughly comprehend the system; the army clothiers keep a store in point of fact with the regiment, and they are paid according as the clothing is used? Yes.

33. Now, considering the large staff we have here in Sydney at head quarters, and the orderly manner in which police matters are regulated in this country, do you see any difficulty in the police supplying themselves with clothing from those large establishments at Home something on the same principle as the army? But the army does not supply itself.

34. Well, we will not say "as the army"—but is it not possible for the Police Department to supply itself from those large establishments through a Colonial Agent—letting the Superintendent of Police, or some other officer, have charge; and might not each department in like manner be supplied with whatever might be required? But the departments are too numerous and insignificant in New South Wales for any clothier to undertake that business.

35. But take the clothing of the police alone, it would not be difficult, I imagine, to find persons willing to supply it? Yes; but when we talk of the clothier supplying it in that way, we must remember the insignificant fractions into which the police are split up.

36. That would not effect the matter, because the Superintendent knows the whole body throughout the Colony, and would provide for the whole body. It would be for him to deal with the minutiae, not the clothier? But even the entire body is not equal to a battalion.

37. That would not affect the question: could not the police be supplied in that way? I am satisfied of this, that if you choose to pay for it you may get anything done in London. You will find men in London who will enter into any arrangement you wish if you will only pay them. As to how far it would be economical is a matter in reference to which I have great doubts.

38. Might not the same be said of arms and ammunition; as the police are the parties who use these arms, might not they be supplied in the same way, and the supplies placed under the same superintendence? They might be certainly; but I am not aware that it is a correct inference that because the police use the arms, the Central Police Office is the proper place in which a permanent depôt should be maintained. We do not find that because in the hands of a regiment warlike weapons are placed, therefore, it is in their hands that the depôts are placed. We never find that in England or elsewhere.

39. For the very protection of the arms and clothing does it not strike you that the Police Department would be more secure? How do you mean secure? Secure from what?

40. I speak of the protection of the arms;—for instance, suppose arms were required on a sudden emergency? Yes.

- J. Buchanan,
Esq.
22 May, 1860.
41. They would be more likely to fall into rightful hands under the control of the police than if they were kept here with perhaps only one civilian in charge? You mean secure from being taken?
42. Yes? That is a question which concerns the Government. I confess that I have never seen any public store left in a condition like this. Here are military stores in an utterly unprotected state; but for that I am not responsible. The Government might prevent it by placing a proper guard over them. They can only do that by putting police in charge.
43. *By Captain Scott*: Police, armed with swords, are placed in charge of Woolwich Arsenal and Dockyard? Yes; there has been a dockyard police for many years.
44. At Woolwich? Oh! yes.
45. *By the Chairman*: In your advertisements calling for tenders, do you always specify the quantity and the quality? By no means. In fact, as a general rule, I may state that in our contracts, not only with this department, but also with every other department of the Government, quantities are seldom or never mentioned.
46. As a general rule? As a general rule. They are taken for a period. All the provision contracts, for instance, are taken for periods extending over three, six, or twelve months, as the case may be, the agreement being to supply all the Government may require during the period. That is invariably the case with provision contracts, and it is also the case with the great bulk of the stores.
47. Does that include stationery? It used to include stationery when we obtained it in the country.
48. Here? Here. I mean when we got stationery exclusively in the country.
49. When tenders are sent in upon your advertisement, to whom are they addressed, and by whom are they opened? They are sent in to the Treasury, and they are opened at the Treasury in the presence of a Board.
50. Consisting of whom? The Under Secretary and myself generally. There is occasionally a third officer.
51. Has that Board consisted of those two officers for any length of time? About three years I think I may state. It has always existed in fact; but the tenders have only been opened at the Treasury since we have had Responsible Government. Previously, the tenders were opened at the Colonial Secretary's Office, and in those days I was one of the Board, with Mr. Thomson.
52. When the tenders are opened they are then put into schedule? They are initialled at the Treasury by the members of the Board, and then placed in a schedule—that is, there is an abstract forwarded of them.
53. Does each member of the Board initial each tender? Yes.
54. By whom are the tenders then put into schedule? By myself; in this office, if they are tenders which concern this department. After being placed in schedule, a recommendation is put upon them signed by the members of the Board, and the whole of the papers—that is, the original tenders—are submitted to the Minister for his approval. Occasionally, he differs from the recommendations of the Board; though that is not of frequent occurrence, I have known it to be done.
55. When the tenders are in schedule, and are remitted to the Treasury, do they accompany the schedule? Always; the whole of the papers.
56. So that they have there again the means of comparing the tenders with the schedule? Invariably. That is a rule I never knew to be departed from.
57. It would not be possible, then, under the system now adopted (the initialling of the tenders, their return with the schedule, and the re-examination by the Board), for any person upon whom the duty might devolve of putting these tenders into schedule, to substitute a tender which had not passed the Board for one which had? It would be a simple impossibility. Possibly if I shew the Board a schedule they will see better what I mean. [*Schedule produced.*]
58. *By Captain Olivey*: Are the tenders numbered when they are issued, and do the numbers correspond with the schedule? In all cases. They are numbered consecutively.
59. *By the Chairman*: When the tenders go for approval they are then accompanied by an extract from the *Government Gazette*, containing the advertisement calling for tenders? A printed extract.
60. And the schedule contains recommendations for the guidance of the Minister? Yes. I have known instances in which those recommendations have not been accepted by the Minister,—where he has seen reason to differ from us, and they have had to be modified; but those instances are very rare indeed.
61. And the tender that is accepted obtains, in fact, the final approval of the Minister? Yes.
62. But before he gives this approval he has the whole of those documents under review before him? He invariably has the whole of those documents in his possession. There is no hurried conclusion arrived at, for occasionally a lapse of two or three days takes place before a conclusion is come to.
63. Setting aside the difficulty of mentioning quantities, do you contemplate that any advantages can accrue to the Government from the omission? It is sometimes simply impossible to mention quantities. I should be always inclined, if it were possible, to name a specific quantity, but I know of no Government that has the power to do so. I know what the practice of the English Government is, and I can produce undeniable evidence to shew that the course pursued in England is similar to the practice I have adopted here. I copied it from the English system, with which I was acquainted before I came to this Colony.
64. What means have you of judging of the reasonableness of a tender as to price? Nothing, except that general knowledge which a man acquires from long experience, and seeing the articles

articles in which he deals; judging what they were in past times, and watching the state of the markets.

65. Without, perhaps, addressing yourself particularly to the matter, you necessarily become acquainted with the state of the markets? Yes, with some.

66. And with the different firms in the trade, and so on? With their names. There is so much formality attached to Government business, and it is of so different a character to that which prevails in private life, that there are certain houses which seem to devote themselves to that class of business; and those men generally take it up.

67. How do you communicate to tenderers the acceptance or rejection of their tenders? By a printed memorandum; perhaps I had better give the Board one. [*Memorandum produced.*]

68. Do you send that printed memorandum to those whose tenders are rejected, as well as to those whose tenders are accepted? You see there is a blank left—"I do myself the honor to acquaint you, that your tender dated [blank] has been [blank] 'accepted' or 'declined,' " as the case may be.

69. And how do you send these—through the post? By the post, or by the messenger; sometimes when the stores are urgently required we do not send them at all, but we send a man with an order for the goods, and that is taken as a notification of the acceptance of the tender.

70. But what have you to say to those whose tenders are declined? We send notices of declination.

71. You do that invariably? Yes, that rule has not always prevailed. It is only with this department that it prevails at all,—other departments of the public service give no notice to tenderers whose tenders are not accepted. At Melbourne, it is distinctly stated that notice will only be given to those parties whose tenders are accepted.

72. In a large establishment that would be a convenient mode, and there would then be no reason to complain? I thought it was better to do so, because we frequently had personal inquiries after the fate of tenders; and the tenderers seemed to think that there was a want of courtesy in the department.

73. Then of course you have known the address of the tenderers? When it has been given to us.

74. Now in the case of scheduling tenders, is it not a question with the Board who and what the tenderers are—whether they will be able to carry out their contracts if their tenders be accepted? I am sorry to say that the Government looks to nothing but to cheapness. In this contract system there are two agencies at work—the one trying to "do" the other; it is a contest between the Government and the contractor—each trying to drive the hardest bargain.

75. Are we to understand that the Board would schedule and recommend to the Minister for acceptance a tender from a person utterly unknown? I am satisfied that they do not trouble their heads about it in any way.

76. That is the Government? Yes.

77. But in regard to yourself, tenders are put into schedule here, and the recommendation emanates from this office which is supposed to guide, and which, as we have already heard, in a great majority of cases, actually does guide the Minister? Yes.

78. Well, you would not give that recommendation in the case of a tenderer utterly unknown—without a habitation or a name? The fact is, I act under certain rules in these matters. The understood rule with the Government is, that the lowest tender is to be accepted.

79. But is there not this other understanding—that the tenderers should be known as persons likely to carry out the contract;—would it not be a consideration for yourself, not to place the Government in the position of accepting a tender from a person altogether unknown, and who might fail in supplying the goods, and therefore put the Government in a most extraordinary position at any moment? I know of no case of the kind having occurred.

80. But such a case is possible? It is possible; but if we received a tender from any person who had failed to perform a previous contract, we of course should not recommend its acceptance without bringing that fact under notice. If a man does not satisfactorily perform one contract, however, that is no bar to the Government taking his tenders again into favorable consideration. I have known the Government to take that step in defiance of recommendations to the contrary.

81. Do you never take bonds? Yes; for time contracts. For all contracts extending over a period we take bonds. For contracts where the goods are delivered instantly, or within a brief period, and for certain specific items, we do not take bonds. If the contract be executed at once, the bond is a farce. There is no necessity for it whatever. We never have taken it.

82. Excepting in time contracts? Excepting in time contracts.

83. Samples are sent to you, I suppose? We usually fix our own samples. On that the entire superstructure must be raised. It must be a question of quality. Wherever we can do it we fix our own samples, and require tenderers to tender according to our patterns. If you reflect for a moment you will see how this simplifies the matter. If we suffered each individual to send in patterns of his own, there would be a difference of quality and cost, and it would be difficult to determine who was the lowest in reality. But if you set up one pattern, the only thing is who will supply it at the lowest price. It is very desirable, too, that the Government should if possible adhere to one settled pattern.

84. That seems feasible and reasonable enough, and indeed practically throughout the departments, in detail, it is carried out. For the little things they require to have done by contract they shew a pattern, and the work must be according to it; and if this be advantageous,

J. Buchanan, Esq. tagueous, I believe it will be much more so on a larger scale? We do so as far as it is possible to do it.

23 May, 1860. 85. Well, then, the goods are supplied up to the standard of a pattern exhibited by yourself By ourselves generally. We do receive stores occasionally according to contractor's patterns, but in that case we call upon them first to submit patterns. There are instances of both modes of proceeding.

86. But the usual course is, that you yourselves insist upon compliance with the pattern exhibited here? Yes; we insist upon compliance with the Government Store patterns.

87. When the goods are supplied do you personally inspect them for quality, and count, weigh, or measure them for quantity? The storemen examine them as to quantity by opening packages, or if not too large they positively count every article received. If they come in English packages, and the quantity be large—neither our room nor convenience for packing being very great—we do not unpack all, but only a part, and from the correctness of the quantity absolutely tested we assume the rest to be correct. As to quality they are gone over minutely in the store. I myself subsequently see the articles, and if they correspond I certify to the fact. That duty is one which peculiarly devolves upon me, and one for which I am more responsible perhaps than any person in the office.

88. You testify that the quality of the goods supplied is equal to the quality of the pattern submitted? Yes.

89. And this test is by you carried to the extent of an examination of a portion of the goods for quantity? Yes.

90. You cannot carry it beyond that? No; occasionally it extends to every thing that is delivered.

91. You only examine a convenient portion for quantity, and you can therefore only examine that tested portion for quality also,—how do you ascertain subsequently whether the remainder is in accordance with the pattern, or correct as to quantity? We have never had any question of it being otherwise; such a thing has never arisen. I do not see how it is possible to arise. No one can know what particular packages will be examined. If goods come in in packages those packages usually contain even quantities. Take an instance—a thousand articles are to be delivered; they may be packed in five bales of two hundred each;—that would be the usual mode. We should take one, or perhaps two, of those five bales indiscriminately, and if we found them correct we should assume the whole five to be correct. It is not known which will be taken for examination. That is a matter which I do not determine. It is determined by the people in the store. They take them at haphazard. Such a thing has never occurred since the department existed of a dispute as to quantity arising.

92. Subsequently you would not be in a position to state absolutely that the remaining bales or cases turned out exactly in quantity and quality equal to those first tested? No one could do that.

93. And yet subsequently those bales and cases are opened and their contents distributed? Oh! if they are opened subsequently in the store they are counted, but if they go away in whole packages afterwards they are not. If they are subsequently opened in the store it is seen that both quantity and quality are correct.

94. And you have had no case in which you have subsequently found the bales or cases to contain articles either inferior in quality or less in quantity than you had imagined in the first instance? No; I have never known of such an instance. In fact, it is hard'y ever known in mercantile life. If I saw a bale of goods come in here, packed in this country, I would not accept that without opening it. In England there are sworn packers, and a mistake very rarely occurs. Goods supplied in the Colony, if not in English packages are frequently sent in loose, and then we examine every thing. When I spoke of goods coming in in packages, I meant English packages, which are as obvious to a man as noon from midnight.

95. What record do you keep of the stores received, issued, and on hand? The record of stores received is of course the voucher, on which the payment is made,—of that we keep a record in the office, and we also send a similar record to the Auditor General's Department. That record is signed by myself and a party in the store. We keep one copy for our own information, and send the other copy to the Auditor General.

96. Do you enter the quantities received into any books? We note the receipt of the goods in the order book, but the true record is, of course, the voucher.

97. Then as to the issues what record have you? We keep a record of the issues in the issue book. We have two books. We term them the country issue book and the town issue book. We divide it into two for the sake of convenience.

98. Are these kept in such a fashion as that you could, at stated periods of the year, like other persons in business, take stock? We can take stock the same as other persons do.

99. So as to produce a balance? No person in town does take stock so as to produce a balance of quantities. Such a thing is utterly unknown in private life. The stock-taking of a mercantile firm is this: the merchant counts the goods that he has left, and values them so that he may arrive at an idea of what he is worth. He fixes some market value upon the goods which he thinks they would be likely to fetch. There is no mercantile house in town that keeps a record of every issue it makes. He puts down the issues as cash; but he keeps no record of the quantities sold. He sees that he has so much in his till, and he keeps his record by his cash and not by quantities sold.

100. The record of quantity is kept by his storekeeper? A record of the packages but not of quantities.

101. If you speak of a merchant all his receipts and issues will be packages? Yes.

102. And a regular account is kept—if any package be opened he can tell the balance? You are wrong.

103. I know it from personal experience? I never found a mercantile man do it yet. I J. Buchanan,
discussed the matter with Mr. Donaldson. I was shewing him how the Ordnance system ^{Esq.}
worked, and other things connected with the question, and he said it was impossible to do so. ^{22 May, 1860.}
And not only would it be inoperative, but it would involve the necessity for such a large
staff as would frighten the people. It is a question of considerable magnitude, and one that
has been very much and very keenly debated in England. There are only two systems
which the Government can pursue. They must either keep an account by values or by
quantities. They have unfortunately here tried both systems at the same time—a sort of
combination of the two.
104. I do not see what business a department of this description has with accounts of values
at all, because that matter is settled by the acceptance of tenders and the receipt of the
goods? You are right that far. That is the system adopted in England. There they have
dissociated values from quantities. For instance, take the Military Storekeeper here, or at
any station, he does not know the value of his stores. He does not know what they cost,
and has no conception of what they are worth. But you cannot adopt that system here, on
account of the manner in which the votes of Parliament are taken. They would not adopt
the clear system adopted in England. Often as I have represented it to the Government
they find it impossible.
105. Then in fact you do not take stock? We do, occasionally; we have taken stock two
or three times, but in a way which, for my own part, I look upon as utterly valueless.
106. Would you describe the system you adopted in taking stock? They professed to see
everything, and to count everything; but really it was in a way which led me to differ as to
their correctness. Different persons have different views; and the Board who took stock
determined how it should be taken; but, as I happen to have seen stock-taking, and know
how it should be done, I do not think the mode adopted was likely to lead to any accurate
result.
107. You mean that the Board took stock? Yes.
108. Which Board? Captain Mayne and his colleagues.
109. You have been in the habit of taking stock previously to that? Never.
110. And have never subsequently taken stock? No. How on earth is it possible to take
stock with the system pursued here—the issues going on at the same time, and no account
being taken of them?—With the stores we have, stock-taking in this department would take
three months, and work cannot be suspended during that time.
111. You think it is impossible to take stock with your present staff? With the present
staff, and the limited room we have.
112. With the present staff and accommodation of the department it is impossible to take
stock? Simply impossible; and when I suggested the other day that you should view the
stores, it was principally that you might become acquainted with that fact. I am sure a
glance at the stores will put that fact plainly before you.
113. Then the goods received you mark "Received" in the order book, and the goods issued
you put down in the issue book, and you do not take stock? Periodically —
114. Periodically? No.
115. Then for the "remains" you must trust wholly to the integrity of those you have
about you? We trust in a considerable degree to their integrity—we must do so; but we
have certain checks. One great check exists in this fact—that the stores kept for the public
service are utterly worthless elsewhere. Nine-tenths of them are utterly useless to any
one else.
116. Why? They are not of a character to be of service.
117. Blankets are blankets? Yes; but they have a great brand upon them.
118. There are shirts and trousers? But of what use would a convict's shirt be to a man?—
he would not go out branded as a felon, and that would brand him as such. True we have
police trousers—that perhaps might be an item, but a policeman's coat would be no good.
119. Are there no other items of value which might pass current without detection? There
are a few things. Of course, when I spoke in the way I did, I alluded to the great bulk of
things. The goods are within an enclosure, it is true, and all the people here leave at a
certain hour; but it is possible that there might be some little peculation, although I do
not believe it for a moment, for all the officers I have here are men who have been here for
a number of years. I recollect quite well half a dozen howitzers slipping off from the wharf
at Woolwich; and as they happened to be brass, they were very soon made away with about
London. It can be done.
120. You say that all the persons employed in this department leave at one hour? Yes.
121. And come at one hour? Yes.
122. Do they leave anybody behind in charge of the premises? Yes, the watchman.
123. The watchman? Yes; the place is locked up and left in his charge.
124. Is he sworn in as a constable? No, he is not.
125. Is he a young or an aged man? He is a middle-aged man.
126. Have you employed him for a long time? Not a very long time, but for these
eighteen months, I think. The man who preceded him we had for years, but we changed
him. The miserable remuneration allowed is hardly enough to induce any man to accept
the office.
127. Have you many stores except this? Do you mean buildings?
128. Yes? This is the only building in the immediate charge of the people connected with
this department. We have stores at the Commissariat, but that is not under our charge.
We have goods deposited in Moore's Store, but that is a private warehouse. The Magazine
at Goat Island is for the most part filled with stores belonging to us.
129. But this, in point of fact, is the only store under your charge, and for which you are
immediately

J. Buchanan, Esq., immediately responsible? Yes; this we may consider the issuing store; we keep here a sort of small dépôt, containing everything likely to be immediately required.

130. How do you pay the contractors and tenderers? By cheque.

22 May, 1860. 131. Invariably? Invariably by cheque. Petty disbursements, from a few shillings to a couple of pounds, we pay in cash; but we seldom or ever go beyond that amount.

132. Now supposing a payment did not reach the rightful hands, would not the Government still be responsible for the amount? Well, I presume they would. I know of nothing to the contrary.

133. If, from want of sufficient caution or care on the part of this department, a payment did not reach the rightful hands, would not the Government be still responsible for the amount? I presume they would; I know of nothing to exempt the Government from the responsibility, excepting it be placed on the shoulders of the officer who caused the default.

134. With that knowledge, it would behove the parties entrusted with these payments to be very cautious that they made them to the right persons? Certainly. The payments, I may add, under Government regulations, are not in my hands in any shape or way. When that duty was cast on this department, contrary to my wish and representation, an officer was sent here to whom that duty was entrusted. He was to fill the office of accountant to this department, and the regulation—I think printed even in the cheque book itself—was that the book should remain in his exclusive possession. He was to initial the cheques, and my duty was to sign them. He was to make the payments; that has always been the case; I have never yet made a payment to a contractor; although nominally responsible for payments, as head of the department, the responsibility rested with the paymaster of the department, for that was what he was.

135. You consider then that your duty ceases with your signature to the cheque? I do not consider that it ceases—I do not say that; but I do consider that the interest of the paymaster, as he was called, would be sufficient to lead him to take proper means to protect himself, because, if an error occurred, it might fall eventually upon him. He was an officer of nearly equal standing in the public service to myself.

136. Would you not consider it necessary, in order to satisfy yourself or the paymaster of the rightful payment of money, that you should have some knowledge of the identity of the person who tendered? Well, it is not an unusual thing to have tenders sent in here by persons of whom we know nothing. I have positive knowledge of the fact that there are persons tendering who are not supplying the goods. I have known instances where tenders have been sent here under fictitious names by parties whom we know, and to whom we did not send orders for the goods. Members of Council, for instance, have obtained others to tender for them.

137. Well, if their tenders were accepted, and they supplied the goods, at that time you did not know anything about it, I suppose? I knew this—I knew of my own knowledge that it was all fudge and false; to say that the real name appeared on the tenders was not true; but I have been obliged to accept it as true. They were the lowest, and nominally they supplied the goods; but I knew as a fact that they did not do it—they were merely the puppets set up for the purpose.

138. But whoever these persons were who were set up as puppets, their identity was known? Their identity was known. I never saw them.

139. But they were known? They were known I suppose by the accountant that dealt with them. I never saw them and did not wish to see them. In fact one rule always governed me in these matters: If I got the goods at the price they were offered, and if I got them of good quality, I considered my duty done. I cared nothing whence they came or who supplied them, as a matter of fact. It would not do for me to trouble my head about matters of that kind.

140. Without any consideration as to whether those parties were able to supply the goods? Utterly regardless of that. If, mind you, an instance had occurred in which they had failed once to fulfil their engagements, I should have had some plea to proceed upon; but there never was an instance of the sort.

141. You say the payments were always made by cheque, except they were of very small amount? Yes.

142. And for the protection of the Government you say the paymaster must ascertain for himself the identity of the tenderer with the person receiving the payment;—that you consider to be a necessary precaution? If I were paymaster I should clearly know to whom I was going to pay the money, for my own protection.

143. Are you quite sure that you are not under some mistake in regard to the Government placing the duty and responsibility of payment on this gentleman you speak of? I am quite satisfied upon that point. It is quite clear.

144. Of course when this change took place it was made upon some authority from the Government? It seemed to be a general change which took place at that time.

145. But it would not take place unless you had some written instructions to that effect? As I told you before I think the instructions are contained in the cheque books issued by the Government at that time. The Government—as I have long complained—make changes without putting them on record. I should be loath to say that they made no change because they had not put it in writing, because my experience is the opposite of that.

146. But unless you had some written authority even now to lay your hands on, would you not be responsible if you had made this change? For what?

147. If you had made the payments through the paymaster instead of taking the responsibility on yourself? I am satisfied that I can turn to the cheque book and shew the facts I have stated.

148. I have already asked you the question whether, in your own case, you would think it necessary

necessary to have a knowledge of the individual who came for payment; to know, in point of fact, that he was the party whose tender was received and accepted? Yes, if I were charged with that duty I should certainly satisfy myself that I was paying the proper person.

149. In regard to the witnessing of payments: if you take no part in the payments perhaps you may not be acquainted with the system by which they are witnessed? I have a general knowledge, but I never saw a payment even made. I know, as a fact, that they require to be witnessed, and that they are generally witnessed by one of the clerks in my department. I sign the printed certificate of the accounts. They are usually signed by me when I see that they have been duly witnessed and duly paid. Those signatures appear on the vouchers when they come to me at the end of the month.

150. But the witness to a payment ought to be in a position to swear to the identity of the individual to whom he made the payment as well as to the fact of the payment? That is the generally understood rule, but it is a very loose one throughout the Government service. The witnessing of payments is a matter attended to with little care. It is looked upon more as a form than anything else. Even in the Treasury itself I have been called upon to witness payments of money which never came into my possession at all, and have done it as a matter of form to clear their books; but I never had the cheques in my hand.

151. However, the party who really did make the payment must of necessity have made himself acquainted with the identity of the person to whom he made the payment, and must have convinced himself that that person was the party who tendered, whose tender was accepted, and who supplied the goods? Certainly.

152. In all that you had nothing to do,—you left it with the paymaster? The entire cash transactions of the department are in the hands of two clerks,—the senior clerk of the establishment, or paymaster, and one to assist him. I never interfered with them in any shape or way since the initiation of the system.

153. So that in point of fact, this question of the identity of the tenderer with the party who received the payment never came under your observation? Never came under my observation. In fact, I never see the individuals who supply the goods themselves; the parties who supply them I never see, except by the merest accident. I do not think it desirable that an officer in my position should see them.

154. What should you consider to be the amount of payments in the course of the year through this department? Cash payments?

155. Cash payments for goods supplied? I could not distinguish in a moment the amount of cash payments for goods supplied, but I can give you correctly the absolute payments including salaries. They amount to £30,211 13s. 6d. I find that the salaries amount to £3,055 8s. 10d.

156. Might not the large amount of payments annually made through this department, suggest to you that you had something to do beyond merely signing the cheques? Yes; I conceive that I have. I consider that the graver portion of the duties rests upon me—to see that nothing is paid for but what is absolutely received, correct in quantity and quality.

157. But still, when you consider that payments wrongly made would involve the Government in repayment, what then as to the identity of the parties? The officer who made that wrong payment would jeopardise his employment, and also render himself liable to be called on to refund the money.

158. You think then that the officer who enters the cheque would be responsible, and not yourself? I certainly do.

159. You hold that you have no responsibility whatever in a pecuniary sense? Not the slightest.

160. I have put to you generally certain questions as to parties receiving payment; now I put to you one in relation to a particular individual;—did James Staunton, or his known agent, call at your office for payment? I cannot tell you.

161. You cannot say? I cannot say.

162. There were only two ways in which he could have been paid—either by his calling here or by the payment being sent to his place of business? Those are the only two ways in which I conceive the matter could be done. I do not know any other possible mode. I may state that there are instances in which parties never come here for their money—in which the cheques are sent to them. They send their documents here ready signed—complete in every shape; and if on examination they are found to be correct, at the convenience of the department a cheque is sent to them for the amount.

163. But still, in such cases you would know that the parties were rightfully applying for this money—that they were really the parties who had tendered? No doubt that would be the case; and I may add, although I cannot state it as a fact, that I feel sure it has been a general rule with the accountant to cross his cheques—which of itself is a protection.

164. To a certain extent? To a certain extent.

165. When payments are sent by cheque they would be witnessed? They would be witnessed.

166. By the party who took the cheque or by the clerk here? Well, from the evidence given here by one of the clerks of the department (I am speaking more from the impression that made upon my mind than from my own knowledge) it appears that he occasionally certified them instead of the messenger. Sometimes the messenger could not write, and it was considered more satisfactory that the clerk should certify them than the messenger.

167. This person (James Staunton) supplied some articles for light-houses? Yes.

168. There were no tenders called for those things? No.

169. No advertisement was published? No.

170. And he sent his tender from Melbourne? Yes, an offer.

171. How then did he become acquainted with the wants of the Government in regard to these

J. Buchanan,
Esq.
22 May, 1860.

J. Buchanan, these matters? From the simple fact, I presume, that we have light-houses here, and that supplies must be required,—that is all. But the supplies for light-houses are, you know, of a very peculiar character. You cannot pick them up anywhere. Accompanying that offer were plans of the Wilson's Promontory Light-house, at that time in course of erection.

Esq.
22 May, 1860.

172. But there was no advertisement calling for tenders? No; but we had been in the habit of purchasing the best articles we could get of that character here, and as those offered were very much cheaper and very much better I accepted the offer.

173. He might have supposed, perhaps, that you had not been so well supplied,—it was a venture his offering these things? It was a venture. It is not unfrequent. I am called upon weekly by persons travelling for different firms—by travellers as they are termed—who bring their books of samples with them. They say—“We have got an invoice of so and so, “is there anything you are likely to want?”

174. Previous to this tender for light-house requisites, I think this same individual had tendered and his tender had been accepted for other goods? No, I do not think it.

175. That was the first? That was the first, to the best of my recollection.

176. Are you quite sure? To the best of my recollection; in fact, I am almost confident it was.

177. So that, in point of fact, previously to this there had been no question as to who or what this individual was? No; I am satisfied of it. That was the very first.

178. And his making this tender then was a simple venture on his own account? No.

179. It was not induced by any advertisement? We had called for tenders for the supply of certain items at various times, but that was in pursuance of no advertisement. There must have been purchased for years past certain items of that category.

180. The tenders he made were for articles such as you had previously been in the habit of obtaining for the light-houses? Yes, somewhat similar. (*Witness here exhibited several glass cylinders, some of which were contracted near the base for the purpose of “biting” the flame.*)

181. Now during the occupation of yourself and the various officers of the department about your business, might you not be called away—to visit some of the public offices for instance? I am away at the various stores frequently.

182. Do you think, under any circumstances, it is possible for a case or cases to be taken away from this place without your knowledge? Of course it is possible; but it would not be possible unless by the connivance of several people. It would not be practicable if less than three or four people were concerned in the matter.

183. Were it done there must be more than one individual concerned? There must be several—the men in the store, the foreman of the store, and some clerk in the office. It could not be done otherwise.

184. That is during the time the premises are open? Yes.

185. And after they are closed? I am speaking of during the time they are open.

186. Yes, but after they are closed? Then there is the protection of the watchman. The keys are all taken away when the premises are locked up.

187. Who takes possession of the keys? The keys are locked up in a box with patent locks, and that box is locked in a press.

188. Well, then, as there is so much difficulty about the removing of one or more cases without the cognizance of more than one, what say you to the placing here of some forty-three or thirty-eight cases? Forty-three or forty-eight cases placed here!

189. Could that take place—the placing here of thirty-eight cases—in this yard, without the cognizance of any of the officers of the department? I do not believe it. In the yard!

190. On your premises here? I do not believe it.

191. It was stated in evidence that a number of packages, to the extent of thirty-eight, I think, were placed in this yard; that was stated by a party examined? Do you mean examined on the last inquiry?

192. Yes? When they speak of those cases being brought here, they mean properly delivered in accordance with orders for the supply of the Government.

193. Then those thirty-eight cases were in compliance with an order?—

194. Those thirty-eight cases of stationery were in compliance with an order of the Government? They were perfect packages—English packed.

195. Landed from England? Yes.

196. By the “Walter Hood”? Yes; of course there was full knowledge of that fact.

197. There was full knowledge of that fact, and this department took official possession? It was in compliance with an order.

198. In compliance with an order? Exactly.

199. This was not a case in which you would call for tenders, of course? It was a matter in which we did call for tenders, and in reference to which tenders had been formally accepted by the Government.

200. And the tender accepted was that of James Staunton? No; Staunton and Co.

201. That was the tender accepted? That was the tender accepted.

202. And what time elapsed between the acceptance of the tender and the supply of the goods? I cannot give it accurately at the present moment, but I can ascertain it.

203. If you please? (*Clerk instructed to ascertain dates.*)

204. Were you aware then, Mr. Buchanan, that the goods were brought here directly they were landed from the ship? I do not know whence they came. All I know was, that they were delivered in here. We do at times get them direct from the ship. McNab and others, who supply the Government, occasionally deliver to us from the ship, and occasionally from the store. We like to get goods if we can in original packages. There is an advantage in receiving them that way, because we get a good package for packing other goods in. I may add,

add, with reference to that tender, that we had a pressing demand for that special paper, J. Buchanan, Esq. which was wanted for the Council printing. We had searched Sydney through, and the Melbourne market had also been searched everywhere. Every scrap of paper that could be bought for that purpose we had purchased. We took that contract too for the shortest possible time—to the 31st March only—because I anticipated that by that time our own English supplies would arrive, and they did arrive about the 24th or 25th of that month, by the "Lloyds," I think, or some ship that came in about that time. At any rate they came in before the 31st, shewing how accurately we had framed our contract. There is another circumstance which I may state. You well remember that the sittings of the House were last year unusually protracted, such as we have never before known. That circumstance alone occasioned a greater consumption of paper than had been previously known.

22 May, 1860.

205. Now with regard to these light-house supplies;—they were not obtained in pursuance of any tender advertised for; you purchased them from this Mr. Staunton. You must have had reason to suppose that the public service would be benefited in some way by dealing with him privately rather than by calling for tenders? I judged so from the circumstance of the price at which he offered them being lower than that at which it had been possible to obtain them before.

206. From that circumstance you thought it unnecessary to call for tenders? For that reason. I considered I was doing the best for the public service.

207. Now having purchased them you must have paid for them;—how did you pay for them? By cheque.

208. How did you remit the cheque? The accountant must answer you that question.

209. You could not answer it yourself in any way? No. I signed the cheque; but, as I said before, I have nothing to do with the transmission of cheques by post, or the handing of them direct to the individuals. I participate in neither mode at any time. In a large department like this it is clear that confidence must be reposed somewhere. With the duties that devolve upon me—a class of duties utterly beyond my office—it is quite possible to perceive that I must have some one to assist me in some branch of it.

210. Still these payments were made to a person of whose existence you knew nothing—a person at a distance,—and no tenders were called for, so that persons here, on the spot, and who might be known, might have a chance of tendering? In that individual case tenders were not called for. I say that my reason for taking these goods was that they were extremely suitable for us. Many of them were of a character which we had never before found it possible to obtain. [*Memorandum in reference to paper supplied sent in by Clerk. Vide page 36.*]

211. I see here 500 reams of double foolscap, 22nd December—that, I suppose, would be the date of the order? Yes, or of the tenders.

212. Now, was that tender made in pursuance of advertisement? Yes, by advertisement in the public papers, and in the *Government Gazette*.

213. You would be able to point out that by and bye? I think you must have those papers in your possession.

214. Then there is "different sorts of paper tendered for, at so much per pound," 11th January, 1860—that is the date of the tender, I suppose? Yes.

215. If I understand this paper aright, the 500 reams of double foolscap were tendered for on the 22nd December, 1859, and supplied on the 23rd December, 1859, and the different sorts of paper, at so much per pound, were tendered for on the 11th January, 1860, and supplied on the 16th January, 1860? Yes.

216. An individual of the name of King, too, supplied stationery, or stores of some kind? Yes.

217. Did you know anything personally of him, or some person representing him? I may state what our usual mode is when we are calling for tenders. I have already said that we adopt a sample; those samples are invariably kept in this room; I never suffer them to go out, and persons inquiring about the tenders come here to see the samples. That is the only opportunity I have of seeing individuals concerned in these contracts. Scores of persons come in here of whom I never hear a word after; they look at the samples, think they can do no business with us and go away. There are others that I do see again. It is very rare for the heads of mesentile houses to come here; they generally send their officers.

218. Then you have no knowledge of this James King? I meet these people in town frequently, but who they are or what their names are I do not know; I know that they have tendered, but that is all.

219. Are you in a position to say that you know anything of how or where this James King was paid? No; I do not know how any of them were paid.

220. Did it ever strike you that there was any resemblance in the handwriting of certain documents subscribed by Staunton and Staunton & Co., and the handwriting of any officer in your own department? No, it did not. That is a question involved at this present moment, as you well know.

221. The signatures of Staunton and Staunton & Co. appear often, but I now refer particularly to the signature of James Staunton, because in the signature of Staunton & Co. there is no attempt to disguise the fact that it is not a genuine signature; every one differs in some point from the rest, shewing that it is not a genuine signature? You are giving that as your own conviction.

222. You say you were not so struck with it? I never saw two of the signatures together to compare one with the other.

223. But still there are some of those papers—one in particular—to which the name of Staunton is subscribed, which contains a mass of writing in the upper part of it. That writing struck me as being obviously close in its resemblance to the writing of an officer in your

J. Buchanan, Esq. your department. Now, you having been in the department so long with the officer I refer to, it would be singular that the resemblance of the handwriting should not strike you? I should like to see the papers. I do not know to what papers you are referring, and until I see them I can make no observation in reference to the matter.

22 May, 1860.

224. It never struck you that the signature "Staunton," or any writing in a paper signed "Staunton," had a strong resemblance to the handwriting of any officer in your department? It never did; in fact I have no hesitation in saying that they state that I signed "Staunton."

225. I do not state that? I know this length was gone to; I know that a high officer of the Colonial Treasury—whom I have proved in this room to have been guilty of fictitious tendering—was produced to the editor of the *Empire* to influence him,—to say that he was satisfied that "Staunton" was my signature; that officer, mind you, I convicted in this room, by his own admission, of supplying goods under a false name to this department.

226. I put to you a simple question not involving that point at all. I think it will be well if you will confine your answer to that "Yes" or "No," and not introduce matter entirely wide of our present inquiry? I admit it is wide.

227. The question I put to you, and to which I expect your answer, was this: whether at any time it had occurred to you that there was a striking resemblance between certain writings subscribed "Staunton," and the handwriting of an officer in your department? It did not, when you say James Staunton. When you say Staunton & Co., I knew very well who was doing it in that case, because then the matter had been avowed to me openly.

228. When the tenders came from Staunton & Co.? I knew then, because the matter had been avowed to me.

229. When these tenders came from Staunton & Co., had the tenderer in question a position in this department? He had not.

230. How long had he ceased? He had left here some two months. His intention had been to have left long previously to that.

231. And what period of time elapsed from the last tender of James Staunton to the first tender of Staunton & Co.? I think ten or eleven months,—about that time.

232. It was stated by some of the witnesses examined on the former inquiry, that the call for tenders was so constructed as to deter respectable persons from tendering; the objection taken appeared to be the absence of quantity? I am very glad you have given me an opportunity of referring to that portion of the Report. If I am blameable for that, the Government throughout their entire system are blameable for it. I have already stated that three-fourths of the supplies are obtained on that system. Quantities are rarely named. The exception is to name quantities. In time contracts we never name quantities, and the great bulk of our contracts are of that character. It may, with just as good reason, be said that those contracts are called for with a view of throwing them into the hands of certain parties. I will produce the contract book of the present year, and the Board will see for themselves whether what I have stated is correct or not. These are tenders for 1860. The very first that is entered is Schedule of Tenders received in pursuance of notice for supplying ship chandlery, &c., for the public service for 1860. That is a time contract. Here are the items; the prices are named, but no quantity is given in any case. Here follows exactly the same thing with the coal contract. It is the same with the supply of oars and paddles, coopers' work, boots and shoes. No quantities are named. There is a tender for foolscap, however, and in that case a specific quantity was named—500 reams of blue wove foolscap.

233. You did not put that into a time contract because you knew you had written Home for supplies, which were expected to arrive within a certain time? Yes, and they did arrive within that time. Here is a contract for one of the Orphan Schools. The quantities are named. We use both systems as circumstances may dictate, but for the great bulk of the contracts no quantities are given. It is precisely the same with last year's contracts. It has been the practice of the department as long as I remember it, and in the case of provisions the Government never do otherwise.

234. What staff have you, Mr. Buchanan? I have four clerks, Mr. O'Connor, the same as the department was blessed with in 1838.

235. Will you state their positions? Do you mean their classification?

236. Their positions, not going into details, but generally what duties they have to perform? There is the chief clerk, who also performs the duties of accountant and paymaster; he has one to assist him. The second clerk is usually in charge of the store; we term him the store clerk. The third clerk has generally charge of the miscellaneous business. The fourth clerk enters the letters and performs any ordinary work which may require to be done.

237. It would be convenient if we had the names of the clerks? At the present moment Mr. Campbell is senior clerk, Mr. Garnett second clerk, Mr. McDonald third, and Mr. Jenkins fourth clerk.

238. We have heard occasionally in the matter of payments what you consider not to be your duty; would you now state briefly what you do consider to be your duties as Colonial Storekeeper? The general supervision of the department; and since an examiner of stores has been refused to me (not by the Government—for it has been on the Estimates three or four different times) I have felt it my duty to watch that portion of the business of the department, because on that depends the quality of the supplies and the fairness of the payments made. I have entrusted no one with that duty. But independent of that I have always looked upon it that my special duty was the general supervision of the department. I may add also that whatever correspondence there is is done by myself. That is a thing which I never entrust to any other person.

239. By Captain Scott: Are there many parties tendering who neither give address nor name? I would not say that there are many, but we have occasionally instances of it.

240. I ask that question because it was stated by Mr. Lane that there were not any, or if J. Buchanan, Esq., there were any that their tenders had been rejected? Mr. Lane is quite wrong there.
241. How would you address them if they gave no name or address? We have had them without name; in that case we cannot address them at all. It has arisen possibly from some little *lapsus*, but we have received them without name. The fact is on record at the Treasury. 22 May, 1860.
242. But they are not accepted? We cannot accept them without a name.
243. Because I see from the evidence of one of the clerks, that tenders were sent to the Post Office? Yes, we have the Post Office sometimes given as an address.
244. For instance—if a thousand reams of paper were received, and one hundred of them were damaged, have you any means in such cases of securing yourselves against loss? We should not accept the hundred reams that were damaged.
245. But supposing you did not find it out until after payment was made? Such a thing could not occur. Something would be shewn on the case itself if they came in original packages; and if they came in loose reams, we should detect those which were damaged at a glance of the eye.
246. But you have no means of recovering loss in case it should occur. Do you not think it would be of advantage to the Government if an obligation were entered into by the contractor to pay for damaged goods? Damaged goods have no right to be taken by the public service.
247. But supposing they were overlooked? They ought not to be overlooked;—we have never had an instance.
248. Would it not also be an improvement in the public service if contractors were paid in the office? Do you mean if they were obliged to attend personally?
249. Or by a recognised agent? Well, I do not know; I think mercantile men would object to it.
250. I ask the question because it has been proved by former evidence that large sums of money—cheques uncrossed—were sent by messengers, without any protection to the public service. A messenger with a cheque of four or five hundred pounds might put it into his own pocket instead of taking it to the contractor? I may have missed that evidence, but I was under the impression that cheques were always crossed when they were sent by a messenger.
251. Cheques to a large extent were sent uncrossed, with the signature of Mr. Weston witnessing the receipt? I was not aware of that.
252. If a contractor, having accepted a time contract, refused to carry it out at the rate agreed upon, have you any means of redress? We take bonds in cases of time contracts.
253. Why was no entry made in the letter or contract book of the acceptance of the Melbourne contract? It is entered in the contract book. It was exhibited to the Board. [*Entry referred to.*]
254. I think it was explained why Staunton's contract was taken at one shilling and two-pence per pound, while Kenny's was only eightpence halfpenny? Why, it was taken at one shilling. The value of paper is determined by its weight. The price is at per pound, but that price will, of course, again depend upon the quality—the nature of the rag of which paper is made, &c.
255. I suppose you examine the books regularly? Oh! yes, and I watch the issues too. As far as money is concerned, we have accounted regularly every month with the Audit Office. If there were aught going on wrong there our tether would soon be shortened, we should be pulled up at once by the Auditor General; and I am bound to say this, he always managed to keep his accounts square without any difficulty.
256. *By the Chairman:* I should be glad if you would state for what objects you imagine the Government instituted your department? For the supervision of stores required for the public service; specially for that purpose, and to take charge of such stores as it confides to its care. That is the express purpose for which it was instituted, as laid down in Sir Richard Bourke's Minute.
257. And, with reference to a former question of mine, you expressed your belief that that object can be best attained by the maintenance of this store? The Government must maintain a store of some character; the question is, whether it would not be better for them at once to maintain it in a state of efficiency, in which it has never yet been. The fluctuations to which this department has been subject have been such as must almost necessarily ruin, disorganise, and destroy any department.
258. Do you believe that the system now in operation in this store will be found the best for securing to the public service the benefits contemplated in the institution of your department? The system now in operation?
259. Yes? By no means. I have no hesitation in saying so. I have repeatedly expressed my opinion.
260. The system requires change? It requires amendment—considerable amendment; but that amendment can never be effected without an extension of means.
261. Would the amendment you contemplate involve a large expenditure? Greater than I have ever found the Government likely to wish to incur. I can recommend no better system than that which the experience of ages has proved—that is, the system of the Ordnance. I can recommend no improvement upon that.
262. But you would recommend the adoption of a system analogous to that? Yes—based upon that. It must be borne in mind, that there is a considerable distinction between this department and that of an ordinary store department in the Ordnance service. There, all the goods that come to them have been passed from the depôts at home. They receive little or nothing from the contractors. That work has all to be done here. This department, in a very small

J. Buchanan, Esq., small way of course, resembles those immense depôts at Woolwich and the Tower, and Weeden, rather than the small outstations, because we have functions analogous to those exercised at all those places to perform. [*The Board here inspected the account books of the department.*]

22 May, 1860.

263. Having inspected your books of receipt and issue, we do not find that you have anywhere a book shewing your "remains?" There is no book that would shew that. The only book that would do that is the store ledger proper,—a book that has never been kept in this department, nor is it possible to be kept in a department where they are compelled by the Government to mix up values with quantities.

264. The proper system for keeping an account of stores, I take it, is one which would shew in columns whole packages as whole packages, and broken packages as broken packages—shewing in detail the contents of such broken packages. According to this system you would set out all your receipts and all your issues, and at the foot of the columns would be shewn all your "remains"—in point of fact, after the system of the Ordnance? I see no improvement which can be made upon the Ordnance system. That system has not been in force here. Not only has it not been in force, but it was specially condemned by Mr. Donaldson, who thought it unnecessary when on a Committee of inquiry here.

265. In such a system quantities alone should appear; values and quantities cannot consistently appear simultaneously in such a system? They cannot. I do not see any possible way in which they can be introduced, without unnecessarily complicating the account.

266. By a separate and distinct book, in which different values of things should be set out—if you have three, or four, or five values for the same thing, you might strike an average value, which would answer all the purpose? Yes, which would answer all the purposes. That would serve for the purpose of valuing the stock at any time, but it could be of no other service than I see.

267. Then if you desired to check the public departments, and see that they obtained from you no more than their vote, this system of average might be applied? Yes.

268. And without introducing it at all in your store book, the check might be effectively used? Yes. If it be necessary to do it at all it should be done as a perfect and settled system. It should be known that an account of values was to be kept, though kept separate from the account of quantities.

269. You do not think, then, that any better system can be adopted here than that in use by the Ordnance? That has ever been my opinion. I have previously expressed it before a Committee of the House, and I do not shrink from it now. Every day's experience only confirms me in it.

270. That system would involve labor, but is very simple? It would involve labor and attention, but it is simple and clear.

271. And would enable you at any time to ascertain the quantity of stores you have on hand? At any time, provided there were also sufficient accommodation afforded me to classify the stores in my possession.

272. With such a system you could take stock periodically, which is now impossible? I could with such a system take stock periodically, and test the accuracy of the book entries by positive inspection of the stock itself, in the same way that a merchant tests the accuracy of his books by counting his cash.

273. Now, as the system is simple, and merely laborious, it would not require any very large addition to the clerical staff of the department? The keeping of a store ledger would occupy one clerk alone in this department. If he did the work well, it would fully occupy his time. In addition to that there would be the preparation of vouchers of receipt and vouchers of issue, from which the postings must be made. The very lowest number would be two additional clerks. I think I am putting it too low in saying that two clerks of issue only would be required.

274. But as it would be a change in your present system it would produce a change in the duties of your present officers? I do not think it would make much difference. I do not say that no portion of the present system would be abolished, but it appears to me that it would be rather an addition than the adoption of a more improved system—merely correcting defects which exist at the present moment.

275. In fact it would enable you to give some result to the system already in operation? That is, in a few brief words, what the effect would be. We have the material existing at this present time for the system, but we cannot carry it to a result because we have not the means.

276. You have two out of three conditions, and you want a third, which would be the adoption of this plan? Yes.

277. You think it would require at least two in addition to your present staff? At least two clerks; we derive stores from so many places, and in each case there must be a voucher prepared. We could not receive a quire of paper into the store without a voucher and a signature.

278. With that system you could check the whole of the departments, and you yourself could be effectually checked? No doubt, under that system; and without it I have no hesitation in saying that nobody can keep a check over this department.

MONDAY, 4 JUNE, 1860.

Present:—

R. O'CONNOR, Esq., IN THE CHAIR.

CAPTAIN SCOTT,

CAPTAIN OLIVEY.

John Buchanan, Esq., called in and further examined:—

1. *By the Chairman:* On looking over the evidence you gave at the last meeting, I find J. Buchanan, Esq. that a few additional questions are necessary to complete it.
2. The payments of your department during the last twelve months amount to about £34,000, including salaries? Yes.
3. What is the amount voted for 1860, for salaries and contingencies for your department? The amount voted for the services and contingencies of this department, for the present year, is £3,965.
4. Can you state the value of the stores on hand at this moment, or generally? The actual value of the stores on hand at this present moment I should estimate at £90,000. That is, of course, not their exact value, but I think it is not far from the truth.
5. Are those stores actually paid for at this moment? A vote of £25 000 has been taken during the present Session; and when that sum has been handed over to the Imperial Government, the whole will have been paid for.
6. As a general rule, I suppose we may take it for granted that all the stores in your keeping are paid for? As a general rule.
7. What should you imagine to be the amount of loss in the year, from damaged or unserviceable goods—there must be something of that kind? It is very trifling indeed. All stores that have to remain in the dépôt for any length of time must be subject to deterioration. The positive loss is not great; and in an establishment of this kind, where patterns are apt to vary, I think loss is more likely to arise from that circumstance than any other.
8. If you find goods—either from the length of time they have been in the store, or from any other circumstance—so far deteriorated as to be actually unserviceable, how do you dispose of them? They are brought forward for survey, and sold.
9. And the proceeds, of course, go into the Treasury? Yes, but they are very trifling.
10. Can you state the amount of stores purchased annually at Home and in the Colony, distinguishing the amounts? During the year 1859 the amount purchased at Home was £13,970, and the amount purchased in the Colony was £25,263.
11. Is there any difference between the cost of stores imported direct from England and the cost of stores purchased on the spot? There is no question about that. It is clear that by importing stores from England, the importer's profit must be saved. But there is no possibility that I see, of instituting a fair comparison between the stores purchased in England and the stores purchased in the Colony, inasmuch as the quality, the character and the make of the goods, and many other things, tend to create a difference which cannot be estimated in the money amount. They are not, in fact, the same articles, though they may bear the same name. They differ in quality, and in many other essential particulars. I can only repeat that it is obvious that by importing from England the importer's profits are saved to the Colony. I may as well draw attention to the fact that for many years this was our practice; in fact, importation of stores from England was first suggested by me. But we had then the benefit of the Imperial Departments, to whom we resorted in order to obtain supplies. We had the benefit of their large establishments, of their enormous contracts, and of their examiners; but all that has been stripped away from us under the new system of importing through a commercial agent, and we now have to depend upon one man's judgment in England, and he really and truly exercises no judgment at all. He purchases articles which he never sees and has them packed and sent to this Colony, trusting entirely to the integrity and name of the house with which he deals. In many cases I admit that there is an advantage in that system, but as a rule the practice with the Government is that competition shall exist in reference to all those things. Here it is rigidly exacted; but there, where the bulk of the stores are supplied, they trust all to one man uncontrolled by any one. The step was taken at the time when Mr. Donaldson was Colonial Treasurer. The idea was that a mercantile man would have a notion of what were the natures of Government stores; but there is nothing more fallacious. Government stores differ so materially from other goods that mercantile men have no conception of them. I may state to the Board that since that time, owing to what I am aware was the trouble occasioned at the War Office and the Admiralty by our Colonial Agency, they have sent out despatches from Home, stating that unless we accepted the exact articles that are in use for the Army and the British services at Home they can no longer purchase for us.
12. Had the change which previously took place—that is, the transferring the selection of these things from the Imperial Government to the Colonial Agent at Home—anything to do, think you, with the production of this despatch;—I mean to say has the time arrived when the Imperial Government would have withdrawn from us in any case this assistance which we formerly received? I do not. I can, of course, only give an opinion upon this point; but I know something of what has been going on behind the scenes at the War Office and at the Admiralty in reference to these matters. There is no official record to the effect that it was the trouble which caused them to decline; but the fact of their having declined is patent, and the exact reason for it, I, of course, can only state from private information I have obtained.
13. But, in fact, we had ceased to require their assistance before they said they could no longer

4 June, 1860.

J. Buchanan, Esq. longer assist us? We always had a Colonial Agent, Mr. Barnard. He invariably went to the British Departments. I am speaking exclusively of the stores imported for the service of this department.

4 June, 1860.

14. I am speaking exclusively of that? In fact, in the demands sent Home by me we used to indicate the sources from which they were to be obtained, and Mr. Barnard there obtained them. In many cases they were objected to, but still I think that very uniformity of pattern, and the advantage of having the goods tested by their examiners in England, were sufficient to counter-balance those objections.

15. But, as a matter of opinion, it seems that in any case, at this period at all events, we should have lost that assistance we had previously received from the Imperial Government? I do not for a moment anticipate we should have lost it.

16. And you think the change is in consequence of our having, in the first instance, departed from their patterns? That is my idea. The introduction of new patterns gives additional trouble.

17. They would not accept our patterns of course? We must accept what they have.

18. Now from your long experience of the wants of the service, ought you not to be able so to anticipate demands that the purchases in the Colony should be very small indeed? It could be done to a very great extent. It is entirely impossible, with the vast variety of stores we have, that everything can be anticipated, but the great bulk of the stores can be. But that again must be dependent upon the amount of space and accommodation I have, to receive those stores, when they arrive.

19. But to what extent do you think you do anticipate the wants of the service so as to prevent the purchases in the country being large? I feel unable to give any definite proportion.

20. You have stated generally, that the difference between the cost of stores purchased in England and the cost of stores purchased in the Colony, is the profit of the importer? That would be the difference. The Government importing for itself has been a matter of very gradual growth. It commenced with stationery, extended itself to clothing when the British Establishments were broken up, and embraced police clothing and appointments as the commencement of an attempt to reduce the constabulary to order and uniformity. These three divisions comprehend a large proportion of the imports, and no reliable data exist for a comparison between the cost of such items here and in the Mother Country.

21. But the amount expended in the purchase of stores at Home and in the Colony is about £39,000? Yes.

22. And as £25,263 of that have been expended in the purchase of stores in the Colony, the extent to which you anticipate your wants by ordering supplies from England, is about one-third of the entire supply? It would appear so from these figures; but it would be delusive to take that as correct, because stores are imported by other services, without my intervention at all. Although they eventually come to this department they are imported direct by other departments. The demands are sent through the Treasury without any intimation to me, consequently I am in the dark as to how I should provide in many cases.

23. But in those cases where the intervention of this department is not sought, and of course is not considered necessary, the fact of the expenditure would not be touched,—we are dealing with matters that come directly under it? Yes; and of the £25,000 expended in the Colony it must be recollected that a large proportion is required for services for which this department cannot provide. It merely provides for them when set in motion by those departments. I do not feel bound otherwise to provide for them, inasmuch as I do not know their wants. I may take for instance the Engineer for Harbor Improvements;—that officer obtains large votes from the Government to carry on certain works; but he occasionally seeks the aid of this department to supply him with stores. It would be impossible for me to anticipate what his wants would be in any year.

24. He is a new officer,—his department is a new department, and the difficulty would therefore be of recent date? Yes, but his case would also be the case of others. We are occasionally called upon by the Colonial Architect.

25. Then of this £25,000, what proportion do you think you might have anticipated? I could probably anticipate one-half if we had room to receive the goods.

26. If you had room to receive them? Yes; but inasmuch as this store is that with which the Government started twenty-three or twenty-four years ago, it is impossible to get everything from England.

27. Then the extent to which you can anticipate supplies required in the Colony by ordering them from Home is regulated to a considerable extent by the consideration of the space you have for the goods? To a considerable extent by a consideration of the space I have for the goods and the means that I have to attend to them, and by the trouble that attends the keeping of the accounts.

28. Has the system of keeping accounts been very much complicated by any changes which have taken place in the Audit Department lately? Exceedingly complicated. If the Audit Department proceeded from year to year upon a settled system one might adapt one-self to it; but the fact is, it is in a state of constant fluctuation.

29. That is to say, after having kept your accounts in a certain mode and carried items to certain accounts for a particular period, you are suddenly called upon to keep your accounts in a different form, and to carry those items to a different account for another period? Yes; at one time I was called upon to receive payment for stores issued from this department, and notwithstanding my protest against that responsibility being cast upon me it was persisted in. Like a shopkeeper, I had to call upon the various departments to hand over to me the money value of the stores they drew, and I had to account. At each step too a voucher was involved, greatly increasing the number of accounts and throwing a responsibility upon
my

my shoulders which I protested against being saddled with. That I fortunately got rid of by inducing the Government to take a general vote for stores and that was the origin of the general vote instead of the distributed vote. When the Government were induced to take that step, I included in the general vote as many services as I could, and the consequence was, I was no longer called upon to obtain repayment from those departments for the stores received from this.

J. Buchanan,
Esq.
4 June, 1860.

30. The circumstance that you keep no money values would in itself I suppose be almost an insuperable obstacle to your complying with any such request with any amount of accuracy? But we do keep money values, and in that lies the intricacy of the accounts as well as the trouble attending them. In fact the system of the department—so far as it may be termed a system—is based upon accounting by money values.

31. However, you have got rid of that now? Only partially. So far as the departments borne upon the general vote are concerned we no longer recover; but so far as other departments not borne on the general vote are concerned, we must still recover.

32. Has the Audit Office been satisfied with the current accounts you have rendered, or have you had any demands to reproduce your accounts over any particular periods? I have never had a demand to reproduce my accounts over any period. No such demand has ever been urged.

33. Perhaps you may have misunderstood the question. Are you not now called upon to make up a list of the expenditure, in detail, showing contingencies, since the establishment of Responsible Government? Such a return may have been applied for since this inquiry commenced; but, as at this present moment I am not acting as head of the department, I have no personal knowledge of it.

34. Do the weapons you have in store consist chiefly of small arms, or have you any large supply of heavy ordnance? We have but one piece of heavy ordnance in store; we have field pieces, but of course the great bulk of the articles are small arms. I may also state that the armaments upon the batteries are a portion of the stores of this department.

35. They are a portion of the Colonial stores under a different charge? Yes.

36. Do you supply the gaols with prison clothing or only Cockatoo Island; or, what other penal establishments? The whole of the establishments throughout the country.

37. The whole of the penal establishments? All the penal establishments throughout the Colony. Prison clothing is also supplied by the Government at the gaols.

38. And Cockatoo Island? And Cockatoo Island.

39. Is there any other penal establishment? None other than those.

40. Cockatoo Island and the gaols would include the whole penal establishments of the Colony? Yes.

41. Now, in the absence of any care in reference to the identity of tenderers, might not any officer of your department, from a knowledge of circumstances which could not be known to *bonâ fide* tradesmen and tenderers, secure to himself a monopoly to the extent of his means and credit? I do not see that he could secure a monopoly, because the tenders are invariably advertised in the *Government Gazette*, and in the newspapers, invariably.

42. Still one cannot help feeling that a person in the very heart of your own official confidence might obtain many advantages over an outsider? That is undeniable, but I do not see what is to prevent it; and how am I to prevent any clerk in my department communicating those advantages to any person out of doors? I do not see by what possibility it can be prevented. The advantage which a person in that position has, appears to me to be this: his knowledge of the exact times when we may require certain goods; but, so far as any other advantage is concerned, under the system which the Government adopt of advertising in the *Government Gazette* and in the newspapers, and accepting the lowest tender, I do not see what advantage he has over others.

43. Now directly in connection with that question, we come back to a few questions in reference to those cases by the "Walter Hood." But, in the first place, it would be desirable to ascertain the exact date when the former chief clerk left the department? He left on the 30th November, 1859.

44. When were the cases by the "Walter Hood" received here (we do not enter upon the discussion as to whether they were by the "Walter Hood" or not, but take it for granted for the present)? The first was received on the 24th January, 1860. Previously to that, there had been contracts for the same description of paper, called for and accepted in the Colony; but this by the "Walter Hood" arrived at the date I mention.

45. Were those cases marked "Staunton and Co.," or "Staunton"? They were marked neither. I may give the mark they bore; probably——

46. Yes? The mark they bore was, in accordance with mercantile practice, not a name, but J. S. in a triangle.

47. When were the tenders called for? Shortly previous to the 24th January—possibly a week or ten days prior to that date.

48. When was Staunton's or Staunton and Co's. tender accepted for that particular quantity? In the middle of January, 1860.

49. When were the packages or any portion of them issued from this department? Instantly.

50. And when did you receive your next supply from Home? A few days previous to the end of March, 1860.

51. Is there any possibility of ascertaining the quantity of that particular description of paper then actually in store, and the quantity that was immediately expected from England? I may state that it was all one kind of paper, and that there was at that moment not a single ream of that kind of paper in store. We purchased every sheet of that paper from everybody in town, where it was possible to purchase it in Sydney. The reason why our stock of that kind of paper ran short was that the Session of Parliament extended over nearly twelve months

J. Buchanan, months instead of six months. I may also state that supplies of that particular paper were expected to arrive here by the beginning of April. That contract of Staunton's referred to was a time contract taken up to the end of March, and a few days before the termination of that period the supplies anticipated actually arrived—I think by the "Lloyds." A further supply was received by the "George Marshall," which came in subsequently, and is now lying alongside the Quay.

Esq.
4 June, 1860.

52. The signature "James Staunton" must have come under your observation occasionally? Yes; occasionally it came under my observation during the time the tenders were opened at the Treasury.

53. And, of course, as often as he tendered it came under your observation? Yes, with a mass of other papers. I may state that up to this present moment I have had no opportunities of comparing these signatures in any way. I have seen them singly, but I have never seen them yet together—that is, any number of them together.

54. I thought that the tenders after being done with were lodged with you here? After they are approved of at the Treasury they are lodged here, or rather with the chief clerk. I think in my previous examination I described the system under which tenders are opened.

55. Do you not think there is such an amount of difference in the several signatures of "Staunton" as ought to have created suspicion in the mind of an ordinarily observant officer at the head of this department? I never saw them except singly, and up to the present moment I have never had an opportunity of comparing one with another.

56. Though they would be all returned to this department, and all be actually here together, yet they would be in the charge of the chief clerk? I received them from the Treasury myself, and handed them to him in the usual course to act upon; but the comparison of one signature with another was a thing I never instituted.

APPENDIX.

Sydney, 26 June, 1860.

Sir,

I beg permission to enclose to you the papers below mentioned, and to request you will favor me by submitting them to the Board, and permitting them to be annexed as appendices to my evidence.

1. Letter dated June, 1855, addressed to Mr. Secretary Riddell, proposing the transfer of certain duties of the Store Department to the Inspector General of Police, the Sheriff, and the Deputy Ordnance Storekeeper, with a view to the diminishing of the annual charge for the department, and the dispensing with the services of the Colonial Storekeeper; also, the reply of the then Inspector General of Police (Capt. Mayne) deprecating this alteration as far as he was concerned.

2. Blank cover report, dated 18th March, 1859, relative to consolidation of votes for stationery, stores, &c.

3. Blank cover report, 11th April, 1859, on the question of expense involved in the purchase of stores in the Colony, as compared with importation direct from England.

4. Blank cover report, 22nd August, 1859, on Messrs. Sands and Kenny's proposal that the supplies of stationery for the Government be procured in the Colony.

I have, &c.,

JNO. BUCHANAN.

R. O'Connor, Esq.,
Chairman, Board of Inquiry,
Storekeeper's Department.

Colonial Storekeeper's Office,
Sydney, — June, 1855.

Sir,

I have had the honor to receive your letter, No. 100, of the 14th ultimo, calling for a report upon the working of my department, with any suggestion by which the same may be simplified, either by transference of a portion of the duty to other offices, or by any alteration of system that may be expedient.

2. In reply, I beg leave to submit for His Excellency's consideration the following changes, the tendency of which would certainly be considerably to lessen its business, and thus avoid, in the only feasible way, the dissatisfaction and complaints that are every year expressed in Council at the growth of the office.

3. It will be unnecessary for me to recapitulate the numerous objections urged against the annual vote for its maintenance, the attempt to demonstrate its utter inutilty, or the circumstance that for many years it owed its existence almost solely to the influence of your predecessor, and to the pledges he so frequently and unhesitatingly gave of its being essential to the convenience of the Government. These, Sir, are facts with which you are acquainted, and, with your permission, I will leave them to be explained to His Excellency by yourself. I proceed, therefore, at once to name the alterations I conceive it would be advisable to effect:—

1. That the clothing and other stores for the entire Police Force of the Colony, be placed in charge of, and issued under the direct orders of, the Inspector General of Police. The check which it may be presumed this department affords upon the expenditure for this service in reality exists only in name. A power of that kind can only be used beneficially by some one possessing an intimate acquaintance with the details of the several branches of that service; and as the principle of centralization was avowedly had in view in the appointment of an Inspector General of Police, the transference to his care of everything relating to the arming, clothing, and equipping of the Force under his orders, would seem a natural though tardy investiture with functions that from the first should have pertained exclusively to him.

2. That the arrangements requisite for providing and issuing the clothing and other supplies J. Buchanan, Esq. needed by prisoners confined in the gaols, and at the penal establishments, be placed under the Sheriff's supervision.

This alteration might facilitate any measure that may be pending as regards the employment of parties serving sentences of imprisonment. Prison clothing is now furnished ready for immediate wear, and every other article also in a state for instant use. 4 June, 1860.

The embarrassment attendant on the possession of surplus labor at the Gaol, employment for which can be but rarely had, might perhaps be diminished were it engaged in the making of the clothing and any other stores of easy manufacture, as well for prisoners employed on the public works as for gaol use.

3. That the mining and trading licenses for the Gold Fields be issued to the respective Commissioners, from either the Colonial Treasurer's or the Audit Office. As a check upon the revenue collected by those officers, a monthly return is given of the blank licenses furnished to them. This check would be more perfect and complete, were it imperative on the Commissioners to obtain their licenses from that department to which they have to account for their collections.

Every information on the subject would then be centred in the office most immediately concerned, and be at hand for instant reference. From the present system no advantage arises except relief from the responsibility and work (now dwindled to small proportions) that attend the counting, recording, and transmission of the blank forms monthly.

4. That the Postage Stamp Books imported for the Inspector of Stamps be placed in the Postmaster General's custody, and issued by him from time to time under the same regulations as have been laid down for my guidance. As in the case of the Gold Licenses, the Stamp Books are not accounted for or dealt with in the way that ordinary stores would be. Both are treated as special items, and subject to exceptional rules; and it being deemed inexpedient to leave in the Inspector's hands a power of unlimited creation of stamps, the peculiar paper used in their manufacture can only be had from this department.

Of the issues so made record is kept, and the Auditor General acquainted therewith. I conceive, however, that the check might be as effectually exercised by the Postmaster General as by myself, and perhaps more conveniently. The objection that the control would be merely departmental and not an independent one, cannot be urged, as the Stamp Department, so far from being an integral branch of the Post Office, is virtually a separate department, though transacting business in the same building.

5. That the coals for the departments located in Sydney be provided under an annual contract, to be made through the medium of the Audit Office, in like manner as it arranges for every other Commissariat supply, and for fuel itself, in every district except Sydney.

During the continuance of the Australian Agricultural Company's monopoly, it was not expedient that the matter should be subject to the usual rule; but every reason to treat it as an exception was removed when the Company's privileges were abolished.

6. That the Orderlies attached to the Commissioners beyond the settled districts be granted a money allowance in lieu of the bedding, clothing, and barrack utensils now furnished them at the public expense in kind.

While the Commissioners were specially charged with the peace and good order of their respective districts, and a comparatively strong body of Border Police, almost wholly composed of convicts, was maintained under their direction, it was essential that their supplies should be provided by the Government. There are few districts now in which the employment of more than two men is sanctioned; but the trouble arising out of the issues for this small number would be but little greater were fifty allowed; and as the effectual discharge of the Commissioners' duties may no longer demand that the most trivial wants of their men should be looked after by a Government department, the substitution of a money payment would be a relief, and not operate disadvantageously to the service.

1. As a considerable reduction of duty would ensue were effect given to those changes, a reduction to the extent of one-half might, under such circumstances, be made in the clerical establishment of my office, and a diminution also, though not of like extent, in the expenditure of the same branch.

5. The only additional suggestion I have to offer is one that immediately concerns myself. It has long been apparent to me, that my department, and the closely analogous one of the Deputy Ordnance Storekeeper, each possesses certain facilities and appliances for the conduct of its separate duties, of which the other is devoid; and that, were both departments placed under one head, the united duties, in many instances, might be more efficiently and economically discharged.

It could not be expected that the British Government would consent to a Colonial officer's being entrusted with those duties that it may be anticipated will always remain exclusively Imperial. My removal from office is, therefore, what I have accustomed myself to regard as the certain effect of any conjunction of this kind. The idea is not a novel one, it being merely the revival of the system actually in existence from 1839 till 1845, the Ordnance Storekeeper of that period having been the incumbent of both offices.

To one palpable advantage I would draw particular attention. While the Colonial Government has been compelled to pay large sums for the rental of hired warehouses in divers parts of the city, extensive and commodious storehouses, under the custody of the Ordnance, have been lying vacant, or but very partially occupied, the use of which the Colony has been refused, I believe, but is called on, nevertheless, to defray the cost of the repairs and maintenance in good order; the objection which exists to the occupancy of any part of these buildings by this department might not, perhaps, have the same weight were an officer subject to the Ordnance authorities at its head. A saving of the vote for £6,000, taken last Session for the erection of a new Colonial Store, would result from the adoption of this arrangement, the practicability of which, for this reason alone, appears to me worthy of consideration.

In conclusion, I beg to annex a statement exhibiting the cost of this department as compared with a sufficiently strong establishment for conducting the amalgamated duties, under the modifications suggested in this letter.

I have, &c.,

JNO. BUCHANAN.

The Honorable
The Colonial Secretary.

J. Buchanan, Esq. *COMPARATIVE View of the Estimated Expense of a Store Department, under the arrangement proposed in the Colonial Storekeeper's letter of the 12th June, 1855, and of the Cost according to the Estimates for 1856.*

4 June, 1860.

PRESENT ESTABLISHMENT, AND PAYMENT BORNE BY THE COLONY.			PROPOSED ESTABLISHMENT, AND PAYMENT.		
	£	s. d.		£	s. d.
Colonial Storekeeper	575	0 0	*Deputy Ordnance Storekeeper to act as Colonial Storekeeper.....	165	0 0
Clerk, 2nd Class.....	380	0 0	2nd Class Clerk	400	0 0
Four Clerks, 3rd Class	1,170	0 0	Two 3rd Class Clerks	600	0 0
Extra Clerk.....	209	10 0	Foreman	210	0 0
Foreman of Warehouse.....	209	10 0	Armourer.....	150	0 0
Armourer.....	150	0 0			
	2,694	0 0		1,525	0 0
Wages to Storehousemen, &c.	829	0 0	Wages to Storehousemen	550	0 0
Store Rent	350	0 0	Colonial Establishment.....	2,075	0 0
	3,873	0 0	Ordnance ditto	233	0 0
<i>Ordnance :</i>				2,358	0 0
Deputy Storekeeper	316	15 0			
Clerk					
Foreman of Stores.....					
Magazines.....	101	5 0			
	448	0 0			
	4,321	0 0			

* With such additional compensation as His Excellency may consider sufficient for the extra duty entailed.

(No. 162.)

*Colonial Secretary's Office,
Sydney, 21 August, 1855.*

Sir,

With reference to the 3rd paragraph of your letter of the — June last, No. 65, suggesting that the clothing and other stores for the entire Police Force of the Colony be placed in charge of, and issued under the direct orders of the Inspector General of Police, I am directed by the Governor General to transmit to you the enclosed copy of the report which has been received from that officer on that subject, and to inform you that His Excellency agrees with the opinion expressed by the Inspector General of Police on the subject.

I have, &c.,
(for the Colonial Secretary,)
W. ELYARD.

The Colonial Storekeeper.

[Enclosure.]

*Office of Inspector General of Police,
Sydney, 26 June, 1855.*

Sir,

In reply to your letter of yesterday, No. 55-193, calling for my report on the suggestion made by the Colonial Storekeeper, that the clothing, and other stores, for the entire Police Force of the Colony, be placed in my charge, and issued under my direct orders, I do myself the honor to state, for the information of His Excellency the Governor General, that while I have not the slightest objection to such charge and duty being devolved on me, doing so will involve the necessity of having a storekeeper and store attached to the department, and if not increasing, will not, I conceive, in the slightest degree reduce expenditure.

2. The duties of storekeeper and packer might be discharged by an intelligent man, borne on the strength of the Sydney Police as a sergeant; but so long as a Colonial Storekeeper's Department is maintained for purposes other than police (and I do not think it can, without detriment to the public service, be dispensed with), I consider that the receipt, issue, and transport of police clothing and stores can be best and, as regards space, time, labor, and expense, most economically conducted by that department.

3. There must always be, as a part of police stores, a considerable quantity of ammunition, which it would be highly unsafe to keep in any building suitable for this office, and which if lodged in the Magazine would be so remote from the store for other police supplies, as to involve loss of time and labor in removing it to pack with other issues.

I have, &c.,
W. C. MAYNE,
Inspector General of Police.

The Honorable The Colonial Secretary.

(No. 177.)

*Colonial Secretary's Office,
Sydney, 7 September, 1855.*

Sir,

With reference to the paragraph of your letter of the — June last, in which you suggest that the orderlies attached to the Commissioners of Crown Lands beyond the Settled Districts should receive a money allowance in lieu of clothing, bedding, and barrack utensils now furnished to them in kind, I am directed by His Excellency the Governor General to transmit to you a copy of a letter from the Chief Commissioner of Crown Lands on the subject, and to state that that officer's objections to the course recommended by you, are too strong to admit of refutation.

I have, &c.,
(for the Colonial Secretary,)
W. ELYARD.

The Colonial Storekeeper.

[Enclosure.]

[Enclosure.]

Crown Lands Office,
Sydney, 23 August, 1855.

J. Buchanan,
Esq.

4 June, 1860.

Sir,

Referring to your letter of the 21st instant, requiring the report called for by your letter of the 25th June last, No. 259, on the subject of a suggestion of the Colonial Storekeeper that the orderlies attached to the Commissioners beyond the Settled Districts should receive a money allowance in lieu of clothing, I have the honor to state that the delay in transmitting my report has been occasioned by the necessity for referring the subject to the District Commissioners; the majority of the reports have now been received, and I am enabled to state that strong objections exist to an acquiescence with the proposal of the Storekeeper.

- 1st.—The utter impossibility of obtaining clothing by purchase in a large portion of the Districts cannot be doubted.
- 2nd.—The necessity for the orderlies appearing in uniform seems to be unquestionable.
- 3rd.—If supplied with money in lieu of clothing it would become the interest of the orderlies to spend as little of the allowance as possible, which would lead to a disgraceful appearance, and tend to destroy the discipline, which it is most desirable to keep up.

Under other considerations also, I cannot recommend the propositions of the Colonial Storekeeper; but I do not see why the clothing and stores required should not form one issue annually in place of two, and on a reference to the Colonial Storekeeper that gentlemen states (see herewith) that next to a money allowance such a course would be the best to pursue, and that the 1st of December would be the most convenient time to be fixed for the issue of the clothing and stores of every description; I see no objection to this arrangement.

I have, &c.,
GEO. BARNEY,
Chief Commissioner of Crown Lands.

The Honorable
The Colonial Secretary.

B. C. Report relative to Vote taken in Bulk for Stationery, Stores, &c.

THE consolidation in one vote of the numerous petty sums formerly taken up to cover the cost of stationery and stores, was proposed with the express object of reducing work, and I feel confident will secure it, as well for the Treasury and Audit Offices as for this department, instead of adding to the labor of any of them.

Though the plan has neither the merit of originality, nor was suggested as a new discovery, it has the important recommendation of being what experience elsewhere has proved to be the most efficient and satisfactory system of providing for similar charges.

In all possible cases, the Imperial Government strive by consolidating votes to prevent unnecessary and troublesome complications in their accounts. In an especial degree has this been their method of securing some uniform and settled mode of surveillance over the disbursements for stationery, stores, transport, provisions, and forage. Since the introduction of the revised system of framing the British Estimates, no other method than that of taking votes in globo for each of these heads of service, has been allowed, and I have never heard anything to occasion doubt as to its working smoothly and efficiently. By such consolidation the control and payment of the expenditure are vested in the hands of settled and unchanging departments, and one well-known result has been to relieve the public of those every difficulty and delay in obtaining discharge of his just claims.

With in my own hearing sufferers have cited this promptitude as carried out in this Colony, as an exemplar, after experience of the uncertainty and discomfort which pursuit (sometimes it has been said proving even vain) of trivial claims from the door of one public department to that of another.

I cannot see either the necessity of splitting the gross vote of £37,300 into the fragments taken up for 1858, or its possibility. Such division would certainly involve application for supplementary appropriations.

- 1st. For services that this year exceeds the estimate of 1858.
- 2nd. For those new ones not existing in that year, while I hope to be able, if the vote be left intact, to make it sufficient for all, and avoid going again to Parliament.

Moreover, I conceive, while this vote is kept in one sum, it might be properly made the source out of which should be defrayed the remittances to the Commercial Agent—an advantage that would be lost by subdividing it.

I beg, therefore, to submit that the plan initiated in the taking of an aggregate vote be allowed fair trial: even though it conflict with the system of securing to each department in a cumbrous way, a knowledge of its own expenditure, by constituting it its own paymaster. And that this department be not stripped of responsibility for this vote, in order to fritter it away and confer it in a hundred diverse directions.

JOHN BUCHANAN,
B. C.—18 March, 1859.

The Secretary to the Treasury.

B. C. Report as to Comparative Expense of procuring Stores in the Colony or from England.

SEVERAL circumstances tend to prevent the preparation of such a Return as would give, at a glance, a comparative view of the difference in purchase money, between stores bought in the Colony and imported from England, without being delusive and calculated to mislead.

Purchases are seldom made under the two systems, on like conditions; the quality of material, character of manufacture and pattern even of articles bearing the same designation, usually differ in points having an important bearing upon the price; and as it is essential to the drawing of a fair opinion from figures alone, that these elements should be the same, no comparison worthy of consideration can be embodied in a Return.

Moreover the general practice is, not to buy in the Colony stores of the same nature as are usually procured from England. Departure from this rule occurs at times when stock runs short; and it is then generally found necessary to alter the patterns to suit what the Colony can provide.

The Government importing for itself has been a matter of very gradual growth. It commenced with stationery—extended itself to convict clothing, when the British establishments were broken up—and embraced police clothing and appointments, as the commencement of an attempt to reduce the constabulary to order and uniformity. These three divisions comprehended a large proportion of the imports, and no reliable data exist for a comparison between the cost of such items here and in the Mother Country, inasmuch as no continuous or definite effort has yet been made to enlist mercantile enterprise in their introduction.

My opinion is that a defence of the Government continuing to act as its own importer, instead of suffering its wants to be supplied by the trade of the country, should be based on the intelligible reason that importers' charges and profits are thereby saved. The truth of this presumption appears to me unquestionable; but I must admit its force has been weakened by the old practice of confining purchases to the great public departments in England, whose rule it is, and of which we had the advantage to subject such matters to the test of competition, followed by competent inspection—being now departed from.

Under

J. Buchanan, Esq. Under Mr. Donaldson's plan, everything depends on the judgment and decision of a single individual—an anomaly rendered the more striking by the Government's enforcing, and daily extending, the principle of leaving nothing discretionary to their own officers, who are under immediate observation, while in transactions of infinitely greater moment, conducted at a distance, no means of supervision are provided.

4 June, 1860.

The Secretary to the Treasury.

JOHN BUCHANAN.
B.C.—11 April, 1859.

B. C. Report on proposal of Messrs. Sands & Kenny, that the Government procure such Stationery, &c., as is requisite by Tenders in the Colony. Dated 5 January, 1859.

Though the English regulations respecting stationery issues had been in most particulars tacitly adopted in this Colony several years previously, it was so recently only as 1852, that express orders were given me from the Colonial Secretary's Department to confine my demands on England for this supply to such qualities as were approved by the Home Government throughout the British Services, and were enumerated in a printed list sent me for my guidance.

Since that period, therefore, purchases have been wholly confined to the Stationery Office, London, a department controlled by Mr. John Ramsay McCulloch, whose improvements and changes, all tending towards a reduction of an enormous expenditure for stationery and printing, have met with repeated and strong encomiums from Committees of the House of Commons.

So long as the Stationery Office standards of pattern and quality continued to be adhered to, I feared neither economy nor improvement in quality would be likely to attend purchases made through any other medium. The high intelligence, energy, and extensive commercial knowledge of the chief of that department, the great facilities that the large expenditure he supervises (exceeding £500,000 annually) affords him, and the efficient aid and appliances for a rigid inspection placed at his command, all forbade me feeling any hope of deriving advantage by taking the comparatively trifling supplies needed for this Colony out of the operation of his extensive contracts, on behalf of the British Government, merely to substitute in lieu the agency of some mercantile house, which, however energetic and upright, would not be able to exercise any effectual personal supervision, and which must perforce adopt in place of public contract as a test of price, and inspection by sample as a test of quality, mere naked reliance upon the good repute and probity of the manufacturers or tradesmen it might employ. The experience I have since gained under the system of a Commercial Agency has converted what was before merely a doubt in my mind—though a grave one—into a certainty, admitting of proof.

Comparison of the articles imported under this plan, and their cost, have made clear that a positive disadvantage has accrued, for where prices have approached to those the Colony had been accustomed to pay, the quality is inferior; and, on the contrary, articles found better, prove always to have been paid for at prices (in some cases greatly) beyond the Stationery Office rates. Whether it may not now be desirable that the old patterns should be laid aside, and an improved quality of stationery introduced for general use, is a question to be decided by authority superior to mine. It will require a little consideration, for if determined on a certain increase of expenditure will have to be met, arising out of the augmented costliness, and a possible still further increase, having its origin in a greater consumption. At present the appearance of Government articles of stationery is in most cases palpable to the eye, but in proportion to their loss of this distinctive character, and assimilation to the ordinary items procurable at stationers' shops, the greater will be the difficulty of holding consumption in check. Objection is being constantly taken to some item or other of the stationery furnished from this department. The unsubstantial character of some at least of those complaints, and the uselessness of attempting to consult every individual taste is made plain when, as not unfrequently happens, that which is condemned by one individual calls explicit approval from some other. These diversities of opinion are to be met only by holding a large stock of various qualities and various patterns. And further, by conceding to each department, and perhaps even to each member, liberty to choose and reject at pleasure. This course, however well it may answer while in limited operation in private life, obviously cannot be permitted in the public service. If the present standard be finally condemned as too inferior, and I do not affect to deny that they are of low quality, though I think fully good enough, save for a few special purposes that can be easily met by especial arrangements, it will, of course, be requisite to determine on new patterns. Then would be the proper time to consider how far Messrs. Sands & Kenny's proposition is a desirable one to adopt. While I have yet seen no reason to believe that either a better or cheaper mode can be devised than that of procuring from the Stationery Office the great bulk of what is used here, I should prefer trying what the trade of the Colony, on proper and full notice, could do, though such an alteration would occasion considerable additional labor to my department, and demand an increase both of room and of aid, to having resort to a London firm, upon whose operations it is illusory to suppose any proper check can be maintained at this distance.

JNO. BUCHANAN.
B. C.—22 August, 1859.

Archibald Campbell, Esq., called in and examined :—

A. Campbell, Esq.

4 June, 1860.

1. *By the Chairman*: You are Chief Clerk in this department? Yes.
2. How long have you filled that office? Since 1st December, 1859.
3. Will you be kind enough to describe to the Board your duties in as detailed a manner as you can? My duties are, a general supervision, and, in particular, the management of all the cash—the paying of accounts.
4. What are we to understand by general supervision? A general supervision over the other clerks.
5. And in any degree over the stores? Yes, I am supposed to have a supervision over the stores; and especially now.
6. I refer to the ordinary working of the department? Not so much so; but it is my duty to look at things where questions arise concerning them.
7. You are called upon to perform certain duties in that way? Yes.
8. And how has the duty of making cash payments devolved upon you? From my predecessor, he always performed that duty.
9. Did you see your predecessor in the office when you took charge here? Yes.
10. And he acquainted you with what your duties would be? Yes.
11. And amongst these he stated would be the duty of making cash payments? Yes; he shewed me the greater part of my work before he left the office.

12. Who do you consider to be responsible for the payments, in the event of a wrong payment being made? It would come upon me, I think.
13. Are there any written instructions, or is there any document on record in your department which divests the Colonial Storekeeper of that responsibility, and vests it in the chief clerk of the department? I should think not; I have never seen it.
14. You have never seen it? No; but I think it is in this way;—the head of the department would be held responsible to the Treasury; but if a mistake occurred, it would be sure to come from my mistake, and therefore the responsibility would come from him to me.
15. In these matters, the Government would always look to the principal officer? Yes.
16. And that principal officer would be left to his own remedy if he were not himself to blame; so that, in point of fact, the question is, who stands responsible to the Government? The Colonial Storekeeper stands responsible to the Government, I should say, but that is in words only; because, after all, the responsibility would devolve upon the subordinate.
17. Well, in the case of payments made, do you assure yourself always that the parties receiving payments are the persons really entitled to receive them? Yes.
18. How are you enabled thus to assure yourself? You cannot do it always. It is by their bringing the account; but sometimes accounts are sent in ready signed, and the party bringing them in is paid; sometimes a note is sent, requesting you to pay the party.
19. Would you pay the party who brought a signed account, even if you knew nothing of him, merely because he brought it? No, not if I knew nothing of him; I know almost everybody to whom we make payments.
20. Then, in point of fact, you do know the parties to whom you make payments? Yes.
21. Shall we say in every case? I must know something to satisfy my own mind in every case.
22. But what is the system—do they come here for payment, or send here for payment? Just about as much of one as the other. Parties who have dealt with this office for any length of time almost invariably send for payment. They send their accounts in ready signed, in some instances, although they are not requested to do so.
23. They are old customers? Yes.
24. Then how as to other parties? They come themselves, and generally sign in my presence.
25. Then there are two ways by which payments are made:—One is by parties who have a long knowledge of the department sending in their accounts signed; these parties, perhaps, being well known in the office;—the other is, by strangers, or comparative strangers, coming themselves? Yes; or sending a written order for payment. Then, again, there are payments made to parties in the country. In this case we have nothing to do but to send the cheque.
26. But in cases where written orders are sent, you have some knowledge that these orders are genuine? Yes.
27. How do you assure yourself of that? I have never received a written order yet from any one where I did not know the writing of the signature; but I have not had very long experience.
28. When payments are made in either way, how are they witnessed? They are witnessed by me generally; or the account comes in, and the cheque is pinned on to the account and sent with it for signature. A messenger takes it, where it is not already signed. Sometimes it is witnessed in the office where it is paid. If it is any house of business in town they generally witness it here.
29. Does not that suppose a third method of payment—where the account is not paid here, you say you pin a cheque on to the account and send it by the messenger—here is a third system, where you send to parties? Yes, that is a different system. It is generally done at their own request. It is those persons who have not had much dealing with the office. They do not send their accounts in signed, but they request that when their account is payable it may be sent to them. It arises generally from this:—I draw cheques near the end of the month, for payment of certain accounts, and leave these cheques untouched in the cheque book, excepting the parties call. The month comes to a termination, and some of them do not call at all; then I am obliged to send out the cheques to balance my account for the Audit Office. I must get these vouchers back, to send to the Audit Office by the first of the month. If I could help it I would never send cheques out.
30. Is it necessary that you should draw cheques before parties require the money? As soon as the account is audited I draw the cheque.
31. The labor of drawing a cheque is not much, but the risk of keeping a drawn cheque is something? Where they are sent out they are always crossed.
32. But as they lie here in your office? They are always locked up.
33. These cheques would be for large amounts sometimes? They very seldom leave large amounts uncalled for, for any length of time.
34. You seem to say that you send out cheques chiefly in the case of persons who are comparative strangers to the department? No, I do not send them out to them chiefly, only where requested to do so. As I said before, towards the end of the month, when I require the vouchers back again, I usually tell them to call on a certain day, and they come here to sign the receipt.
35. Would it not suggest itself to you as being more necessary to require those who are comparative strangers to the department to attend personally than those who are known in the office? These are the parties I generally request to attend; it is persons who do not understand, or, perhaps, who do not trust the Government sufficiently to send in their accounts ready signed, that I send out to occasionally; they may be no more strangers to me than the others who send in their accounts signed.

A. Campbell,
Esq.
June, 1860.

- A. Campbell, Esq.
4 June, 1860.
36. But do you anticipate that you would have any difficulty whatever in enforcing a rule by which all parties should be compelled to come here for payment, either in person or by their known agents? I tried to do that a few months ago. I expected people in towards the end of the month, and I drew out several cheques, but they did not come, so I sent them; in two or three cases I received a note from the parties, requesting that I would send their account.
37. But again I ask you, why the necessity of drawing these cheques before they are applied for? Under the present circumstances of the department I have to go up to the Treasury to get every cheque signed; the consequence is, that if I only drew out a cheque when it was applied for, I might be kept half my time running up and down to the Treasury in order to get Mr. Lane to sign the cheques, so I generally keep the accounts until there are two or three, or more, that I wish to pay at once; I draw them out, and make one journey of it.
38. Now, having explained that, we will go back, if you please, to the ordinary working of the department;—what is there to prevent the adoption of a system which would compel parties who supply stores to call here themselves, or send their known agents for payments? I do not see any objection to that or any difficulty, but I have not the power to do it of my own accord. I made an attempt, as I said before, to keep the cheques until the people called personally, but I could not do it of myself.
39. It takes but a short time to draw a cheque, and when it is drawn, on the application of the party or his known agent, there would be no risk; and if the head of the department were, as doubtless he would be, present to perform his duties, the cheque might be signed without delay? When Mr. Buchanan was here I never drew out a cheque at all unless it was to go immediately into the hands of the parties; I never drew it until five minutes before it was either sent away or handed to the person in waiting.
40. But you do not think there would be any obstacle opposed by tenderers to a system which would compel them either personally, or by a known agent, to come here for payment? I think not; it is a system I should prefer very much myself.
41. Now, in regard to payments made to parties to whom you send cheques, how are they witnessed? I have to witness most of them myself.
42. Even though you do not actually see the payment made? No, I do not actually see them.
43. Then if you were placed in a witness-box to-morrow, and a question arose whether your messenger paid the cheque to the right party, you are not in a position to swear either to the identity of the person to whom payment was made, or to the fact of the payment? I receive accounts sometimes ready signed and witnessed, especially from the country, and I am obliged to pay them.
44. Do you take any precaution in reference to the cheques you send out, so that in case of accident they should not be made available to improper parties? I cross all cheques sent out of the office, and mark them "Bank."
45. Without exception? Without exception.
46. Since you came to the department, then, there have been no payments made in which you have been concerned, to parties of whom you have not known something, as being either *bonâ fide* tenderers, or the agents of those tenderers? No; no parties that I have not known something of.
47. That is, that they had a right to the payments you made? In some instances I could bring no proof that they had, although I have felt morally certain that they were the parties.
48. That they were the parties ———? To whom the payments should be made.
49. Now, in this case, how did it happen that you were without this proof that they were the parties entitled to payment? I do not recollect particular cases to bring it to my mind, but in looking over my list of payments some might occur to me.
50. Then your duties consist, you say, of a general supervision, and of making all the cash payments of the department? Yes, and the returns for the Audit Office.
51. Are you the accountant and cashier of the department? Yes.
52. Do your duties extend beyond that, in any way? I have to answer a great many letters, a good deal of the correspondence has to go through me.
53. As chief clerk? As chief clerk.
54. That would possibly be the more important part of the correspondence? Yes.
55. But there must be a large amount of correspondence of a minor character that you would leave to somebody else? Yes; there is one gentleman whose particular duty it is to attend to that correspondence.
56. But you take upon yourself the more important part? Yes.
57. Does what you have stated comprise the whole of your duty? It is impossible to define my duties fully, they are so various, and you cannot separate one person's duties from the duties of another, particularly in this department; we all do different things, sometimes there is a great rush of work, and then each person does a little of everything.
58. Do you ever superintend the opening of packages received from tenderers, or the issue of stores to other departments and services? No; not in my present situation.
59. You never exercise that superintendence? No; that is done by the store clerk and foreman.
60. And you have nothing to do with it at all? No; unless in case of question, and then the store clerk would naturally come to me because he could not decide.
61. Do you think that any packages or stores could issue from this department without your knowledge, or do you feel in any way bound to observe these things? They could not go through the regular course without my knowledge.
62. But I am speaking of an irregular issue of stores? Yes, they could go then; the very fact of their being irregular would prevent my knowing of it; I could not watch every dray load.

63. I do not think that is meeting my question in the spirit in which I put it? I hardly understand it. A. Campbell,
Esq.
64. It is necessary that the question should be put in order to shew what amount of surveillance there exists—what is there to prevent a warehouseman, if he did not happen to be trustworthy, loading a cart and sending away supplies? There must be too many concerned in it. June, 1860.
65. You deny that you would be concerned in it, and perhaps other gentlemen might do the same; but the thing is this, whether, whilst you are in the office, this might not be done without your knowledge? I think not; it would require too deep a plan to be carried through.
66. Have you any duties, Mr. Campbell, other than those you have named to the Board? There are a great many nameless duties, which I can scarcely specify.
67. We know that in a public department you cannot go into minutiae, but generally the duties are divided into sections;—you have nothing to do with keeping any account of stores, or anything of that kind? Yes.
68. What account do you keep? A quarterly statement is always sent in to the Audit Office of all stores issued, and the same is copied into the books here;—the invoices are kept as well.
69. But there is nothing in the form of a return as to stores received? The invoices themselves shew the stores received.
70. You do not make any return? No regular return.
71. Do these invoices come back to you again? Copies are sent to the Audit Office—we keep the originals.
72. You render these returns as accountant to the department? Yes.
73. And these returns have, in point of fact, nothing whatever to do with any account of receipts, issues, and remains of stores? No.
74. Can you charge your memory with any other duties that you are called upon to perform in this department beyond those you have already mentioned? No; I cannot recollect any as chief clerk; of course you do not mean as I am at present.
75. No; I mean in the ordinary working of the department? No; my experience was so short that I cannot exactly recollect what would devolve upon me, and what upon the Colonial Storekeeper; I only acted during one month as chief clerk.
76. Is there any method of checking the books kept by yourself and the accounts rendered to the Audit Office? The Audit Office checks them.
77. But they check them from the figures before them—with them it is merely whether two and two make four? They have all the information—the invoices received, and the account of the stock; and they have the quarterly returns of the issues to deduct from that—I presume, therefore, they could exercise a check.
78. Who makes these quarterly returns of issues? They come from me afterwards; I do not do the clerical work.
79. Who is charged with the responsibility? I have the responsibility of it.
80. Then, officially speaking, you make the quarterly returns? Yes, in that way.
81. Then you are checked in that direction by yourself—that is to say, the means you supply the Audit Office to check you, are data made up by yourself, these quarterly returns? They are not all thus made up, because the stock is not made up by me.
82. I am speaking of the issues? Yes, the issues; there are vouchers for every issue, and the return is made up from those.
83. There are vouchers for the issues? Yes.
84. And these vouchers, then, would check your return? Yes.
85. Then you think the Audit Office has a perfect check? Yes, as perfect as it can be.
86. Now suppose there should be fictitious tenderers, fictitious receipts, and fictitious payments, and suppose also the only means the Audit Office had of checking these emanated from the same hand in this department—inasmuch as they would derive all their sources of information from you—what check would there be? There are the vouchers in the office, which may be referred to if any doubt exists in reference to the matter.
87. Now, do these vouchers come into the hand of the chief clerk alone? No, they go all through the office.
88. But still there is no knowledge of the identity of the parties tendering, or of anything about them? No, I do not think it necessary for me to know it in every case; I always presume that that is known by the Board who open the tenders.
89. But suppose the parties were wholly unknown by handwriting, by name, by abode, by their place of business, or by anything else, what check would there be? Check to what: to the goods being actually received?
90. Yes, that there was an actual receipt and an actual payment? The payment is not made until the goods are received and actually certified to by the store clerk, who has to certify to their receipt before I pay for anything.
91. Then there is a check to that extent? Yes, and the foreman's certificate has to be appended to the voucher as well.
92. The foreman; that is the man who actually issues the goods? The man who actually receives them into the stores, and assists in the issues;—the store clerk issues.
93. Does the system of accounting in the Audit Office seem to you to be easy and explicit—is it more complicated than one which would be employed in mercantile business? I think not; I do not think it is more complicated, except that all the vouchers require more signatures. There must be more routine in the Government service than in mercantile offices; but the general system, I think, is much the same.
94. You do not think you are called upon to account to the Audit Office in a more complicated

A. Campbell, Esq.
4 June, 1860. cated form than would be necessary in a private establishment conducting a business to the extent to which you conduct business here? Oh! yes, there is a good deal more work in sending in monthly statements and quarterly returns. I have not much knowledge of mercantile routine; I never was in a merchant's office; but I think from the general system that it is much the same, although perhaps rather more complicated in its working; there are a great many more documents required than I should think would be required by a merchant.

95. Have you ever given any attention to the present system of furnishing accounts to the Audit Office;—whether an equally effective, and, at the same time, a clearer and simpler form of check than is now adopted, might not be kept upon the department? Yes, I think it might be simplified a little; I was advised at the Treasury to keep merely a ledger, and post from the other books, without journalising—that saved a good deal of trouble, and would be equally effective.

96. You keep merely a day-book and a ledger? Yes, the issue-book is the day-book; there is the cash, of course.

97. Then you simply knock off one check upon yourself by setting aside the intermediate book? That is the suggestion of the accountant at the Treasury, that a ledger would be sufficient, because the other books stand for themselves.

George Joseph Wrentmore, Esq., Deputy-Assistant Commissary General, called in and examined:—

G. J. Wrentmore, Esq.
4 June, 1860. 1. *By the Chairman*: There are some points on which the Board would be happy to receive some information from you in reference to the mode of conducting business at the Commissariat. Do the Commissariat call for tenders when they require stores, which it is necessary to procure here? Always, except in very trifling cases.

2. In calling for tenders do they invariably insert the quantities required, or do they sometimes ask parties to supply for a given number of months, or for a year, as the case may be, without stating the quantities? The principal contracts are taken for twelve months.

3. Time contracts? Yes.

4. Are the stores paid for immediately they are delivered into the storekeeper's charge? We do not receive anything into store.

5. You do not receive them? No.

6. But you pay —? The contractors monthly. The troops are supplied directly by the contractors, and we settle with them. We have no stores at all.

7. In the acceptance of tenders is it any consideration with you whether you have or have not some knowledge of the tenderers? Most decidedly.

8. It is a condition of acceptance, that you know the tenderer? That we know the tenderer and the sureties.

9. Then in every such case you take a bond? In all important contracts—in all the annual contracts.

10. Then of course when you make your payments you know that you are making them to the parties who have actually supplied the goods? Yes; we take no signatures but the principals.

11. And how are the payments witnessed? They are witnessed by one of the clerks in our office.

12. Who would be in a condition to swear to the identity of the party receiving the payment, as well as to the fact of the payment having been made? Certainly to the fact of the payment having been made; but I cannot say exactly that he would be in a position to swear to the identity of the person receiving payment, because sometimes vouchers are sent in with the signatures of the parties, and payment is then made to persons in the establishment of the contractor.

13. Would you be content with the signature of the person who had witnessed before the payment was made, or would you still have some officer in your department to witness the payment? It is an invariable rule for an officer to witness the payment.

14. You never send cheques but you insist upon the parties calling at the pay department for payment? It is very seldom indeed that we send cheques, except to pensioners. The parties, either themselves or by their agents, always attend at the office for payment, and receive their cheques there.

15. There is, I believe, a Commissariat Storekeeper? There is the store.

16. But is there not an officer called the Commissariat Storekeeper? Yes; that is not his proper designation. He is an assistant clerk, who has charge of the stores and acts as storekeeper.

17. But is there no such appointment? No such appointment at all; he does the duty of storekeeper.

18. Has there never been a Commissariat Storekeeper in this country—an officer holding that appointment? There are in the department storekeepers, but they are of very inferior grade. They rank only with non-commissioned officers.

19. *By Mr. Buchanan*: I think they are more in the character of storeholders? Yes; an officer has generally charge of the stores.

20. *By the Chairman*: Then there is some person of responsibility—in the rank or grade of an officer—charged with the actual custody of these stores? There is, always.

21. And he is personally responsible for the stores? He is personally responsible.

22. And is he charged—no matter what assistance he may have—with keeping store accounts in

- in which the receipts, the issues, and the remains are shewn? Yes, these are kept by the officer in charge of the stores.
23. And that officer is held really and personally responsible? Decidedly.
24. And in all receipts of stores I suppose he personally inspects them to see that the quantities are correct? Yes, that is part of our instructions; but all stores that are specially purchased—that is, not in the annual contracts—are surveyed by a board of officers before they are accepted. Salt meat, for instance.
25. Could you say whether there are any intervals in the year, or during a given number of years, in which the officer charged with the stores is called upon by regulation or otherwise, accurately to test his remains by the actual amount of stores in the store—to take stock, in fact? No; I do not think there is in our service any regulation of that kind; but I am not quite certain in reference to the matter.
26. But he is bound to shew his remains and for them he would be responsible? Certainly. He has to furnish a monthly statement of remains which he declares to (the officer in charge of the stores) in addition to an abstract of the receipts and issues, which he also declares to. He has to furnish the account of the remains in store on the last day of every month.
27. Then, inferentially, we may conclude that an officer who makes a declaration of that kind—tantamount to an oath—would in some way convince himself that he was correct? No doubt it is his duty to do so.
28. In the case of stores purchased here and goods which go into the Commissariat Stores, I suppose there is some officer charged with the responsibility of seeing that the articles supplied come up to the pattern? Yes; but the stores of the Commissariat are confined principally to provisions. It is the military storekeeper who has the supplying of other stores to the army.
29. Have you any means of judging, just roughly, what would be the value of the stores at this moment in the Commissariat buildings? The stores in the Commissariat are naval stores altogether, and are under the authority of the naval officer commanding on the station. We have no military stores of any sort; but I suppose your question is general—
30. General? I should say that the Commissariat Officer certainly would be able to ascertain the value of stores, because he is furnished with invoices in the case of stores from England, and of course he knows the value of stores purchased on the spot, because they are paid for through the Commissariat.
31. I suppose, too, he might ascertain the annual value of the issues from the stores? Oh! yes; there would be no difficulty about that.
32. What would be the actual expense to the Imperial Government of conducting that establishment by its officers? That depends altogether upon the extent and strength of the station. There is no rule about that in our service.
33. I suppose it is customary with the Commissariat to anticipate its wants by orders from Home? In some stations, but on this station we get nothing from Home except provisions for the navy—salt pork and rum; but stations nearer England are supplied from Home,—Malta, for instance.
34. Who is the officer from whom we could get this information? The Assistant Military Storekeeper, Mr. Wilkinson.
35. The main point was, who had charge of the stores in the Commissariat? My answer is not quite correct, because the senior Commissariat Officer at the station is actually responsible to the Home Authorities.
36. *By Mr. Buchanan*: Was it not the case that the officer actually responsible to the British Government for the stores in the Commissariat was in Melbourne? Yes, it is true.
37. And the officer really in charge of them was here? It is true.
38. So that there was a chain of responsibility extending from the Commissariat Officer here to the officer in Melbourne, who was Mr. Coxworthy, was nominally responsible to the British Government, while the actual responsibility was vested in the officer here? Yes.
39. *By the Chairman*: That arises from the head station being at Melbourne and not here? Yes; that has only been the case since the head quarters have been removed from Sydney. Hobart Town has its head quarters, so has New Zealand, and Adelaide also; in fact, all the Colonies have, except New South Wales. This is merely what they call a *sub* station.

G. J. Wrenmore, Esq.

4 June, 1860.

Henry Lane, Esquire, called in and examined:—

1. *By the Chairman*: You are Under Secretary to the Treasury, Mr. Lane? Yes.
2. You are also a member of the Board appointed to open tenders for the supply of stores? Yes.
3. Will you state the process of calling for tenders, of opening tenders, of scheduling tenders, and of finally accepting tenders? We call for tenders, on the motion of the Colonial Storekeeper, if stores are required; we insert the notice in the *Government Gazette*, and call attention to the announcement by advertisements in the daily papers.
4. Then you receive the tenders? Then we receive the tenders.
5. To whom are they addressed? The Treasury. They are deposited in a box, secured by two locks of different construction; one of the keys is held by me, and one by Mr. Buchanan, the Colonial Storekeeper.
6. Where does the box lie? In the Treasury.
7. And on a given day the Board meet, and unlock this box and open the tenders? They meet, and open the tenders.
8. Does the Board comprise any members beyond the Colonial Storekeeper and yourself? Occasionally it does.

Henry Lane, Esq.

4 June, 1860.

- Henry Lane, Esq.
4 June, 1860.
9. But generally it consists of only you two? It usually consists of the Colonial Storekeeper and myself.
10. Well then Mr. Lane, after opening the tenders what do you do? We have a book, for the purpose of making a note of them—what we call “scheduling” them.
11. And where is that book kept? It is kept by me. In that book we make an abstract of the particulars—the date—the name; we give in fact a report of our proceedings.
12. But then the tenders are scheduled in some form afterwards, are they not? Yes, this book is a record of our proceedings; it contains the schedule we make of them *then*, but there is another schedule *afterwards* submitted.
13. When this strong box is opened, and the tenders are opened, does each member of the Board mark his initial upon each tender? Yes.
14. And then subsequently the particulars—not entering into minute, are entered in this book? Yes.
15. And then after that the tenders are scheduled in official form? Yes, they are afterwards scheduled in official form.
16. Where are they scheduled in this official form? I will explain: the Colonial Storekeeper has nothing to do with a portion of the tenders opened in the Treasury. As regards the tenders for *provisions* (the annual supplies), I deal with them; if they are for *stores*, clothing, shoes, or anything of that kind, where the tender is initiated from his department, they are given to the Colonial Storekeeper, on taking his receipt.
17. But still in all cases the tenders are initialled by the members of the Board present? In every case.
18. And they are entered into this minute book? Yes.
19. Well then, in the case of those tenders which affect the Colonial Storekeeper only, it is left to him to make out the form of schedule? Yes.
20. When they are thus made out, to whom is the schedule submitted, and who is it that pronounces acceptance or otherwise? The Treasurer.
21. There are suggestions I believe, recommendations of the Board—is it usual for you to unite in a recommendation with Mr. Buchanan in reference to Colonial stores—or does his recommendation stand singly? I usually join with him.
22. And then the Treasurer finally accepts the tender? On our recommendation.
23. Now as the schedule is submitted to the Treasurer, so also I suppose are the tenders Always.
24. With these initial marks upon them? Invariably.
25. And he has an opportunity of judging of the perfect genuineness of the tenders? Yes.
26. Have you any means of judging of the reasonableness or otherwise of tenders? I have not.
27. You feel yourself bound to accept the lowest tender? That has been the rule.
28. Would you accept a tender from a party who was unknown? I scarcely know how I would act in that case.
29. But, as a member of the Board, the two sitting together, and the tenders having been opened, the question might naturally arise, “who is this man”? Yes.
30. Is it not a condition in the acceptance of tenders that you should know something of the tenderer?—that you should know that he has a habitation and a name—an existence? I should suppose so. But I take the Colonial Storekeeper’s receipt for the tenders when taken away by him, and I then depend upon him as the officer in charge of them.
31. Upon his recommendation? Upon his recommendation.
32. According to the system you have adopted, would it be possible, when the tenders had left you, to substitute a tender which had not come before the Board for one which had received the initials of the Board? Not excepting the initials were forged.
33. If that were done? If that that were done—yes. There might be a substitution then, but there would be all the risk of forgery connected with it.
34. Then in opening the tenders with the Colonial Storekeeper, so far as he is concerned, do you never ask who this man is and who that man is, and so on; or are the tenders simply opened and the whole thing left to the Colonial Storekeeper? I have asked Mr. Buchanan occasionally.
35. Did the tender of a person of the name of of James Staunton ever challenge you? No.
36. That is not one of the cases you asked about? No.
37. Now, in regard to these stores, is it required by the Government that the Colonial Storekeeper should anticipate the wants of the service in such a way as to be enabled to supply them as nearly as possible from England? Yes.
38. And that, in fact, the purchases in the Colony should be merely to cover unforeseen emergencies? Yes.
39. Is there any instruction to the Colonial Storekeeper to that effect, that he is to anticipate his wants by securing supplies from England? I am not certain.
40. How could the Board ascertain that the Colonial Storekeeper has received authoritative instructions to anticipate the wants of the Colony at all times, so far as in him lay? I have little doubt of the existence of those instructions, but I am not prepared just now to give them in. I shall inquire, and submit them if I find them.
41. You have no doubt then that there does exist an instruction, or some some instructions, to the effect that the Colonial Storekeeper shall be so far foreseeing as to supply, as much as possible, from Home the wants of the Colony? That is my opinion.
42. When did the change take place in reference to the payments for stores supplied to this department; that is to say, when was the Colonial Storekeeper called upon to pay instead of the Treasurer? Many years ago, on the introduction of the system of advances.
43. Is that within the advent of Responsible Government? No; it was previously to that. The last instructions given were in the year 1853.

44. And from that period up to this time, the Colonial Storekeeper has been required to make all payments for stores supplied? I think so.

45. Are there any written instructions to the Colonial Storekeeper in regard to these payments? Yes.

46. Could you produce them Mr. Lane? I produce the original of the circular instructions, and also a certified copy. (*Original circular read, and certified copy handed in, vide Appendix A.*)

47. Was that circular sent only to the departments therein enumerated? I should assume so. It was not sent from the Treasury. There was an enclosure to the letter of the 17th June, (*vide Appendix B*) I have also the Instructions to Officers on receiving and accounting for advances made on the public service, (*vide Appendix C.*)

48. This circular I think had reference to the salaries and contingencies of departments; but at that same time was the Colonial Storekeeper called upon to pay for the goods supplied into the stores for the public service? I think so.

49. Your understanding of that circular is, that the advances being made to the head of the department only—that the money being paid to his public account only—he alone was the responsible party? He only.

50. That the function of the clerk who is to draw the cheques and put his initial to the butt, commenced and ceased with that? Yes.

51. He had no responsibility beyond that? None whatever.

52. Was there anything beyond a mere precautionary check, in requiring a clerk of that kind to fill up the cheque? That was the object—as a precaution—that the head of the department should not himself draw cheques and issue them as he thought fit. It ensured to us that an account was kept, and that there was a second party privy to the filling of the cheque.

53. In regard to the other stores and supplies, the tenders for which you open—have you anything to do with payment in any way? I have, now.

54. You have said that some knowledge of the tenderer ought to be a condition of the acceptance of his tender? Yes.

55. Well, suppose a person unknown were to tender in the department in which you are interested now, and suppose his tender was accepted, and the goods were actually supplied—would you send payment after this individual that you did not know, or would you insist upon his coming to you? Most certainly I should insist upon his coming to me.

56. Do you know of any payments having been witnessed by parties who actually did not see the payment made? I am not aware.

57. Are you aware whether there is any head of a department in the entire service who holds himself irresponsible for payments under this present system? I am satisfied there is not.—Allow me to correct that statement?—There is one exception made in the case of the Government Printer. Frauds had been detected some years ago, and the management of the payments and the credits opened was taken from the printer and given to an accountant specially appointed. He has had to enter into a bond for that purpose. That is the only exception I know.

58. But that is a special case? That is a special case.

59. And there is a provision made to relieve the department, and to fasten the responsibility upon this accountant? Yes.

60. This circular you produce is the only written instruction extant, in regard to the regulation of these payments? That is all I have traced as yet.

61. Do you imagine that there is anything in the nature of an instruction on the butts of the first cheques issued under these instructions? I cannot recollect the first instructions given. This circular has reference to a preceding instruction, but I cannot trace it in the Audit Office. In the Treasury we have no record.

62. Are you aware what check there is in the Audit Office upon the accounts of the Colonial Storekeeper? He has to send in the cash accounts, the butts of cheques issued, and all the vouchers.

63. If there were fictitious tenderers might there not also be fictitious goods and fictitious payments? I suppose there might.

64. And that would be rendered, perhaps, more facile by the fact that there never has been stocktaking, and there never can be a balance shewn of remains, as the balance of receipts and issues? I have not seen a balance of receipts and issues.

65. And you have not seen any remains as the balance between the receipts and issues? I have not seen any.

66. Not since the first establishment of the stores? Allow me to correct myself. There was once a published list of stock, so far as my memory serves me.

67. A published list of stock? Yes.

68. On hand? Yes.

69. That did not take up the receipts and issues over the whole period that preceded? No, it was merely the stock in hand at the time.

70. In such a case as that of which I have spoken what check would you have at the Audit Office or anywhere else? That I do not know.

71. What do the Government expect of the Colonial Storekeeper—that the whole of the goods removed should be accounted for by setting the issues against the receipts and shewing the remains? Yes.

72. Do the Government really expect that? The Government expect that. The Colonial Storekeeper cannot really keep his account without it.

73. Have they called upon him to do this? He got instructions at the time I have referred to, when the list was published. It was to be kept periodically.

- Henry Lane, Esq.
4 June, 1860.
74. And it did show the balance of remains? Yes.
75. As it is, what do you accept as the vouchers to pass the accounts of the Colonial Storekeeper for all payments? I shall have to refer you to the Audit Office for that. The Treasury has nothing more to do than to open the credit. The Audit Office follows the Treasury. I am happy to give you any information I can afford, but I think it will be advisable to refer you to the Audit Office for information of this kind.
76. Well, there are no other instructions relating to these public payments than those you have produced to the Board? Those are all I can trace.
77. Have those returns that are expected been made by the Colonial Storekeeper? I cannot safely answer that question.
- By Mr. Buchanan:* Mr. Lane states, I think in one of his answers, that it is not the practice of the Board to accept tenders from parties unknown—are you aware whether, in the case of provision contracts, that rule is carried out? I am satisfied of it.
- Then you fancy that in every case the Board knows who it is that tenders for provisions? If they do not know the individual himself, they must know of the respectability of the parties who enter into bond.
- Mr. Buchanan:* I am a member of the Provision Board, and have been the longest upon it, perhaps—fifteen years; and do you mean to assert that I am aware of who all the parties are that have made contracts for provisions—that I have had a personal knowledge of them? I make no assertion of that kind.
- The Chairman:* Mr. Lane is called upon only to give his opinion, and not to assert what you know.
- Mr. Buchanan:* But does Mr. Lane state that he knows all the parties who make these contracts for provisions?
- By Mr. Buchanan:* Do you? I do not. I do not know a party tendering from Armidale, for instance; but the Board know of the parties who enter into the bond. They take care that inquiries are made.
- By whom? If there be any doubt they refer.
- To whom? To the Bench, usually.
- Then, in that case, the responsibility rests with the Bench, and not with the Board? I really do not know whether I should answer these questions.
78. *By the Chairman:* The Board being here, at Sydney, and the tenderer being at a distance, all you can do, and all that can be expected of the Board here, is to use its best efforts to inquire all that is necessary to be known of the tenderers? *Mr. Buchanan:* I am a member of the Board —
- The Chairman:* They write to the Bench? *Witness:* They refer in special cases.
- Mr. Buchanan:* There is no instance on record in which any question of the identity of a tenderer was ever referred to the Bench. *Witness:* I shall give you an instance. The last time — *Mr. Buchanan:* That is subsequent to this matter.
79. *By the Chairman:* In addition to that instance could you give any instance anterior to it? I am quite satisfied that I could, but I cannot give it just now. I fear that I have not made myself clearly understood. In reference to the stores, I left all to Mr. Buchanan, depending upon his integrity; but with regard to the tenders for provisions there was a more formal Board—sureties had to be obtained, and an engagement made to deliver a bond. The course pursued was altogether different.
80. You do not suppose, Mr. Lane, that any officer in the public service would feel it to be a slur upon his honor or integrity that his official transactions should be surrounded by as many checks and securities as possible? No, certainly not.
81. You would perhaps think that the more irreproachable the officer the more he would desire these checks? Yes.
82. Then do you not think it unsafe for a Board, as a Board, to abandon any portion of its duties, instead of as a whole doing its business to leave a large section of it to one individual? I find it now.
83. In regard to the goods obtained from England, how are they sent for—through whom? *Mr. Buchanan* submits indents.
84. To the Treasury? To the Treasury.
85. And these indents are forwarded to you? By us to the commercial agent in England. *Mr. Buchanan* submits them in duplicate, and they are sent in duplicate. I regret to find that no records of these indents have been kept in the Colonial Storekeeper's Department.
86. The record should have been kept here? Yes.
87. There is, I suppose, a particular description of the goods required sent home with the indents. When these are supplied directly from home, and under the regulations which now subsist, do you imagine that the Government are supplied to any very great extent cheaper than they would be were they to be supplied by resident tradesmen here? *Mr. Buchanan* has been called upon to report again and again, and he has always persisted in the statement that it is a far more economical system to get them from Home.
88. We have it in evidence that the value of the stores and goods on hand at this moment, or it may be at any moment is about ninety thousand pounds, calculating the interest on that by the rate of interest borne by government debentures (6 per cent), it would give between five and six thousand pounds interest per annum? Yes, at the rate we get now.
89. The expenses of the department—salaries and contingencies—amount to somewhere about £4,000? Between £4,000 and £5,000.
90. That makes an annual expenditure of nearly £10,000? Yes.
91. Exclusive of any loss or other charges there might be. And the actual issues are about £32,000? Yes, between £30,000 and £40,000.
92. Now, would you take your pencil and see what rate per cent. that is. £10,000 upon between £30,000 and £40,000.
- 92.

93. I said that we had it in evidence that the value of the stock in store was about £90,000, and that all this was paid for? Yes; I will make up any computation you wish from my own figures. Henry Lane,
Esq.

94. What I want to put to you is this:—What do you consider the charge to be per cent. for superintending this issue of £32,000? I will submit it to you afterwards. Would you allow me to ask you previously from whom you got the value of the stock in hand. 4 June, 1860.

95. From the best authority I should think—the Colonial Storekeeper. Will you be kind enough to state (for you were in a position to know this exactly) what was the intention of the Government in establishing the Colonial Store—what good did it propose to derive to the public service from its establishment? I believe the great object was economy, and at the same time facility of getting articles which the Government could not in those days get in the colony.

96. And perhaps, too, something in reference to the quality of the things—uniformity? I think so. If you allow me to refer you to the Report of a Select Committee, I think that question is fully entered into.

97. As regards economy and facility—has the institution carried out the intention of the Government in those respects? That I cannot say, but we always understood that it was more economical, and had the other advantages intended.

98. You have understood that? Yes.

99. But cannot say it of your own knowledge? I cannot.

100. You have had to deal with accounts for stores and goods of various kinds outside this department? Yes.

101. Have you had any greater difficulty in dealing with this than you have had in dealing with other departments? I cannot give an opinion about that. My duties were solely confined to the opening of tenders; but as regards the supply and the subsequent operations, I am not in a position to state.

102. Do you think there is in the public services any officer in a position to state that? The most likely public officer is the Auditor General.

103. But he deals with figures. He cannot know in reality anything about these things except from the figures submitted to him? Well, I really cannot suggest any other officer, except it be the examiner of stores.

104. But there is no such officer here? There is not now?

105. No? There used to be a foreman of stores.

Mr. Buchanan: The examiner of stores was repeatedly struck off the estimates—time after time.

The Chairman: Then I think as far as your personal knowledge goes we have obtained from you all the information you can give us.

106. *By Mr. Buchanan:* You stated that one of the advantages expected from the department when it was formed was that stores might be obtained from England which could not then be obtained in the Colony? That is my opinion.

107. That is merely your idea? It is merely my opinion.

108. You do not know as a fact whether we did get anything from England in those days or whether we did not—when the department was first founded? I understood so.

109. That we were in the habit of getting things from England? Yes.

110. If I state the fact that for many years afterwards we did not, you are not prepared to dispute it? I cannot dispute it. All these questions I could answer if allowed to submit the information afterwards.

The Chairman said that if at any other time witness had information valuable to the inquiry, and would communicate that fact to the Board, they would examine him further. This he thought would be the best plan for all parties.

APPENDIX A.

*Colonial Secretary's Office,
Sydney, 17 June, 1853.*

Sir,

I have had the honor to receive and to submit to the Governor General your letter of the 5th April last, No. 2-5, in which you suggest that an alteration should be made in the mode of preparing and accounting for advances or imposts on the Public Service.

2. According to the existing rule every public officer receiving an advance, is required, not only to account for his expenditure within a certain period, but to repay the unexpended balance into the Colonial Treasury,—and you recommend that this rule should be no longer maintained, but that the Colonial Treasurer should take from the recipient of the advance, in every case, an obligation to account quarterly, in the manner directed, and to repay the unexpended balance at any time when specially called upon to do so, but not otherwise.

3. His Excellency having approved of the adoption of your recommendation I have the honor to inform you that a circular, of which I enclose a copy, has been addressed to the officers named in the accompanying list, conveying to them instructions, as annexed to the circular, for their future guidance, for receiving and accounting for any advances that may be made to them on the public service.

4. The form of warrant submitted by you for the issue of the advances from the Colonial Treasury, and also the form of account current to be rendered by officers receiving advances within fourteen days after the expiration of each quarter, are approved by the Governor General.

5. You will observe, on reference to the concluding paragraph of the instructions, that the forms of account current are to be furnished to the several officers from your department.

I have, &c.,

(for the Colonial Secretary.)
W. ELYARD, JUN.

The Honorable
The Auditor General.

Henry Lane, Esq., List of Officers to whom the Colonial Secretary's circular of 20th May, 1853, No. 53-93, conveying instructions for receiving and accounting for advances made on the Public Service, was addressed:—

4 June, 1860.

<ul style="list-style-type: none"> The Postmaster General. — Crown Prosecutor. — Prothonotary of Supreme Court. — Sheriff. — Commissioner of the Court of Requests. — Clerk of the Legislative Council. — Inspector General of Police. — Superintendent of Police. — Collector of Customs. — Agent for Immigration. — Geological Surveyor. — Colonial Storekeeper. — Colonial Architect. — Master in Equity. — Commissioner of Crown Lands for the Western Gold District. — Commissioner of Crown Lands, Southern Gold District. — Chief Commissioner of Crown Lands. — Director of the Botanic Gardens. 	<ul style="list-style-type: none"> The Clerk of the Peace, Sydney. — Ditto, Goulburn. — Ditto, Bathurst. — Ditto, Maitland. — Government Resident, Moreton Bay. — Police Magistrate, Goulburn. — Ditto, Bathurst. — Ditto, Maitland. — Denominational Education Board. — National Education Board. — Colonial Treasurer. — Committee of Management of the Government Printing Establishment. — Post Master. — Criminal Crown Solicitor. — Civil Crown Solicitor. — Civil Engineer. — Acting Deputy Surveyor General. — Commandant of the Native Police.
--	---

APPENDIX B.

ENCLOSURE to Colonial Secretary's letter of 17th June, 1853, No. 53.

Colonial Secretary's Office,
Sydney, 26 May, 1853.

Sir,

I am directed by His Excellency the Governor General to inform you, that instead of the present mode of accounting for advances or imprests made for the public service, the following course is to be adopted for the future, viz. :—

Every officer receiving an advance will sign a receipt at the Colonial Treasury, containing an obligation to furnish to the Auditor General, within fourteen days after the expiration of each quarter, until the amount of the advance shall have been expended and accounted for in full, or repaid into the Treasury, a quarterly account current, supported by satisfactory vouchers as regards the payments for which credit is taken, and by a certificate from the manager as respects the balance of cash in the bank in which his account is kept; and also containing a further obligation to repay into the Treasury, at any time when required, the then unexpended balance in hand.

2. I am further directed to annex, for your information and guidance, a copy of the general instructions, which, in accordance with this arrangement, are to be strictly observed by officers in receiving and accounting for advances or imprests on the public service.

I have, &c.,

APPENDIX C.

INSTRUCTIONS for Officers in Receiving and Accounting for Advances made on the Public Service.

(1.) Every officer receiving an advance or imprest of larger amount than £20, shall open a separate account under the head of "Public Advance Account," at a bank in which no other account is kept in his name. The amount of the advance will be paid direct from the Treasury to the bank, and placed to the officer's advance account.

(2.) All payments exceeding £1 must be made by cheques on the advance account at the bank; and in order that they may be provided with cash in hand for petty payments of less amount, officers can draw cheques in their own favor for any requisite sum not exceeding £3 at one time.

(3.) No head of a department, or officer, should himself prepare the cheques on his advance account; an official cheque book should be kept by one of the clerks, whose duty it should be to prepare the cheques according to instructions, to enter the particulars on the butts, and in such books as may be necessary; and after initialling them himself, to submit them to the head of the department for signature.

(4.) Every officer will be required to forward the bank pass-book for his public account when called upon so to do by the Auditor General, whose duty it will be to inspect the pass books periodically.

(5.) The account current, the form of which will be furnished by the Auditor General, is to be rendered within fourteen days after the expiration of each quarter, but the transmission of the several vouchers for payments is not to be delayed until the end of the quarter. These vouchers should be placed in abstract, and forwarded to the Audit Office monthly, or oftener, so that their examination may be proceeded with in that office, and the audit of the greater portion of them completed before the receipt of the account current, in which credit for them will be taken.

Henry Garnett, Esq., called in and examined:—

H. Garnett,
Esq.

4 June, 1860.

1. What position do you hold in this department? That of second clerk, at present.
2. How long have you held that appointment? Since 1st December last year.
3. December, 1859? Yes.
4. Would you be kind enough to mention what your duties are? Well, they are of a very miscellaneous character—writing letters, checking accounts, and —
5. Are you what is understood to be the corresponding clerk of the department? Well, as far as there is a corresponding clerk, I am.
6. The more important part of the correspondence is drafted? Yes.
7. By the chief clerk? By Mr. Buchanan.
8. By Mr. Buchanan? Yes, generally. Letters relative to goods are sometimes drafted by the accountant.

H. Garnett, Esq.
June, 1860.

- 9. And the general correspondence of the department would be drafted by you? Yes.
- 10. Do you draft simply, and leave it to somebody else to copy? No, I copy it also.
- 11. You may be said, then, to be the corresponding clerk of the department? Yes.
- 12. Beyond this correspondence, what other part of the duties of the department falls to your share? Well, there are all manner of things to be done in this department—you are not confined to any one branch.
- 13. That is the case in every department? Generally, I have to make out all the orders on contractors.
- 14. Every department has its business in sections, and you can state generally the sections of business which devolve upon you? I make all orders.
- 15. What do you mean by that? Orders on contractors upon the requisitions we get. Perhaps there are not all the goods in the store; and consequently a certain proportion of them will have to be purchased from contractors, or others, if there is no contract for the articles.
- 16. Are there many goods obtained in that way from contractors, without contract? From contractors, without contract?
- 17. Yes? There are miscellaneous articles for which no contract is taken.
- 18. Then you go to some one of your old contractors to purchase? Not always. We go to persons who supply such articles. Take tinware, for instance: there is no contract for articles of tinware, and we generally get them from Mr. Robinson's. They are not of sufficient importance to call for tenders.
- 19. But you never deal in that way in any material matter for any large supply? Very seldom. I dare say it may be done sometimes, when there is a pressure.
- 20. You mean, if the things are required immediately, and there is no existing contract to provide them? Yes.
- 21. You then make out orders for these goods? Yes.
- 22. These also would be counterparts of your requisitions? As far as the articles ordered go they would be. The requisitions contain a great many articles, perhaps, that we have got in store, and also some few that we have not;—in those cases we order only those we have not got in store.
- 23. Can you tell readily what articles you have in store when you get requisitions? No; they are generally marked by the foreman of the stores.
- 24. You know nothing about it? Well, I do from making out the orders. I have a tolerably good idea of what is in the store.
- 25. You have a notion of what the report of the foreman to you is? Yes.
- 26. But of your own knowledge, you do not know whether they are in store or not? No.
- 27. You say that goods are not obtained in that way to any great extent, but only in cases of pressing emergency—I mean without contract? Well, I think there have been a good many supplied in that way. If our supply falls short during the year—that is, if there is an unusual demand for one thing for which we had made no extra provision, and we therefore have a deficiency, we naturally purchase it.
- 28. That is, when your anticipation does not cover your actual wants? That I cannot say; I know that there are wants—
- 29. Not supplied by anticipation? I do not know about anticipation; Mr. Buchanan may have anticipated them.
- 30. But if you have not got the goods, you have to go out for them? Yes.
- 31. What other duties devolve upon you besides making out these orders? The gold license and the postage stamp books.
- 32. The gold licenses? Yes, they are issued from this department.
- 33. You mean the forms? Yes.
- 34. And the postage stamp books? Yes, they are counted here.
- 35. They would pass as money, and be considered almost as valuable as money? When they are printed, yes; but not when they leave us. They are printed at the Government Printer's, under the superintendence of the Inspector of Stamps, as he is called; we only issue the blank books,—it is a check.
- 36. You count the leaves in each book? We count the leaves in each book, and put in each a certificate, and make a Return to the Auditor General of the number issued every month.
- 37. Are the licenses in books also? Yes.
- 38. Would it not save a good deal of trouble if both the licenses and stamps were regularly folio'd? Then I should think they would want to be checked to see that none of them were absent.
- 39. They would require to be checked, no doubt, but that check would remain with the parties receiving them; they would not sign a receipt unless they looked over them to see that they had the proper quantity? But suppose they got more than the proper quantity?
- 40. You are supposing an unusual thing? The postage stamp books are made in England, the license books are made here.
- 41. In England it is not likely that they would make mistakes in these matters? They are to be made in books of one hundred and fifty, but very often they are not of that number.
- 42. Then you do find mistakes frequently, and therefore a check is necessary? Yes; the persons binding the book, I should think, would not be very particular,—the leaves are not like bank notes.
- 43. I am certainly very much astonished to find that you do detect mistakes? I can shew you my books, and you will see that I have a mistake nearly every month.
- 44. What are the numbers of these pages of stamps, and also of the licenses you issue? They are very trifling now compared with what they used to be; I dare say, on an average, I used

to

- H. Garnett, Esq.
4 June, 1860.
- to issue about thirty to thirty-five books of postage stamps, each of one hundred and fifty leaves, a month, and two or three thousand miners' licenses.
45. And you have simply to count the leaves? Simply to count the leaves and put in a certificate; but that is a very trifling part of my duty indeed. (*Postage stamp book produced.*)
46. Do you get these out from Home just as they are? Yes.
- Mr. Buchanan:* Except when we have even fallen short of these.
47. *By the Chairman:* And can you get them here? Yes, but not with the watermark; we have to use ordinary paper.
48. Do not other duties, beyond what you have described, fall upon you? Well, I have to write out all sorts of documents; I have to write out issues of stock for the Audit Department sometimes, or to help in doing it, and different things of that sort.
49. Not properly pertaining to your own business? Well, it does, so far as I am a clerk in the office.
50. Have you anything to do with the actual issues from the store? Nothing.
51. Nothing whatever? No.
52. The orders are given to the warehouseman, or the proper officer, and he takes the things away, and sends them wherever you desire to send them? Yes, but he is checked by a clerk in the office; he "gets the things out," as it is technically called; he places the things on the floor, and they are called over by a clerk in the department, and entered and packed.
53. Who is that clerk—is he an extra one? No, he is Mr. Jenkins.
54. Was he formerly warehouseman himself? He was formerly warehouseman.
55. You have now enumerated all your duties—I do not mean in detail, but generally—the large sections of your duty? Yes.
56. Are you of opinion that any stores to a considerable extent, or to any extent, might be supplied from the warehouse here without the knowledge of any of the officers? Without their knowledge?
57. Yes; I do not mean supplied on regular requisition, but might they not find their way irregularly out of the store? Well, if there was a conspiracy it might be done.
58. It would require a conspiracy? I think so—of all the storemen and warehousemen, the checking clerk, and Mr. Buchanan, and, in fact, of every one, because the clerks are constantly going into the store, and if they saw anything of the sort they would naturally inquire where the things were going; I often inquire that myself about things leaving the store, although it is not in my department at all.
59. There is no rule by which packages leaving the store should, at the last moment, come under the review or inspection of any officer of the department? They are always given to the carter with the way-bill; the carter takes them away, and the packages are marked; we take the dimensions of the packages if they are going by a vessel, and if not, they are weighed for the carriers; they are always packed in this store, and taken away from the door there.
60. You have no concern with the payments, I suppose? No.
61. None whatever? No.
62. You do not interfere with the accounts at all? Well, I very often check accounts, if they are given to me, to see that the calculations are right.
63. Beyond that you have no functions? No.
64. You stated in reply to a previous question, that your duty in regard to the issuing of gold licenses and postage stamps is considerably less than it used to be, but you did not mention, nor, indeed, did I ask you, how the diminution took place;—would you be kind enough to state, as briefly as you can, how this arises? Formerly there were six or seven descriptions of licenses issued monthly, but now the monthly licenses have been abolished, and there are only two descriptions of licenses issued annually—the "miner's right" has taken the place of the monthly license.
65. Now as to the postage stamps? I think the postage stamps must have increased—we issue books of different sizes from that. (*Book produced.*)

William McDonell, Esq., called in and examined:—

- W. McDonell, Esq.
4 June, 1860.
1. *By the Chairman:* What post do you occupy in this department? That of third clerk.
2. Have you been long in that position? I have only been in the position of third clerk for three or four months.
3. But you were in the department before then? Yes.
4. How long have you been in the department altogether? Since October, 1853.
5. Would you be kind enough to state what are the duties of your present office? I check the accounts as they come in, make purchases, and do other out-door business, prepare bills of lading, pass Custom House entries, and generally assist in the office work.
6. You may be said then to be the out-door clerk? Yes, I think so; those duties generally fall to my lot.
7. You say you check accounts? Yes.
8. Then you pass them to the accountant? Yes.
9. Are you concerned in any way in the payment of these accounts when they come in? Not at all.
10. It is no part of your duty? No.
11. You are never called upon to witness payments? No, I am not; if I should have to do it it would be when officiating for the chief clerk and accountant, when he was out.

12. All accounts, then, it would seem, are subject to even more than two checks;—you check them when they come in, Mr. Garnett occasionally checks them, and the accountant himself I suppose, before passing them would also check them? Yes.
13. Do you think it possible, under the present system, that any account should pass your check and the other checks, and be paid for goods that were not actually received into the store? I do not think it possible.
14. You do not think it possible? I have no hesitation in saying so; I do not think it is at all possible.
15. You generally know the parties who send in the accounts? Yes.
16. Can you say invariably? No, I cannot say invariably, because a tenderer may send in his account for his tender by a person whom I do not know at all.
17. Then it would not be unprecedented if a person were to tender who should be wholly unknown here? Not at all.
18. How then can you, or any one else, make sure that the transaction is *bonâ fide*? The tenderer comes into the office, for instance, during the transaction, after his tender is accepted.
19. But suppose you had it in evidence that he does not, that he was unknown altogether? Well, I do not know that such a case has occurred; it is hardly possible, I think, for a party to supply goods, and to receive the money, and yet be totally unknown; there must be some clue that he is the party justly entitled to receive the money.
20. But after all it is merely what you imagine, you have no certain knowledge of it? I think such a case never occurred; I have no knowledge of such a thing, and it has never occurred to me to consider the question whether it be possible.
21. This has occurred: a person has tendered, his tender has been accepted, the goods have been supplied, the party has been paid, and yet he has been utterly and wholly unknown to any in the department? Yes.
22. Wholly and utterly unknown to any in the department? The tenderer has?
23. Yes; so that he may present himself and say, I am the man who tendered—and who is to tell whether he is or not,—would that circumstance in any way modify your opinion that it would be impossible to pay an account for goods that did not come here? Not in the least; I think in reference to the goods it is certain.
24. You are quite sure the goods must come, although you do not know the party? Yes, I am quite sure, otherwise there must be a combination of all persons in the department to defraud the Government. Even then, I do not see how it is possible, from the number of checks and documents which pass through the hands of the clerk.
25. These accounts then, that come to the accountant, must and do pass through several other hands besides his? Yes.
26. And is it absolutely necessary that all accounts for goods supplied to the stores should come to you for check before the accounts are sent into the accountant? Yes, that is the course at present—they come to me in the first instance.
27. How long as that practice prevailed? It is at present the practice with me. I succeeded Mr. Jones in the performance of that duty; it was his duty too.
28. Did you follow a plan you found already in existence, or is this a method you introduced? It is about the same plan as that which before existed; we check the invoices that come in by the order book, which shew that the goods have been received; we check the prices by the contract book, if it be a contract, to shew that the prices are correct; I then pass it on to the accountant.
29. Then, and not until then, the goods are passed? Not until then.
30. So that the goods must be here, and be true and real? They must be here, or I could not pass the account.
31. But you found that that was a system which was in operation during the time Mr. Jones was in your office? Yes.
32. Could you say how long Mr. Jones held that appointment? Nearly the whole time he was here, I think. I am not responsible for Mr. Jones, whether he did it right or wrong; I take the system I received from him; I have followed it, and find it to be a correct one.
33. Then the system is not invented by you, but continued by you from Mr. Jones,—is not that so? Yes.
34. Then now the question is—how long did Mr. Jones perform these particular duties? In that case I think I may safely say from the time he entered the office.
35. Which would be, how long? That was in 1854, I think; he then joined Mr. Weston in matters of account, and has been engaged, I think, ever since.
36. So that if there were anything absolutely wrong between the receipts and payments for goods he must have known it, and of course it would be his duty to have brought it under the notice of the Colonial Storekeeper? Yes. He must have found it, as I find it, extremely easy; if the goods are not entered I stop the account for payment.
37. And you have nothing to do with the payments? No.
38. Or the witnessing of payments? No, unless I am unexpectedly called upon.
39. Are there not other duties devolving upon you? None, except those I have named. I keep the Ordnance book and other such books.
40. Does the accountant examine the invoice book, the order book, and the accounts after you? No; it is unnecessary that he should do so; he does it at times to make himself sure, but it is supposed that I have gone through them.
41. That is your special duty? I have taken that duty on myself since Mr. Jones left.

W. McDonell,
Esq.
4 June, 1860.

Mr. John Williams Jenkins, called in and examined :—

Mr. J. W.
Jenkins.
4 June, 1866.

1. *By the Chairman*: How long have you been in this department? About seven years.
2. How long have you been in your present position in the department? About seven months.
3. What position did you hold in the department previously? That of foreman of the warehouse.
4. And did you hold that position during the whole of the time you had been in the department—with the exception of these seven months? No, not the whole of the time; for about two years I was in the store.
5. First then, you were two years storeman? Yes.
6. And how many years were you foreman? For the remainder of the time I was foreman of the warehouse—I was nearly five years foreman.
7. And you have been about four months fourth clerk in this department? Yes.
8. What do your duties consist of now, as fourth clerk? I have to issue goods—to check them as they lay on the floor of the store—to enter them in the issue book, and make receipts to send to the different departments, and also to write letters of advice.
9. And this check, as the goods lay on the floor, is performed by you, and by no other person in the department? The foreman of stores checks them first, and I check them afterwards, before they are packed.
10. The foreman gets them out, but it is you, in point of fact, who check them, and the foreman of stores checks them also? Not after me.
11. So that you and the foreman of stores alone take the goods out, check them, and pack them? The storeman, under the foreman, gets them out.
12. Are these all the duties you have to perform? These principally, I have some other smaller things to do.
13. Now could any amount of goods be taken from the store without the cognizance of the clerks and officers of the department? No, I think not; I am myself continually in the store, backwards and forwards.
14. Have you anything to do with the accounts? No.
15. You could not tell, if certain payments were made for goods, whether those goods reached the store or not? No, I could not tell that.
16. And you could make sure that no goods could go out without your knowledge? No goods could go out without my knowing.
17. Now from your experience in your former position, will you state what course is taken when contractors supply goods to the store here—I mean what course is taken to check them for quantity and for quality? For quantity—if in small quantities, they will be counted over; if in large quantities, the packages would be taken as packages; that is the general system.
18. Suppose you had ten packages? If they were original packages we should open one of the ten, and if it contained the number it purported to contain, we should take it for granted that the number contained in the remaining packages was correct.
19. And you would judge by this one package as to the correctness of the whole, both in reference to quality and to quantity? Yes, one out of ten.
20. If, at any subsequent period of the history of these ten packages, whole packages were required to be sent away, would you send them away without opening them? Yes, as they were received.
21. Have you ever had any complaints of inferior quality or insufficient quantity? Never; I never knew of one since I have been here.
22. Then in case a portion of a package might be required you would have to open it, and when you open any of these cases at any subsequent period, what then do you do? Count the contents.
23. But how could you test them as to pattern, seeing that a great lapse of time may have taken place since the goods were supplied? The broken package would be opened at once when received.
24. Yes, we started by your stating that you opened one out of ten—that of course you would see on the spot, and you would at once subject the goods to the test; but if, six or eight months after, you had occasion to break another of these packages, your pattern might not be at hand, or might wear a different appearance; and when you open these packages six or eight months afterwards, do you count the goods again? Yes, we always count them. If you take half the packages, you count probably the remainder, and see that they agree again. The patterns are always the same, the samples being kept with the seals on them; they very seldom vary.
25. Then if you have to open a second case after these ten, six months after, the rule is to count the contents of the case and to test the quality of the goods therein contained by the pattern? I do not know that it would be the rule to check the numbers again, although I have done it myself; the quality would be checked in every case opened.
26. Do you find that the packages turn out generally very correct? Very correct.
27. And does that refer as well to the packages made up in this country as to those you receive from home? Most original packages are as they are sent from England—I mean the original packages we receive in the country.
28. Even if you get them here? Even if we get them here. Any packages made up here would be considered loose goods, and counted.
29. What system have you here, when you open bales and cases, of keeping the same description of goods pretty well together, and so on? They are always stacked together, goods of a certain description.
30. They are stacked together according to their description? Yes.
31. Do you make any distinction subordinate to that with reference to any variations in price? Yes.

32. Suppose you had two lots of shirts at two different prices, would you mix them indiscriminately, or keep them separate? They would have a different mark.

33. You mark each quality of shirt? Yes, and there is a book kept.

34. Then when you make the issues you are enabled to state the positive value or cost to the Government of each article you supply to every department? Yes. Where we have the same description of goods from two contractors, they would be kept separate, and entered separate, even to the last one; if fifty articles were supplied, twenty-five from one contractor and twenty-five from another, there would be a separate entry made.

35. Even though there would be no difference in price? Yes.

Mr. Buchanan here explained that that could not be done in the case of oil and other goods supplied to the department, and that the answer must be taken as a modified answer.

36. Are these stores, which may be considered the retail or packing stores, sound and dry? Pretty well; no damage takes place.

37. You do not find the goods to perish at all from damp? No; moth is the cause of the greatest destruction.

38. Do you think a little moving about, and a little peppering occasionally, would remedy this? They get it every twelve months. It is from the packages being kept open so long that some goods are damaged.

39. Have you much mischief done by moths, especially to the woollen things? Not much, considering the quantity of goods I have. They are always packed in brown paper, and if packages are re-packed they are packed in brown paper as soon as possible.

40. Are you aware of any complaints being made that goods were moth-eaten? Yes. recollect two complaints in reference to goods received direct from England, and which were not opened here at all.

41. Have you drays and horses, and so on, attached to the department, or how do you send away the goods? That is contracted for.

42. Do you ever employ any drays other than the contract drays? If the contractor has not any drays on the stand, and I am in immediate want of one, I take a drayman from the stand, and the contractor would pay him.

43. The contractor would pay him in such a case? Yes.

44. Well, who will he pay—the man you employ, or will you pay him, and he refuse the money to the department? He will pay the man we employ.

45. You would not, in any case, pay the man yourself? No, not a stranger.

46. You would send in to the contractor? Yes.

47. If that system were well observed, would it not be an additional check upon any surreptitious issue of goods from the store, if such a check were needed? Unless the contractor chose to be a rogue, of course it would be.

48. I did not mean that;—if you adhere to the practice of only employing the drays of the contractor, or if you did employ any other, of sending the drayman to the contractor for payment, to the extent of any large quantity of goods, would not that be a check against any attempt of the kind? Yes.

49. Is the store sufficiently large for the purpose of getting out these things to be convenient for readily complying with demands which may come in upon you? No, it is not large enough.

50. You cannot keep open as many goods as you ought to keep open at a time? We have not room to pack.

51. When are the goods most damaged by moths—when they are kept packed or unpacked? By being unpacked. We have to sort them in sizes, and before we have finished we often find them attacked with moth.

52. Then, to a certain extent, the want of space is rather an advantage, because so long as the bales are packed (so far as woollens are concerned) they are better preserved from moths? We have to open a great quantity of clothing, and sort it, and clothing is all issued in sizes.

Mr. Buchanan: Issues of that kind are made in such minute quantities, from four to a dozen articles perhaps, and then when they are prepared we must wait not only until we can obtain a conveyance for them, but also until we can get a sufficient quantity of other stores to make up a dray load. We cannot send away half-a-dozen suits of policemen's clothing to Dubbo or Wellington, but we must wait until we can get enough for a load in that direction.

53. When they require clothing or any supplies in the out-lying districts, you are unable to supply them immediately, because their demands would not amount to a dray load, and you have to wait until in the same direction there are other demands which would make up the necessary quantity? Yes; we should send the whole of one road away at a time;—we should take, for instance, the Southern Road, and get all the goods packed for that, and so with the Western and Northern.

54. Do you think that you require very much larger space for the proper accommodation of the Colonial stores here—I mean in regard to this building—for opening and sorting goods? Yes; we should require a very much larger space if we were to keep the whole of the goods in one store.

55. But that would not so much matter if in a second store you had only whole packages, and brought them here to open them as you wanted them; it saves some expense in carriage no doubt; but, in your experience, what is the additional accommodation you think would be necessary to enable the Colonial Storekeeper to carry out the objects of the department properly, in regard to the storage of goods, the packing, the keeping of them separate, and so on? I should think if we had all the stores together, a building of the same size as the Commissariat Stores would not be too large.

56. That is an immense building? But it would not be too large if we had all the Ordnance goods,

Mr. J. W.
Jenkins.

4 June, 1860.

- Mr. J. W. Jenkins. goods, and everything put together as they should be, instead of being higgledy-piggledy. If a field battery, for instance, were put up ready for use it would require a very large space; these things are now stowed away in different parts of the store.
- 4 June, 1860. 57. How large is the other building that you have—is it much larger than this? Moore's Store—I can scarcely tell you how large it is.
58. Have you as many large packages in that store as you have in this? More; we have all the whole packages there; we never break any packages in that store.
59. Still, you have some unbroken packages here—all the unbroken packages are here, are they not? Yes.
60. Would there be any difficulty in keeping a book which would shew the receipts and issues and remains of stores? I think it would be troublesome.
61. It would be troublesome, no doubt, but would there be any difficulty in reference to the matter; trouble and difficulty are two very different things? I do not think there would be any difficulty, but we should require more clerks than we have at present, if the same forms were continued as now exist.
62. Could you at any time come to an exact balance between the receipts and issues, so as to say there ought to be so many remains, and that there are so many remains in the store? Yes; purchases of goods we have brought very close, nearly always; I do not in any instance know that we have had any mistakes in the balance, there is the same check with one as with the other; if we find large quantities of contractor's goods turn out correct in reference to the receipts and issues, I should think the others will do the same.
63. You think there would be no difficulty about that, but that it would be merely a matter of extra clerical labor? I do not think there would be any difficulty attending it, but we have taken stock of small quantities of goods, and we always found them correct.
64. That is in a short time after? Yes; five or six months after.
65. But, as time rolls on, the means of this check will be out of your reach? Yes.
66. Many other goods will have come in? Yes.
67. So that no true remains can ever have been taken? No.
68. And yet there is no difficulty about it, it would only require extra clerical labor? No.
69. To balance everything without some sort of book such as you mention, you would have to take stock of everything every time you wanted to check the articles; but when you have taken stock, you must set your issues against the receipts, and deduct the one from the other in order to get your remains? We can take stock a second time, and by comparing the second stock with what has been received and what has been issued since, we can get a balance.
70. That might give it to you, but that is a labor which your department could not undertake, nor could it be taken by any other department unless a book were kept for the express purpose. Are there any suggestions in regard to the custody of the stores, and to their preservation from deterioration by moths, or otherwise, that you would wish to offer to the Board? No, I do not think there is.
71. You have been enabled promptly to supply demands? Not at all times; not of all descriptions; we have had to wait occasionally for some things.
72. That is merely because you did not get them? Yes; they were not in store.
73. But, to the extent you are supplied with goods, you are unable to supply them with promptness? Yes.
74. You have sufficient space and hands for that? Oh, yes.
75. Do you think the supply is any more prompt than it would be if any tradesman in the city were to undertake the work? I think we could do it much quicker.
76. And do you think you take any greater degree of care in the packing or in the shipping of these goods, or take any greater precaution in order that they may reach their destination properly, than would be taken by persons in private business? No, I do think we take any greater care.
77. But you take at least as much care? We take as much care as possible to insure their safe arrival.
78. Now, when you pack up things that are to be sent off, for instance, by drays, to some of the outlying districts, those drays come here, I suppose? Yes.
79. And you see that the packages are properly packed, so as to prevent the goods from perishing from exposure to the weather, and so on? Yes.
80. Do you cover them with tarpaulins? That would be the drayman's duty to find tarpaulins for his dray.
81. But suppose he did not do that, would you have no duty in the matter; would it not devolve upon you to see that he did so before he started? I should think not.
82. But goods might perish for the want of this? They are at his risk the moment they are on his dray; he signs to deliver them in good condition as he receives them.
83. Is the issue of clothing regulated by particular periods of the year, that is, is there an annual, a half-yearly, or monthly issue. It is an annual issue of clothing, although we are issuing clothing all the year for extra men.
84. In small quantities? Yes.
85. But for the whole of the force the issue is annual? Annual.
86. One suit or two suits? One coat, two pairs of trousers, two pairs of boots, a hat, and every second year a great coat and cape.

Mr. Buchanan explained that considerable difficulty was felt in consequence of the delay of the Parliamentary votes; that the clothing was to be issued annually, while the votes were only taken from month to month; and that it was impossible for him to split up a coat into twelve parts, and to issue only one-twelfth of a coat; the clothing, therefore, had to be furnished before the supplies were granted.

87. How do you manage in reference to goods that are sent by sea? They are packed in secure cases, and sent down by a dray to the ship.
89. Does any person from this department superintend the shipping of goods? No; they are delivered to the drayman here, and he brings back a receipt signed by the mate or agent for the vessel.
89. He invariably brings a receipt here? Yes.
90. Do you keep any books in your present position? Yes.
91. What are they? I keep two issue books and a receipt book, and a small package book.
92. What are the two issue books? In them are entered everything issued from the store.
93. But why do you keep two? This is rendered necessary by the division of stationery and stores by the separate vote.
94. You say you keep two issue books and a receipt book? Yes.
95. And some other book? Yes; a small book that I keep for the measurement of all packages that go away by dray.
96. Are these books ever inspected by anybody? The chief clerk inspects them now and then.
97. It is in these books that you put down a check upon the foreman; when he puts the goods out upon the floor you go in and see them, and put down in your issue book all the goods there? According to the requisition sent in; I copy the requisition into the book.
98. And that copy of the requisition is, in fact, your issue book? The receipt tallies with the book.
99. Now when you were foreman did you keep any account of the receipts and issues at all? No.
100. And is there any account of the receipts and issues kept by the foreman now? No.
101. He has nothing to do but to unpack and pack? Nothing but to unpack and pack.
102. He keeps no accounts whatever? Nothing but the receipt of packages received from contractors or from ships.
103. No account beyond that? No account beyond that.
104. What does he do with this account of packages—does he copy it in a book? Yes; it is a check in the office.
105. Do the orders to the foreman come from one person alone, or do they come from various officers and clerks in the department? Sometimes from the chief clerk, and sometimes from me.
106. They do not come from one officer alone? No, not from one officer alone.
107. Are there many officers who have to do with getting orders for goods? No, only the chief clerk and myself.
108. You do not think that any other officer gives those orders? No; except in case of emergency.
109. Whose duty do you consider it to be more particularly? Mine.
110. Yours? Yes.
111. Why does the chief clerk interfere with them occasionally? He may do it, instead of it being done through me. I may not be present.
112. But if you were to keep a proper check upon the foreman, should not the order necessarily pass through you? Yes, that would be the only check.
113. Well, then, do goods actually go out at any time, without your knowing it at all after the goods are gone? Not if I am in the store.
114. Yes, but there are cases in which the chief clerk gives orders for goods, you say? That would be when I am not present.
115. And in the same way, these goods would be sent away while you were out? Probably.
116. There is no rule to prevent goods being sent out without your being present? They would have to be checked by me, unless I was away for any long period.
117. Suppose you were away an hour, or two hours? Oh, no, they could not go out without my knowing it then.
118. Well, suppose you were away for half a day? Orders then might be given, and I should not know it until I came back.
119. But you would not have absolutely checked the things? If they had left before I returned.
120. Have there been any instances of that kind? Not that I am aware of.
121. Would you be inclined to say that there have not been? I could not swear that there have not been instances of the kind.
122. It is not a case of swearing; I want merely the preponderance of your belief the one way or the other? I do not think there have.
123. Then, no goods—according to the system established, and according to the ordinary usage of the department—could really go out without having been subjected to your inspection and check? No.
124. *By Mr. Buchanan:* What is the document upon which the foreman gathers the goods together upon the floor of the store? The requisition.
125. The original requisition? The original requisition.
126. And that document afterwards comes into your hands, and you see it and check the goods by that? Yes, I check the goods by that requisition.
127. And tick off in red ink the items that have been absolutely sent away? Yes.
128. And then, in case these goods are sent up the country, you prepare receipts and send them up, advising the parties of their transmission, and requesting that the receipts might be returned? Yes, the dates of the receipts are kept in the book.
129. If the chief clerk gave the order, it would be merely to expedite the packing? Yes, in case I am absent.

Mr. J. W. Jenkins.

June, 1860.

- Mr. J. W. Jenkins.**
 4 June, 1860. 130. *By the Chairman:* You take receipts from the drayman, in the case of goods being sent by drays; and in the case of goods sent by ship, you take the receipts of the chief officer? Yes.
131. What are the receipts from the parties to whom you send the goods, and which receipts you get back again? A list in detail of all articles sent. A way bill is sent by the dray to a ship when the goods are shipped, and the drayman taking a load away would sign a bill.
132. Then, whether you send the goods by dray or by ship, you send a list to the parties, shewing all the things in detail; and that list those parties return to you, as an acknowledgment for their receipt? As an acknowledgment.
133. And would they reach you, or the Colonial Storekeeper? They would come under cover to the Colonial Storekeeper.
134. Would he give them to you to file? He would hand them to me, and I should enter the receipt of them.
135. They would come properly into your hands as foreman? As issuing clerk.
136. So that you would be in a position to know whether the goods that left the store did or did not really reach the parties? Yes.
137. *By Mr. Buchanan:* What is the nature of the receipt given by the drayman—is it a receipt for articles or for packages? A receipt for packages.
138. What is the nature of the receipt given by the mates of vessels, for articles or for packages? For packages.

TUESDAY, 5 JUNE, 1860.

Present:—

R. O'CONNOR, Esq., IN THE CHAIR.

CAPTAIN SCOTT,

CAPTAIN OLIVEY.

David Moores called in and examined:—

- D. Moores.**
 5 June, 1860. 1. *By the Chairman:* What position do you hold in this department? I am the foreman of the storehouse.
2. And does your charge extend to the stores within any other building but this? No, I have nothing to do with any stores except those that come here.
3. How long have you been in your present position? Only since last January.
4. Were you in this department before in any other capacity? Yes, I was a laborer; I was in the habit of addressing packages; that was my employment for twelve or thirteen years.
5. In this department? Yes.
6. You were storeman, in fact? Yes.
7. How many storemen have you under you now? I have only three at present.
8. Is that a lesser number than you used to have? Well, we are shorthanded at present.
9. It is a lesser number than you have been accustomed to have? Yes.
10. Is there any reason for that reduction beyond accident? I do not know what is the reason of it; it gives me a little extra labor; it causes me to take home the little writing that I have to do, and I am obliged to work just the same as the other men during the day.
11. Is there any less provision for storemen on the estimates than their used to be? I am not able to answer that question.
12. Then the shortness in the number of storemen is not a permanent thing, but accidental? It is not permanent; I expect more help almost every day. Sometimes we have to make extra hours in consequence of being shorthanded.
13. What do you consider your full complement? Well, I am certainly one short at present.
14. Four, then, you consider to be your full complement? I have seen the time when we could not get through with four, and extra men have been employed.
15. Yes, but those things will happen everywhere: for the general run of business, four would be ample, would they not? Yes, that is the number we have been in the habit of employing.
16. You are charged personally with the receipt of all the stores that come here, and with the issue of all the stores that leave this department? I keep an account of all the stores that come in.
17. That is, in whole packages—in bulk? Yes, in bulk.
18. When they come in in bulk, they come in, I suppose, in pursuance of tenders accepted? Sometimes they come in bales, and sometimes in cases.
19. But, I say, they come in here to satisfy tenders? Yes; I receive them in small quantities sometimes.
20. When they come in in bulk in that way, what is done with them immediately they arrive? When I first receive them I generally get a ticket with them, which I enter in a book.
21. From whom do you get the ticket? From the drayman who brings them.
22. That is made out by the person who sent the goods? Yes, if they come from a ship they are made out by the landing clerk.
23. What then do you do? I enter it into a rough sort of a book.

24. But you try, I suppose, whether the cases and bales correspond with the numbers on the ticket? I have nothing to do with the contents of the cases, Mr. Jenkins sees to that.
25. I am speaking of the number of cases and bales, not of their contents: what is the use of a ticket to you unless you ascertain that the proper number of cases and bales are on the dray? I take notice that I have the full complement. Mr. Jenkins asks me if I have got the proper number, and I look them over.
26. Then you do not count the cases and bales until asked by Mr. Jenkins—not when they arrive at the store door? Yes, he tells me how many I have to receive, and I take notice.
27. Does not the ticket tell you? If he has a hundred to bring he only brings a portion of them at once, and the quantity he brings at once is on this ticket.
28. In point of fact, the ticket shews correctly the number of cases on the dray? Yes, if I did not receive them I should not sign the ticket.
29. Then this ticket is a duplicate? Yes.
30. Apparently, you sign one of the copies? Yes, and give it to the drayman, and one I keep.
31. You would not sign that without satisfying yourself that all the bales were on the dray, and were delivered to you? No, because if I did, and they were not on the dray, I should expect to have to pay for them.
32. The Board require mere naked facts without any reasons, because, of course, if you signed and they were not there, there would be an amount of responsibility attached to you if you signed for what you did not receive. Well, then, having got in these cases, or bales, what do you do with them? I take them into the store and pile them up in the most convenient place I can find until I am ordered to open them.
33. And how long, generally, is it from the time these cases or bales are stored to the time you are ordered to open them? There is no accounting for that; I got three cases last night which, as soon as they were put on the platform here, were opened, and to-day the contents will be sent away to the Printing Office.
34. But what turns out to be the fact in actual practice when you do open these cases—is it immediately previous to the goods being wanted to be sent away? Yes, and then I have to give an account of what these packages contain inside.
35. But you only open them at that particular time when you are directed to open them, and with a view to sending the goods away? I never open them until I am ordered in any case whatever.
36. When you do open them who is present besides yourself? Generally the man in the store, and also Mr. Jenkins, who sees that there is the number of goods or articles in the cases or bales that there ought to be.
37. He sees that? Yes, and I am there at the same time.
38. Now, does he see that in regard to every case and every bale that comes into the store? Yes, I fetch him up if he is not there, and hand these things over to see that they are all correct.
39. But I am asking you if you open, and if he inspects and counts the contents of every bale and every case that comes into the store? There are bales of blankets that I know contain a certain number; they are sent away without being opened; they are not required to be opened.
40. Well, then, you say that you do not open these cases until you are ordered to do so by Mr. Jenkins? No, I never open them without somebody else's authority besides my own.
41. And when you do open them Mr. Jenkins is present to ascertain that they are correct? If he is not present I leave the things there until he comes and looks at them.
42. But you do not consider yourself responsible for the quantities when you do open them? I sometimes have not the list of those things, and that is the reason I have to get Mr. Jenkins.
43. Then only Mr. Jenkins and yourself are present when these cases are opened? Oh! yes, the men in the store are present also.
44. I am not speaking of the men in the store, but of the officers of the department? The clerks do not meddle with the store.
45. Is the Colonial Storekeeper present when you open them? I have seen him present, and he has ordered me to open them too—you mean Mr. Buchanan?
46. Yes; is his presence casual, or is it the usual course for him to be present? He has often come and said, "David, open this case or bale," and such I have done.
47. And after you have opened the case or the bale, upon the order of the Colonial Storekeeper, how long have the contents remained in the store before they were issued? Some of them have remained in the store perhaps for years, and some have not remained in long.
48. Then, in that case, the bale or case would not be opened in order to get goods out to send them away immediately? If they were required they would.
49. But they would not be opened unless they were required? Oh! no, they would not be opened until they were ordered.
50. Well, then, when you do open them upon the order of the Colonial Storekeeper, and in his presence, what is done then, are the goods counted? Oh! yes, they are counted.
51. And by whom? I might be running too far; I have seen Mr. Buchanan order a case to be opened, and fetch the chief clerk, here now, and a gentleman of the name of Mr. M'Kenny, to count these things over.
52. I thought Mr. Jenkins was the person? This was a gentleman who was here sometime ago; Mr. Jenkins does his work now.
53. It is always a clerk who counts the quantities of goods in the bales? I get the requisition and then I get out the goods and count them, and when I have done this I fetch Mr. Jenkins to see if my count is correct.

D. Moores.

5 June, 1800.

- D. Moores. 54. That is with regard to the issues? Yes.
55. I am speaking of the receipts. When the cases are opened you say that some clerk is brought up to see that the contents are in accordance with the tender? Yes, Mr. Jenkins.
56. Then in the case where you have opened bales of goods by the direction of the Colonial Storekeeper? Yes, he has been fetched up.
57. When you have opened cases by the direction of Mr. Jenkins, and when the Colonial Storekeeper was not present, who tested the quality of the goods—that is to say, who tried whether the goods in the case or bale were equal to the pattern? Mr. Jenkins could always certify as to whether they were correct or not, because he had the papers.
58. He certified as to quantity, but did he also certify as to quality? He did.
59. Having spoken of the receipts of goods, we will now refer to the issues. When these cases or bales are opened there is actually a test to see that they contain the quantities they purport to contain, and there must also be a test to see that the goods in them are according to sample,—now who performs that test? Are you speaking of the goods tendered for?
60. Yes, the goods tendered for, and actually brought into the store and delivered to you—such as need to be opened, you do not open all of them you know? When the goods come in, the sample is brought up and put alongside them, to see that they are as good as the pattern.
61. What officer applies that test? Both Mr. Jenkins and I; if I see that they are inferior to the samples, I mention it; in some cases where I have mentioned it, the goods have been returned.
62. The Colonial Storekeeper himself does not apply the test? I have seen him look at them.
63. To whom have you mentioned this usually? To Mr. Jenkins and Mr. Buchanan, and he has ordered me to send the goods back again.
64. And where goods have been sent back, have you received other goods of a better description from the same parties in return? Yes, I have.
65. What authority have you for issuing goods out of this department? Well, Sir, Mr. Jenkins gives me the requisition, and according to that requisition I get them out and tick them off with black lead pencil, and then when I have got them out as correct as I can, I fetch Mr. Jenkins and he ticks them over after me. They are handed over again; he calls every article over and I pass it, and he ticks off every article in red ink.
66. And then what do you do? It is certified at the top of the requisition where they are for, and I make out a label. The goods are packed, and according to that label the cases or bales are addressed.
67. There are different values attached to the same description of goods—that is to say, you may have three kinds of blankets, trousers, coats, or jackets. When you pack up goods in that way, upon requisition, do you fix upon them the price, or do you denote in any way the prices of the goods sent away? It states dress trousers or undress trousers in the requisition, and they are got out accordingly. In the same way with jackets.
68. I do not desire to confine myself to jackets and trousers alone, but, looking at the whole of the stores, everything has cost something, and the price must be known, and the department that gets a thing ought to be charged with the price—how is that ascertained? I do not know anything about that.
69. You have the requisitions? Yes, but I do not know the price of these articles. There is a price marked on these orders, but that is not my business.
70. Are you aware whether it is put by Mr. Jenkins? I do not know which of the gentlemen it is performed that duty.
71. But is it performed? Yes; the price of all things tendered for is marked beside the articles in black lead. Every article that I receive, tendered for, I put "Rd." opposite to it, and bring it down to the office, and they tick it off in the book.
72. When you are complying with the requisition and get out these goods, could you tell that the goods you are selecting to send away belong to this, that, or the other invoice? Could you say this pair of trousers came from this person, and cost so much? No, I cannot tell that. I do not pretend to meddle with things of that sort. I do not know where they come from. Sometimes goods come from England. But if they happened to come from the contractor I would know where they came from without the requisition at all.
73. It is necessary to put down the cost of the stores supplied to the different departments, and therefore it is necessary to know the prices of the things you pack away. If you yourself take no note of the prices who does take a note of them? I never take any note of the prices; I never was ordered to do so.
74. But you do not pack things away before shewing them to Mr. Jenkins? No, never, if he is not here I fetch another clerk.
75. And that other clerk has all the invoices, and can ascertain the value of things? He takes it out of my charge. I let him see what I am sending away.
76. You know simply about the packing? That is all.
77. You never pack away any goods unless you have the requisition in your hand—is that it? Yes, some things I do; but I get a written order.
78. You never pack any away upon a verbal order? No; I get a written order. For instance, a constable comes and wants a single suit of clothes. I get a memorandum, and when the man has got the suit of clothes I see that he comes down and signs the book for the clothes he takes away.
79. The constable comes direct to you from where? Mr. Jenkins will give me a written order what to give this man—a portion of his clothing perhaps.
80. Then the man presents himself at the office before he comes to you? Yes. I send him down if he comes to me first.

81. I suppose they are sent here by some responsible officer of the Police? Oh! yes—D. Moores.
 "Captain M'Levic" I often see at the bottom of the note. Mr. Black sometimes comes with them. 5 June, 1860.
82. Yes—but there is always the authority of some responsible officer of the Police for the issue of these goods? Yes, there is always some initial at the bottom.
83. You never, on any occasion, pack away goods, except upon a written order? No, I never pack any goods away without proper authority from the office.
84. You said a written order? Without a written order; I would not know what to get out without a written order.
85. Well, after you have packed away the goods, and they are boxed up in cases or bales, is it left to you to see that they are put on carts and sent away up the country, or to ships, or under whose superintendence is that done? I will throw a light upon that subject, if you think proper. When I have packed them I make a memorandum of how many packages there are to go to such a place. I take that memorandum down to Mr. Jenkins, to make out the "conveyance" of those goods. He gives me the "conveyance," and I look to see that it contains as many packages as I have to send away.
86. Now, is it possible, Mr. Moores, for goods to be packed and sent away without the knowledge of any of the clerks of the department? Well, I could not well do such a thing—some of the men in the store would see me.
87. Do not make it a personal matter—there is no such idea upon the brain of any member of the Board; I simply ask you the question? After these things are put on the floor to be packed, I see that they are done in a creditable manner. If it were done I should check them. It would be a mistake. But they could not do it. I am generally walking about to see them packed, and, in fact, I help also to pack them. I cannot see how such a thing could be done without the clerks and the men in the store were all concerned.
88. So many persons must observe what is going on in the store that it would be utterly impossible to pack and cart things away without proper authority? Nothing is sent away without being addressed. They would not bring it down until it is addressed.
89. Down where? The men would not bring it out of the store and put it on the dray unless they saw the address stating where it was going to.
90. What drays do you employ? We employ a person of the name of Murphy; and if we cannot get Murphy, when things are urgent we get another dray.
91. Do you not contract for the carriage of goods? I do not know anything about that.
92. You have told me the number of storemen you have? Three only at present. One is very seldom in the store; he is made a messenger of. He is rarely in the store unless there is some heavy lift and we cannot do without him.
93. He is very frequently employed as messenger? He is indeed. I am very sorry to say I have often to ask Mr. Jenkins to give me a lift with packages, and somebody else that I could mention. I have sometimes asked the drayman to give me a lift. We have had packages of ten hundred weight, and that is a great lift for two men.
94. Then you do not think that any of your storemen should be employed as messengers? Sometimes they are made use of.
95. Well, looking at the general run of business in the department, do you not think that one of the storemen might occasionally be employed as messenger without any detriment to the business in the store?—No doubt there will be occasions when you require all the hands you can get, but in the general run of business could not one man be employed as messenger without any detriment to the issuing of stores? I do not think he could. When a little powder is required I make myself useful, and bring it over in my own boat. I could not spare one of the men out of the store. Something must go behind if they do take him away.
96. Then in point of fact you do not think it right that any of the storemen should be employed as messengers? Well, if they are, some of the work must be neglected.
97. They cannot be so employed without detriment to their own proper work? They cannot.
98. Now in regard to goods supplied, that is, goods coming into the store,—when they are opened there is a test of quality—to see that they are according to pattern? That is, the goods on contract—yes.
99. Who supplies that test, and sees that the goods supplied are in exact accordance with the pattern? I look at them, and Mr. Jenkins and Mr. Buchanan have looked at them, and when they have not been according to pattern they have ordered me to send them back.
100. You say that Mr. Buchanan has looked at them? Yes.
101. That is occasionally? When he has come up into the store.
102. But is it a regular practice with Mr. Buchanan? To see that they are according to sample?
103. Yes, a constant practice? Yes—anything from a contractor; he used to get the sample and see whether they were as good as the sample.
104. Does he do that on every occasion without omission? To the best of my knowledge he does. I have seen some things, such as flour; he has taken very great notice to see whether it was according to sample or not.
105. But you look at them sometimes and make complaints? Yes, if I see that they are not as good as the sample.
106. To whom do you complain? To Mr. Jenkins and Mr. Buchanan, to see whether they are to be returned.
107. And Mr. Jenkins looks at them, and if he does not find them according to pattern—? He sends them back.
108. He does not make any complaints then? He sends them back.

D. Moores. 109. On his own responsibility? Yes; I do not like to send them back.

110. What occasion would there be for making complaint if the head of your department were present himself for the purpose of submitting these things to the test? He might not see the defects, and I might. He might not be taking particular notice, and I might say, "These things are not according to sample," and he would say "Send them all back again." I have known a large sample of shoes to be sent back again, because one or two pairs were not according to sample.

111. You made this complaint to him, he standing by your side as the goods were opened? He has not been standing exactly by my side; I have taken them down to his office.

Mr. Buchanan: My supervision is a general supervision; but it is the duty of witness to test each pair, and it would depend on the number of objectionable pairs whether I rejected the whole or only those pairs which were not according to sample. The men in the store serve as viewers, Mr. Jenkins as inspector, and myself as the head.

Percival Wilkinson, Esq., Assistant Military Storekeeper, called in and examined:—

P. Wilkinson,
Esq.

5 June, 1860.

1. *By the Chairman:* Do you ever receive stores upon tender in this Colony? We have done formerly.

2. When you received stores in that way, I suppose you used to call for tenders by advertisement? Yes, by different advertisements.

3. Did these advertisements usually contain a description of the qualities and quantities of the goods you required, or were the advertisements for time contracts? They stated quantities, but the goods were generally accepted by sample.

4. When the goods came in, whose duty was it to apply the test of the sample to them? In our case the Commissariat Officer, myself, and generally the Clerk of Works.

5. Did you consider it necessary to open the packages and count them, and ascertain that they contained throughout the right quantities, and were in accordance with the pattern? No, I do not think we did; we examined the articles generally with the samples.

6. But suppose a bale or case were to come in containing two or three hundred pairs of trousers or anything of that kind? Those we should open certainly, coming from a private person.

7. When the goods came into the store, and were so tested for quantity and quality, in whom would lie the charge and responsibility of their safe custody? The responsibility would lie with the storekeeper.

8. With yourself? It would now lie with myself, but formerly with the storekeeper; I was then the second officer of the department.

9. And, notwithstanding that, you would have several hands under you to carry out your duties, still the responsibility you would feel would be with yourself? There is no doubt about that. That my own Board would hold me responsible there is no question.

10. Have you not some system of accounting by which you shew in one broad sheet as it were the receipts, the issues, and the remains of stores? Yes; we have a store ledger.

11. But it shews these three things? It shews the receipts and issues.

12. And the remains? And the remains—the account is balanced annually.

13. You do balance the account annually? Yes.

14. And you ascertain from actual stock-taking that the goods in the store correspond with the remains on your broad sheet? There has not been a stock-taking at this station since 1850.

15. But that is the rule of the service? Yes, and it is again coming into operation under new arrangements—an annual stock-taking.

16. And that annual stock-taking would test the accuracy of the figures given as remains? Not altogether, because the officer who is appointed to take the stock is not supposed to tally, count, or measure every article; he only selects what he thinks proper here and there. But what is called a "remain" is the result of an actual counting and weighing; the officer appointed is then supposed to see everything.

17. I believe a declaration is made as to the accuracy of these balances whenever they take place? Not upon my annual ledger. I merely sign the ledger; of course it is sent to England, and undergoes an examination in the office in London.

18. Then you do not make any declaration to the office in London that the remains shewn are correct? No.

19. No declaration whatever? No; it is simply a document I sign.

20. We had it in evidence from Mr. Wrentmore that some declaration was made, but it might be by a different department? I am aware that there is a declaration in reference to cash always, but not with reference to stores.

21. Do you find that woollen goods are much deteriorated and damaged by moth? No doubt of it.

22. Is the damage considerable? Very considerable; and particularly when bales are open.

23. And I suppose there are no means of preventing that? I am not aware of any; it has been tried for years, but no means have been discovered.

24. Not even with the large space you have? No; we cannot effect it. I find that in the barrack stores, and everywhere else, woollen goods are affected—indeed I have had great coats from England so affected, and have discovered it on opening the bales. In my own regiment there was a survey upon the last great coats we had, and they had never been opened before.

25. When you become aware that any of your woollen goods are damaged in this way, you do not attempt to issue them,—you put them on one side, do you not? They are put on one side for survey. P. Wilkinson,
Esq.
26. And when surveyed they are condemned, and perhaps sold? Sold or sent to England. 5 June, 1860.
I send the greater portion of all old woollen articles to England,—the bedding for instance.
27. Could you at this moment state what is about the value of all the stores under your charge? No, I could not.
28. Not even a rough guess? No, not even a rough guess.
29. Could you state the value of your annual issues for some time past—or how much your issues would amount to in twelve months? I could not. The value of imperial stores is not generally known by me—a storekeeper is not supposed to have that information; it is kept locked up in England. The information I have gleaned in reference to the price of military stores has been obtained from the bills of lading, of goods which have come out for the Colonial Government,—there the articles are priced.
30. It would seem to be the practice—? It is. Some years ago I know that a captain in the navy applied to the Board for the price of certain military stores, in order to charge them against the gunners. That information was given, but with the intimation that it was not usual to afford it to outstations.
31. You consider then that for the protection of goods, and especially woollens, it is better to keep them as long as possible in whole packages? Yes, I should say so.
32. And do you consider that in getting supplies from Home, or from the Colony, it is safe to rely as a test of the quantity and quality upon one or two packages out of many? With regard to the stores received from England, we always take them as numbered, unless we want to stow them away. I should have no hesitation in taking any number of bales of blankets or woollen articles as they were numbered.
33. But stores received in the Colony? I should not receive a bale of goods packed in the Colony without counting; I never have done.
34. In fact then you have not been called upon to form an opinion whether you would or not be satisfied with a single bale out of a number, if packed in this Colony? No; I have never been placed in that position. Of course we had at one time to buy a great number of shoes and a great quantity of clothing. The shoes came in loose and were tallied. Most of the things came in in that way.
35. What amount of clerical labor is employed in your store department proper? I have one clerk, but that is very inadequate I must say.
36. There is I suppose a foreman of stores? Yes, and I have two laborers.
37. Have you found that a foreman and two laborers are sufficient to perform the manual part of the work? I have found them generally sufficient; but there are times when I am obliged to have the assistance of military labor.
38. Do you find the space, at present at your command, very considerably in excess of your requirements,—do your stores occupy the whole of those buildings? The whole.
39. You have some method of judging I suppose of the quantity of stores under the charge of the Colonial Storekeeper? No, I have not. I know that he has a very large charge, and I believe they are distributed.
40. Do you feel yourself in a position to say whether—looking at them in bulk—he has as large a quantity of stores as you have now in the Commissariat? I should think he has, quite as large. I could not answer positively, because I have no knowledge beyond this building. I believe there is a large quantity of stores in another building.
41. And yet you say the space you have is not more than enough for your purpose? For my purpose it certainly is not.
42. It would not admit of the setting apart of any portion of it? Not at present.
43. There is a place where gunpowder is kept, and must be kept,—now what would you say as to the desirability of lodging the firearms and police clothing in a central department under the superintendence of the Inspector General of Police;—would they be as likely to be secure there as they are here? That would depend entirely upon the accommodation you had for it.
44. Supposing a place were built for arms and clothing—that you had proper accommodation—as regards the fitness of the custody and security of the things,—what would you think of such an arrangement? It would be an arrangement quite at variance with the rules of our service.
45. You have one dépôt? We have one dépôt.
46. And all arms and branches of the service derive their supplies from that point? All pass through me. Even the clothing of the regiment now passes through my hands. It is sent to me.
47. Have you much difficulty in despatching your stores either by dray to inland towns or by ship to places more remote? No, when I want conveyance I apply to the Commissariat. They find me conveyance both by land and water.
48. And that is done I suppose by tender? No; they have their own carts, and if they require extra conveyance they hire at town rates.
49. When stores are sent by drays or by vessels, as the case may be, how do you ascertain that the goods have safely arrived at their destination? If they are sent by water there is generally a bill of lading sent, and of course the officer to whom the stores are sent would certify upon that bill of lading whether they were delivered or not.
50. That is in regard to stores conveyed by water. Now as to stores conveyed by drays,—I suppose you get way-bills or something of that kind? Mine is simply town conveyance; therefore there is no occasion for anything of the sort. It is done generally by people employed by the Commissariat—their own laborers.

P. Wilkinson, Esq. 51. Then as to the receipts of goods and also as to the issues,—do you personally superintend the opening of cases and the repacking, when you issue them? No.

52. Who superintends that? The foreman.

5 June, 1860. 53. But still you hold yourself responsible? I hold myself responsible, but it would be utterly impossible that an officer at the head of the department could do it. I never knew it done.

54. You do not personally superintend those matters, but you hold yourself responsible? Not to the extent of seeing things packed and so forth. I give the orders and very frequently see that the things are there, but I do not see them packed. You must depend upon the people about you for something.

55. But when you issue you do ascertain that the quantities to be issued are on the spot? Yes.

56. And you also ascertain that the quantities which come to you on tenders or otherwise, are actually received? Yes.

57. You make yourself personally cognizant of the fact? I satisfy myself that it is the case.

58. Have you any money payments to make at your department? Yes, we have a few, but they are very trifling. By a recent regulation the payment of my establishment is in the hands of the Commissariat. There is a general paymaster; but I do make payments on account of the Colony.

59. Do you pay by cheque or in cash? By cheque in most cases—in almost every case.

60. Do you ascertain that the parties to whom payments are made are really and truly the parties entitled to receive the payments,—have you some knowledge of them? Yes, I am always satisfied that they are the parties.

61. Do you make them come to you or do you send payment to them? I very frequently take the money to them, but the general rule is, that they come to the office. I do it for the sake of convenience, because sometimes small sums are allowed to run on for a long time; people do not trouble themselves about them.

62. In those cases where you send the money you know who the parties are, their places of business, and all about them? Yes.

63. How is the actual payment then made witnessed? The bulk of the payments are witnessed by the barrack sergeant.

64. But suppose you send payment—when the parties call upon you there would be no difficulty—whoever paid the money I suppose would witness? It very rarely occurs that I do send money in that way, but I have occasionally sent money by the messenger, and then he witnesses the payment.

65. Do you cross your cheques when you send them in that way by a messenger, or do you take any pains in reference to that matter? I do not recollect that I ever gave the messenger a cheque to take. The sums sent have generally been so small that I have paid them in cash.

66. Mere petty amounts? Petty amounts.

67. Then the rule is, in reference to sums of any consequence, that the parties should call on you for payment? Should come to the office, as a general rule; but you must deviate sometimes, on account of the difficulty of getting people to come for small sums.

68. Supposing that your department called for tenders for any particular supplies, would it receive, or in any way recognise a tender from a person who was wholly unknown? Why in a case of that sort they would apply for his sureties. It is very possible that people may tender whom I have never seen before, and of whose character I know nothing.

69. But still in such a case you would apply for the sureties of those parties? Yes, in cases where sureties were taken. It would depend very much upon that.

70. The sureties, of course, must be known? Yes, they must be known.

71. Is it an invariable rule to take sureties for goods supplied in that way, or is it only an occasional rule governed by the amount of supplies? I am not aware that in my department sureties have been taken for goods supplied in that way. What I allude to are standing contracts, and not simple tenders;—time contracts.

72. *By Mr. Buchanan:* I think you have known this department for a great many years? I have.

73. Probably you will state, as near as you can, the number of years you have known this department? I think I may take it up from the year 1838. Mr. Rogers—

74. You recollect Mr. Rogers being in charge of this department? I do.

75. He filled the office of Ordnance Storekeeper also? He did.

76. Do you recollect anything of the circumstances that led to his resignation of the appointment of Colonial Storekeeper? Why, my impression is that it was owing to some parliamentary affair—some Council affair.

77. Are you aware what at that day was the strength of the staff of the department? No, I could not say whether it was three or four.

78. If I give you the names you will probably recollect them: I was chief clerk of the department, Mr. Sharp was also a clerk, Mr. Taylor was a clerk, and there was also Mr. McKenny? Yes.

79. Do you recollect that that was in 1844—the period of Mr. Rogers' resignation? Yes.

80. Do you recollect the establishment being then reduced to one clerk? I do not recollect it.

81. Are you aware whether at that day, and with that establishment, it was the practice of this department to keep a store ledger? I am not aware that it was a practice.

82. Have you any impression whether it was so or not? No, I have no impression that it was. I do not remember. I could not say whether Mr. Rogers introduced such a thing or not. I had no connection with it.

3 The keeping of a store account in the Ordnance Service, or the War Department, as it may

may now be termed, extends not only to the store branch, but to every other service that receives or draws stores from the public? The store ledger? P. Wilkinson,
Esq.

84. They keep a store account? Yes.

85. For instance, every regiment, every ship of war, every individual who draws stores from the War Department, is required to account to the store department for those goods,—is that the case? Yes; I can speak particularly as to the navy and artillery. The gunner is obliged to pass his accounts annually with the Home department.

86. So that the system is one of general application there, and does not apply merely to the store department? No.

87. Is there not an office in London instituted specially for the checking of accounts? I do not know how it is now; but there was, under the late system, a store examiner's branch. There was a store accountant and a store examiner, and I imagine the same system exists now, because there is a branch called the store department.

88. And under that system every officer receiving stores had to account in detail for every item? Yes.

89. So that in fact the Government never lost sight of their goods into whose hands soever they might pass? No, I should say not generally. I allude particularly to those branches.

90. They do not lose sight of it in any case? No.

91. Do you consider that such a system can be worked either easily or cheaply in this colony? No, I think it would be a very difficult matter to work it here.

92. *By the Chairman:* Difficult in so far as it is difficult to induce any person to undertake labor to which he has not been accustomed? Yes.

93. But in its own nature do you see anything difficult in it? You must have a head department.

94. No doubt that is really necessary? And then every branch would necessarily be in correspondence with that department.

95. But suppose there existed an account department—a check department, independently of the principal store department,—all accounts of stores would come for audit into this account branch, to which all the departments and services would be required to make their returns. This branch being possessed of the quantities that come out of the main depôt, would see that the quantities given by the different departments were so far correct. The department would also have an account of their issues and remains, and the means of check would thus be in its own hands. Now if these stores were distributed over the entire service, do you think it would fall heavily on any part to render to this check department an account of receipts, issues, and remains during the twelve months? It would be rather a difficult thing to arrange, I think.

96. *By Mr. Buchanan:* Do you conceive that one or two clerks would be sufficient for such a system? I do not think they would.

97. Do you think half-a-dozen would be sufficient? It would be a very serious matter.

98. This [book produced] is a register of the various demands which were made upon this department during the course of 1859—the mere list as they were received from time to time? Of requisitions?

99. Of requisitions—1179 in the course of the year. Do you from your experience (which is extensive) in keeping store accounts, think it would be a trifling matter to keep a store account in which the whole issue is embodied? I recollect that at Portsmouth it was the duty of two clerks solely to keep the store ledger, and, looking at the number of requisitions in that book, I should certainly say that there were not more at Portsmouth than here.

100. *By the Chairman:* And did the stores which would be carried to account in such a book as that at Portsmouth range over as great a variety as the stores of which the Colonial Storekeeper here has charge? With the exception of clothing.

101. There was no clothing? At that time there was no clothing in the charge of the Ordnance Storekeeper, but the other stores were very extensive; they were all warlike stores. That was not the head station, but merely a branch for Portsmouth and the adjoining counties, where there were no Ordnance stations, but principally for navy and army purposes. They have corresponding establishments at all the large ports in England—Plymouth, for instance, and Chatham; Woolwich is an enormous principal department.

102. Then the amount of stores, judging from the requisitions you see before you, dealt with at Portsmouth, would not be greater, though it might be as great? I cannot judge by looking at the number. As to the quantities of articles I can give no opinion, but the work, if vouchers are made for these, must be very heavy. It would be according to our system, because they are made in triplicate.

103. Are there any particular periods of the year to which officers are restricted in making their requisitions, or are they permitted to make their requisitions as they feel their wants, at any period of the year? When the Convict Department was under the Ordnance Department, they were made by quarterly requisitions; but now that is not adhered to, and the things are issued as required. The different services make their applications as they want the articles. For instance, a man of war could not make a quarterly requisition. As soon as the ships come in they send in their requisitions to replace stores.

104. *By Mr. Buchanan:* When you speak of Portsmouth, am I correct in stating that you are not troubled there with the receipts of stores from contractors in any shape, or but very rarely? Very rarely—for mere trifling things only—things which can be purchased cheaper on the spot than they can be sent from London.

105. But compared with the bulk of the stores, those purchased are insignificant? They are very trifling; probably they would not amount to more than £50 in a year.

106. Then at Portsmouth, I think I am correct in saying that your great supplies were derived from the main depôts at Woolwich and the Tower? Yes.

- P. Wilkinson, Esq.
5 June, 1860.
107. And that they came to you generally in bulk? In bulk.
108. And consequently on the receipt side of your store account your entries would be small compared with your issues on the issue side? Oh! no. If you mean that we post the receipts in bulk, that is not the case. We posted in detail.
109. But although you posted in detail, that detail was compressed, inasmuch as you had not many receipts of that sort compared with your issues. No.
110. But in a department like this, where we are deriving stores from all sources, do you consider there is any analogy between the two? No, I do not think there is. I can see clearly the difficulty.
111. We must have surveys upon the stores and vouchers for them, and they arrive from so many people; that of itself increases the vouchers and the work? Yes.
112. *By the Chairman*: In the event of the opening of any portion of the stores that would come in bulk at Portsmouth, I suppose the bulk portion of the book would get credit for the packages opened, and you would debit yourself with the amount in detail as found in the package? We debit ourselves with the articles as detailed in the bill of lading. We take no account of the bales. It is considered with regard to stores received from England that you may take the account as correct instead of opening the packages. Therefore, if I have one hundred bales of blankets, of fifty in a bale, I debit myself with the total number of blankets.
113. And do not put down the bales at all? Do not open the bales until they are wanted. If, on opening the bale, I find a deficiency, it is always allowed upon reporting that such a bale was deficient so much; but an error of that kind is of very rare occurrence.
114. *By Mr. Buchanan*: Under the Ordnance system the value of stores is a matter with which the out-stations do not deal at all, I understand? No.
115. They are not required to furnish accounts of that character? No.
116. If, in addition to keeping a store ledger—involving the issues of this service, and involving receipts both from England and the Colony from numerous individuals—this department should also be required to keep an account of the values,—do you think it possible that that can be done with the present assistance of the department—that assistance being four clerks only? No, I think not.
117. When the Ordnance Department in this Colony was at its maximum, what was the assistance then allowed? A storekeeper, a deputy storekeeper, and five clerks.
118. And could you, during any single year in which the whole of that number of officers were employed, furnish this Board with a statement of the number of requisitions received during any twelve months?—would it be possible to do it? I dare say I could do it, but it would be very much within the space of that I am quite certain, because a majority of the requisitions at that time were quarterly.
119. In this case the bulk of them are yearly? Yes.
120. *By the Chairman*: You had to deal with the entire convict establishments of the Colony? We had at that time.
- Mr. Buchanan*: With which I have now to deal, for they were transferred to the Colony.
121. *By the Chairman*: Had you to deal with the convict establishments in Van Diemen's Land at the same time? No.
122. Only those in this Colony? Only those in this Colony.
123. And did your dealings with the military extend to other Colonies, or was it confined to the military of this Colony? Merely to this Colony, then including Melbourne and Queensland.
124. To this Colony as it then stood? To this Colony as it then stood. We had three regiments; their head quarters were at Sydney, Parramatta, and Windsor.
125. I suppose your memory will not serve you to state at this moment the number of convicts still chargeable upon the Commissariat? No.

William Colburn Mayne, Esq., called in and examined:—

- W. C. Mayne, Esq.
5 June, 1860.
1. *By the Chairman*: You are Auditor General? Yes.
2. The Board desire some information as to the system of auditing accounts from the Colonial Storekeeper's Department. It would seem that all goods supplied for the public service to the Colonial Stores are paid for now by the Colonial Storekeeper's Department? Latterly they have been reverting to the old system.
3. Then that is a reversion to a system which formerly subsisted? Yes; what I mean is that there was a system by which the departments themselves paid the value of the stores issued to them. These amounts were recovered from them by the Colonial Storekeeper's Department; they had, in fact, their own store votes to expend, but that has been altered.
4. Calling upon the Colonial Storekeeper to pay the tradesmen is a practice wholly new, is it not? Directly it is. Previous to my having anything to do with the Audit Department payments were made through the Audit Office on the Treasury.
5. Now, when is the Colonial Storekeeper called upon to make returns of his disbursements for the public service? He furnishes monthly to the Audit Office a statement of his drafts against the bank credit established in his favor.
6. And what vouchers does he send you in support of those statements? He sends us bills of the goods purchased from the parties, and states the department for which they are purchased—vouchers in the ordinary shape.

7. That would seem almost to shew that goods were supplied by tradesmen only as they were actually required by departments? That I am not in a position to say.
8. The Colonial Storekeeper then furnishes bills of account from the tradesmen supplying stores for the public service? Yes; vouchers in support of his drafts.
9. Have you any means of knowing the fact of the existence or non-existence of the tradesman whose name is upon the head of a bill or account? Many of the tradesmen we know, of course; but there may be cases of parties supplying of whom we know nothing whatever.
10. That you *know* is a matter of accident and not of necessity? Not of necessity.
11. Have you anything to do with calling for tenders, Captain Mayne? Nothing whatever.
12. Your duty is confined simply to the auditing of accounts? Yes, after disbursement.
13. Suppose the case of a fictitious tenderer, fictitious goods, and fictitious accounts—and looking to the circumstance that the knowledge of the identity of the person whose name is at the bill head is a matter of accident and not of necessity in your department—what chance have you of detection? At present we have no means of detecting it, because we have not the receipt for the goods stated to be furnished to the department. If we had this we should know that the goods were not fictitious, and that the department had received what it was stated had been procured for them.
14. In the absence of all store books shewing the receipts, issues, and remains, how can you tell at any moment whether goods are actually required for the public service or not? I cannot possibly tell that. It forms no part of our duty.
15. You deal simply with the figures as they come before you? Simply with accounts after disbursement.
16. And your duty begins and ends with the attestation that two and two make four—the verifying of that? The verifying that the amount stated to be expended is supported by the ordinary, usual, and proper vouchers. That those vouchers might be fictitious or forged there is no doubt; in the same way as a cheque presented to a bank may be forged.
17. And you have no means of ascertaining that? We have no means of detecting whether those vouchers are forged vouchers or not.
18. The departments themselves make no return whatever of the stores? Not to us. Under the system to which I alluded, when the departments paid to the Colonial Storekeeper's department for all stores furnished to them, there was a check, because of course they would only pay for that which they had received.
19. Have you any knowledge of the system of advertising for tenders, and of the receipt, inspection, and scheduling of tenders? I have a knowledge of it, but not officially. It forms no part of my official duties.
20. Not now, in any way? No. The only tenders in which I am officially concerned are those received for the conveyance of Post Office Mails. I form one of the Board who open, examine, and consider those tenders.
21. Would the Board consider itself warranted in entertaining a tender for such a service, for instance, from any person who was not known? Certainly, if the necessary securities were forthcoming.
22. If the necessary securities were forthcoming? Yes. As regards Post Office tenderers, I may state the fact, that I myself hardly ever do know anything about the people. The Postmaster General, too, has frequently known nothing whatever of the persons tendering.
23. But in every instance you have security? We have always attached to the tenders the signatures of parties stating that they are willing to become sureties.
24. And these sureties must, at all events, be known to the Postmaster? Certainly not. I do not imagine that they are in the least degree known to him. I can vouch for it myself.
25. Would the Postmaster General, or yourself, or any public officer concerned, accept bonds from parties of whom they knew nothing? The person that takes the bonds has to look to the *bonâ fides* of the transaction—the Board cannot. These sureties are taken all over the country. Some are taken in Sydney, by the Crown Solicitor. He assures himself that they are proper parties. In the country, I think they are taken before the Benches of Magistrates.
26. Still the duty devolves upon some one in the public service, of ascertaining that the persons who offer themselves as bondsmen are good and true men, and worth the money? No doubt, the responsibility rests on some one; for instance, as I say, I believe it rests on the Benches of Magistrates, in the country districts.
27. So that it does not matter how the duty may be distributed,—there is an ultimate ascertaining of the fact that the party will really perform the duty or pay the penalty? I presume so. The duty is properly performed by those who take security; and payments are withheld from contractors until those sureties are completed.
28. Have you any discretion in questioning the Colonial Storekeeper's accounts for the public service.—For instance,—he sends to you certain accounts amounting to £30,000, for stores required for the public service. Upon the face of the accounts the stores have been received, and all the formula required by the public account office is observed. Have you any functions beyond simply checking the accounts? Can you check them as to whether the goods were received and for what purpose? If I had any reason to doubt the integrity of the officer making the statement, I of course could refer to the Government, and request that a board of survey might be instituted to ascertain the fact.
29. That I fancy would be the duty of any public officer who happened to know of another that a certain public account submitted by him was not genuine;—that does not pertain solely to any office? I think it may be looked upon as pertaining to the Audit Office—as being in connection with the duty of audit—more strongly than to any other.
30. But if you have reason to suspect (of course I am not supposing that there is any reason
for

W. C. Mayne,
Esq.
5 June, 1860.

W. C. Mayne, Esq. for it), there is no function to question these accounts in any way? Not unless, as I say, there is reason to feel dissatisfied with the usual formal and regular voucher supplied.

31. You would question them for informality of voucher, and that is all? No doubt.

5 June, 1860. 32. Or inaccuracy of calculation? Yes.

33. But you do not question them as to the necessity of the supplies? No, certainly not. That does not pertain to me at all.

34. Is there any more efficient system of checks than at present subsists which suggests itself to you? I think, decidedly, that we ought to have the receipt of the department, or individuals who receive the goods from the Colonial Storekeeper, to vouch for the fact of their having reached their destination. That is a link which is most essential, but which we have not.

35. Is there any other check absent from the present system which you think would be serviceable were it applied? I suppose you are aware of the recommendations of the Committee of the old Council. They recommended a regular system of stock-taking, and the keeping account of stock.

36. Yes, we have gone into that subject somewhat? That being carefully and fully kept up, and with a more regular furnishing to us of statements of issues, supported as I say by the receipts of the parties to whom the goods are delivered; and also, a more regular furnishing us with the actual tenders themselves where the goods are supplied under tender.

37. I thought as a matter of course that it would form part of your record to have the tenders? We have repeatedly to call for them, but they have not been as regularly and promptly supplied as I could have wished.

38. The tender would certify to you the accuracy or otherwise of the prices charged? Those are things we do call for, but they have not been as promptly and regularly furnished to us as is desirable.

39. A prompt compliance with this, however, seems absolutely necessary to the auditing of accounts? It would be one additional facility to a proper and sufficient audit.

40. The account we speak of here is one shewing receipts, issues, and remains; and these remains to be tested once a year by actual stock-taking. But it would seem that at some period or other the Colonial Storekeeper was required to keep not only these things in detail, but also a sort of head of values; for instance, if there were three descriptions of blankets there would be three columns of value instead of one? It would require accounts in very great detail.

41. What advantage, proportionate to the increased expense, do you propose to result from any such system as that? But if I recollect the recommendation it was that they should be at fixed rates, which I imagine was intended to approach to something like an average. It was not intended that the actual cost of each description of foolscap paper, for instance, should be shewn. There might be so many reams at 10½d., so many at 11½d., and so many at 1s. per lb.; but I understood, if I remember rightly, that the meaning and intention of the recommendation was that there should be a fixed rate assumed.

42. Suppose we were to divest this account book of receipts, issues, and remains of stores of all consideration as to price, and have a separate book for prices in which the items would be set down alphabetically, the great labor of that would be getting out the first book. It might be printed in alphabetical order. There might be subdivisions of stores (provisions you have none, I think) and clothing, and these again might be subdivided. Each of these subdivisions would have in detail all the articles on the left, and then there would be a number of columns with the prices on the right, at the end of which you might have one large column to give an average of all these, if you desired an average, to take stock or for any other ordinary purpose. If you wanted to be more particular in detail, you would only have to turn up your price book to get the exact price without encumbering the store book. But do you think there would be any advantage to the public service proportionate to the expense of keeping such a book as that; because I see that that is the only way in which prices can be dealt with here? I do not think, in matters of account, that you can pay too dearly for strict accuracy, and I believe the system you indicate is in some degree, only with a total division of departments, that pursued in England, where I believe the store department has nothing to do with values or prices. They deal with them simply as material; but there is another department which deals with prices and with distribution. I speak with diffidence, because I do not know the system sufficiently well to speak with confidence in reference to the matter.

43. It is necessary that there should be some knowledge of, and accounting for, prices in the Colonial Storekeeper's department in order to know the different prices of goods supplied to different departments? It is absolutely necessary.

44. It could not be supplied by any other department? No.

45. So that there must be some account of the values here? I cannot conceive how it could be dispensed with, and particularly so long as you have the votes taken in detail for departments.

46. Certainly an average price would not come up to your requirement of perfect accuracy? It would not come up to it for strict and perfect accuracy, no doubt.

47. Because some of the departments would be supplied with articles of the first quality at a price chargeable only on articles of the worst quality? Yes, and beside that the prices must vary with the varying market.

48. Then, in fact, to come to a perfectly accurate state of accounts in regard to the stores issued for different departments an average will not do; you must have some book such as I have described—a price book? No doubt, if you want strict accuracy.

49. Then again, do you think there is sufficient advantage to be derived to the public service from the keeping of this price book to warrant the expense which would have to be incurred?

I doubt that. I think the system of taking fixed rates—that is, rates fixed from day to day as closely and accurately as circumstances will admit—will meet all the absolute and needful requirements of the service. W. O. Mayne,
Esq.

50. The Storekeeper keeps a record of all the invoices of goods he gets. Now, with a proper store book, proper marks, and the goods properly stowed away according to description, the proper officer would have no difficulty when a number of stores are packed away in stating the cost upon each, knowing whence the goods were supplied; so that without keeping any account whatever, except the mere filing of the invoices, he might obtain the desired result? I should suppose all the goods are entered in a receipt book. 5 June, 1860.
51. Yes? Would it not be the simplest way in that book to add the fixed values which you placed upon the goods.
52. The fixed value takes you back again to the average value? I know it does.
53. And that, whilst it gives the semblance of accuracy is, in fact, when investigated, thoroughly inaccurate in every part? Then I think you have no choice between that and the elaborate system.
54. Do you know if it is expected by the Government that the Colonial Storekeeper shall so far anticipate the wants of the service, by supplies from England, as to render it unnecessary that large quantities of goods should be obtained in the Colony? I should consider it to be the duty of the Colonial Storekeeper so far to exercise foresight as to provide in whatever way is best for the public service, whether the goods are obtained from England or in the Colony. If they are to be procured more advantageously from England, I think it is his duty to exercise the necessary foresight, and to procure the supplies in sufficient time to meet the demand.
55. From your official position you must be thoroughly acquainted with all the departments in the country;—are their requirements of so changing a nature that this foresight may not be exercised to a very large extent in regard to the service? I should think it might be exercised to a very large extent, but there are unquestionably sudden calls for which no foresight could provide.
56. But new departments are not frequently established, and when they are, they do not often require supplies to any great extent at the outset? I consider not; but such a circumstance as a gold discovery, or a large gold development, would defy all foresight. I do not think there would be much difficulty as to the ordinary extension of departments.
57. You think then that the experience in the requirements of the service as regards stores obtained from England, ought by this time to enable the proper officer to anticipate the wants of departments to a very large extent? I should think so.
58. Supposing the proper officer did anticipate those wants to a very large extent, do you think there would be much saving—bearing in mind that those goods which are brought out from Home, in anticipation of the wants of the Colony, are promptly paid for, and that therefore we lose the interest on the entire amount during the period they remain in store—do you think, notwithstanding this circumstance, that it would be advantageous to the Colony to import long beforehand? The impression on my mind is, that goods can be procured more cheaply from Home than they generally can be obtained here, taking all these circumstances into account.
59. And of better quality, perhaps? I should think so. Police clothing, and articles of that kind, with which I have had particularly to do, I have no doubt can be obtained from England of better quality, and at a considerably cheaper rate.
60. Do you see any great objection to the transfer of the arms and police clothing to the charge of the central department of Police—under the control of the Inspector General—of course some preparation would be necessary? It would involve the necessity of a store-keeping branch at the Police Department; you would require a store and a storekeeper for it.
61. Have not the Police already charge of a number of stand of arms that they do not use every day? I imagine not. They had no large quantity when I had charge of the Police, and there was no place available as a store for police clothing, arms, ammunition, and all such matters.
62. The ammunition would be kept elsewhere? Of course.
63. It must be—so that we will confine ourselves to small arms? There was no place available for either arms or clothing at the time the Police were under my charge.
64. I am aware that there is no place just now, but if in the future that were to be the system, of course accommodation would be provided. Do you see anything objectionable in the principle? No, I do not.
65. Do you not think that where the Police are congregated in large numbers there is a better protection for the arms and clothing than here? But that is assuming that the Police are congregated in large numbers, which unfortunately is not the case.
66. I am speaking of the central establishment? If there were a Police Barrack I quite admit that it would be a safer and a better plan.
67. And then in regard to the prison clothing; there is, I believe, but one penal establishment—Cockatoo Island. For the security of the prisoners there must always be a guard of soldiery or constabulary, and that guard, without the addition of a man, could, I suppose, protect all the prison clothing? They could protect it certainly, but some assistance would be necessary for the receipt and distribution of stores.
68. And they could be distributed to all the gaols and penal places from this? The transport to the gaols would be the only difficulty in connection with that—the making of proper arrangements for the transport.
69. But an arrangement might be made? Doubtless it might—a similar arrangement to that which the Colonial Storekeeper has been in the habit of making.
70. In transferring these various stores to central positions, where you would have the advantages

W. C. Mayne, Esq.
5 June, 1860.

advantages which I am supposing that centralization would afford—do you not think that each section might supply itself with the particular stores in its charge from Home, as cheaply as the service supplies itself under the present system? I see nothing to prevent it by proper arrangement. I do not see that any additional cost would be involved in so doing. The cost of freight and insurance would arise whether goods were obtained through one department or another.

71. But setting aside the expenditure which may be incurred for freight and insurance and store room—would the expense of receiving and issuing these goods exceed the expense incurred at the present time for the entire Storekeeper's Department? I should think not. As regards the police especially, I think there might be a very economical system carried on, because the men and non-commissioned officers of the police would be the persons entrusted with the charge of the receipts and issues, and their services could be obtained at a lower rate than they could exclusive of the police service.

72. Supposing a distribution of that kind were to take place, what about the public accounting for them; does it occur to you that it would rather facilitate the accounting than increase the difficulty? I think it would rather facilitate the accounting.

73. Looking at it in that aspect—the necessity of accounting for public property—you see no objection to it? No.

74. But on the contrary, you think it might facilitate the accounting? As regards such stores as those you have alluded to I think so; and I think you may also add to them the stationery—that is, a great mass of the stationery; for instance, that consumed by the printing establishment.

75. I did not enumerate that, although it was part of the system. There might be a central dépôt for stationery at the Government Printing Office? Yes. The only difficulty I contemplate regarding it, is in reference to the distribution of stationery to the country districts.

76. Those men are all conversant with the different descriptions of stationery. They would stow them away in different compartments, and when requisitions came in from different parts of the Colony they might hand them to the storeman? What I meant was the difficulty of transport—of actual conveyance.

77. Then the custody of stores being distributed in this way, the accounting would be easier and the checks would be greater? I consider so.

78. And the expense you consider would be greater? No, I consider that it would not be greater.

79. Is there any other improvement that you could suggest in regard to the system of accounting for these public stores? All those obtained from home I think should be paid for by the bank or by the agent of the Government at Home. A paid agent of the Government resident in London would in my opinion be more advantageous to the public than a mercantile agent. I think that all the stores procured from Home should be procured as much as possible under contract, and tenders should be called for by public notice. The payments should be made by the bank agency at Home on the production of the invoices and bills of lading. I may point out that by allowing departments to supply themselves you would lose one check—a loose system of purchasing on the spot might arise.

80. No doubt, unless it were checked by regulation? There must be a very close check kept, or a loose and expensive system might arise.

81. It would be possible I think to construct a form of requisition which should shew the receipts, issues, and remains, and at the foot of that, again, the quantities required, so that every time a department requisitioned, it would in point of fact check itself? But the requisition ought to go before a Minister, for his approval.

82. You perceive the bearing of what I said—that the receipts, issues, and remains being shewn on the requisition itself, and then, below, the quantities (under the proper columns) required for the next quarter being also shewn—that would be a check in itself? Yes, but all such checks require to be carefully looked at; I merely throw out that as one of the things which has struck me whenever the point has been mooted.

83. How are the payments made at present for stores obtained from England? They were made by the mercantile agent.

84. They are not made by the Colonial Storekeeper here? No.

85. They were made on the spot at Home? By the agent, out of advances made to him from the Treasury; and these advances used to be adjusted in the Treasury by the Colonial Storekeeper, when he recovered from the departments.

86. So that the Colonial Storekeeper makes payment only for stores supplied in the Colony? I imagine that such is the case.

87. Well then, when the Colonial Storekeeper states a particular sum as his payments in the year, that will not shew the whole payments for stores, because of the payments made at Home? That depends upon whether the accounts are finally adjusted. If at the time the statement were made, he had recovered from the different departments and paid those amounts into the Treasury, it would represent the whole of the payments; or, if as under the existing system where I believe he disburses the whole, or at least the greater part of the store votes, he pays back to the Treasury out of the store votes what has been expended by the agent at Home, of course it shews the whole of the payments.

Mr. Buchanan: As far as regards the stores at Home, I have nothing at all to do with them.

The Chairman: And they are not represented in the store vote.

Mr. Buchanan: That matter is entirely in the hands of the Treasury. I do not know how the remittances are made, or out of what fund they are made; it may come out of the store vote or any other fund, but I really do not know.

The

The Chairman : But when these goods come here, and are opened, and issued, you then charge the departments with them? W. C. Mayne,
Esq.

Mr. Buchanan : Yes; and then when Captain Mayne said I used to recover payment from them, that payment would be a receipt of money. 5 June, 1860.

The Chairman : It would appear first as a receipt, and as a disbursement afterwards?

Mr. Buchanan : Yes, but not as a disbursement made by me.

The Chairman : In regard to the stores obtained from Home, I suppose the Storekeeper is supplied with the invoices, so that he can give the prices of the goods supplied to the different departments. He would of course have to make some calculations, and add freight and insurance, and other matters of that kind; whether there is such a thing or not, I do not know?

Mr. Buchanan : There is both.

88. *By the Chairman* : Is there any other suggestions you would like to make, Captain Mayne, as regards the check, and audit of accounts? I think not, beyond what I have already stated to you.

Henry Drax Bloxham, Esq., examined:—

1. *By the Chairman* : The Board have been to the Australian Joint Stock Bank, and I, as Chairman, exhibited these cross cheques to the Manager there, and he himself stated, and that statement was corroborated by the gentleman who paid the cheques, that these several cheques, which are crossed, were presented to the Bank for payment by the London Chartered Bank; and it occurs to the Board, that when these cheques were put into the Bank for collection, they must have been passed to the credit of some account, and the Board will therefore feel obliged if you will favor them with the particulars of each cheque, and to what account it was credited? Is this likely to become the subject of a legal investigation? H.D. Bloxham
Esq.
5 June, 1860.

2. Well, as far as our knowledge goes, I should say not? I ask this question because, if it were carried into Court, I should prefer the clerk to make the marks on the cheques instead of myself, as I might not be spared to give evidence.

The Chairman : As far as I can judge, I do not see any likelihood of it.

Captain Scott : I do not see any chance of it.

Mr. Bloxham : This cheque was paid into the credit of John Weston, on the 14th of December, 1858,—£140 (marked No. 1 by the shorthand writer.)

3. *By the Chairman* : Have all these cheques been through the Australian Joint Stock Bank? This one (a cheque not crossed) has not passed through our Bank, it was paid in cash at the Australian Joint Stock Bank.

4. None but the crossed cheques were paid through your Bank—all the rest were paid in cash over the counter? This is the Colonial Storekeeper's cheque, paid into the credit of some account on the 6th of October.

5. To whose credit? To John Weston's,—£271 17s. 6d. (cheque, marked No. 2). All the cross cheques came through us.

6. Yes, all of them? Here is a cross cheque, which we suppose must have been paid by the Bank upon which it is drawn. The proceeds might have been paid in here, but that cheque has not passed through our Bank; we have £37 down here, which was paid in notes and gold. It is possible that it was paid over the counter by the Australian Joint Stock Bank, but that cheque has not been passed through our Bank,—£37 (marked No. 3). This cheque was paid into the credit of John Weston, on the 10th of July, 1858,—£350 (marked No. 4). These cheques, uncrossed, were paid by the Australian Joint Stock Bank; some were paid in gold and notes, and one in £10 notes. This cheque was paid into the credit of John Weston, on the 3rd December, 1859,—£338 6s. (marked No. 5).

The Chairman : Thank you, that is all the information we require.

CORRESPONDENCE.

UNDER SECRETARY TO THE TREASURY to COLONIAL STOREKEEPER.

*The Treasury, New South Wales,
9 August, 1860.*

SIR,

Referring to my letter of the 15th May last, enclosing a copy of the Report of the Board appointed to inquire into the charges brought against you, viz. :—" That large quantities of stores, on account of the Public Service, had, at various times, been tendered for and supplied by the Colonial Storekeeper and the late chief clerk, Mr. John Weston, under the assumed names of 'James Staunton' and 'Staunton and Co. ;' " and also acquainting you that the Executive Council had thereon advised that " a full and searching inquiry should be instituted into the general management of the business connected with ' the Colonial Store ;' "—I am now directed to inform you that the Report of a Board appointed to make this further Inquiry was laid by His Excellency the Governor General before the Executive Council.

I am to forward to you a copy of this Report, and of the decision arrived at by the Council ; and, in accordance with that decision, I am instructed to call upon you to shew cause why you should not be dismissed from the Public Service, by reason of the various derelictions of duty held to be proven against you by the Minute of the Treasurer indorsed upon it.

A copy of the Minute is also enclosed.

I have, &c.,
HENRY LANE,
Under Secretary.

UNDER SECRETARY TO THE TREASURY to AUDITOR GENERAL, IMMIGRATION AGENT, AND REGISTRAR GENERAL.

*The Treasury, New South Wales,
10 August, 1860.*

GENTLEMEN,

Referring to my letter of 31st January last, in which you were requested to form a Board for the purpose of investigating certain charges made against the Colonial Storekeeper (Mr. Buchanan), and to your Report thereon, I am directed to inform you that the whole of the documents relative to the Inquiry were submitted by the Governor General to the Executive Council.

After deliberation, the Council advised that a *further* Inquiry should be instituted into the general management of the business connected with the Colonial Store. The Report of the Board appointed for this purpose having been received, and the investigation being now considered as closed, I am instructed to convey to you the thanks of the Treasurer for the able manner in which the portion assigned to you was conducted.

I have, &c.,
HENRY LANE,
Under Secretary.

UNDER SECRETARY TO THE TREASURY to CLERK OF THE LEGISLATIVE COUNCIL.

*The Treasury, New South Wales,
13 August, 1860.*

SIR,

In reference to my letters of the 23rd and 30th of April last, on the subject of the further investigation into the general management of the Department of the Colonial Storekeeper, and to your letter of the 17th ultimo, forwarding the Report of the Board thereon, I am directed to inform you that the Report, together with the evidence taken by the Board, was submitted by His Excellency the Governor General to the Executive Council.

The investigation being now considered as closed, the Treasurer instructs me to convey to yourself and colleagues his thanks for the able manner in which you have conducted the Inquiry.

I have, &c.,
HENRY LANE,
Under Secretary.

UNDER

UNDER SECRETARY TO THE TREASURY to COLONIAL STOREKEEPER.

The Treasury, New South Wales,
20 August, 1860.

SIR,

I am directed to inform you that your letter of the 16th July last, having been referred for the opinion of the Chairman of the late Board of Inquiry into the general management of the Storekeeper's Department, has been this day returned, with his statement that he considers an examination of Mr. Weston's banking account would throw no further light upon the transactions which formed the subject of Inquiry.

I have, &c.,
HENRY LANE,
Under Secretary.

COLONIAL STOREKEEPER to COLONIAL TREASURER.

22 August, 1860.

SIR,

Being now fully prepared to produce parole and documentary evidence in full rebuttal of some, and explanation of all the conclusions, assumptions, and inferences set forth in the Report of the late Board of Inquiry into the management of the Colonial Store, I beg to request that the Board may be directed to re-assemble for the purpose of receiving such evidence, and of hearing my counter-statement in opposition to their *ex parte* Report. I use the words "*ex parte*" advisedly, because they are clearly descriptive of the circumstances under which the Report has been presented. When they first assembled, I received from them, in answer to my preliminary inquiry, the reply that they did not consider my position to be that of a person called on to answer or rebut a charge. This view of my relationship to them is further supported and confirmed by the concluding paragraph of Mr. Under Secretary Lane's letter to myself of the 15th May, which reads thus,—“It is obviously your duty to afford all the assistance in your power;” and further on it requests I “will facilitate the operations of the Board as much as possible.” These are not calls to which an accused person could be expected to respond, especially as they were made after, and in consequence of, my direct refusal to attend the Board without some definition of my position, and some intelligence as to the result of the first Report, both points on which the dogged silence of the Treasury left me no other means of getting any information. Attending therefore, as I did, on this second Board, not in a capacity adverse to the inquiry, but merely to furnish such information as they asked for, and to answer whatever questions they put, I neither had nor sought the right of cross-examination, or of producing evidence. Being devoid of the power of divination, I could, moreover, neither anticipate nor foresee, in the absence of the slightest expression of opinion by the Board (two of whom were wholly mute), what points were likely to require elucidation. I submit, therefore, that I have an incontestable claim, now that the charge first brought against me is virtually abandoned, and to which alone I have hitherto paid any attention—and the new derelictions to search for and eliminate, which were the objects of the second Board's appointment, are at length put in shape—to be allowed the opportunity of meeting them, and that such opportunity should not be limited to a written reply, but should comprehend *viva voce* evidence as well.

I have, &c.,
JNO. BUCHANAN.

UNDER SECRETARY TO THE TREASURY to COLONIAL STOREKEEPER.

The Treasury, New South Wales,
22 August, 1860.

SIR,

With reference to your letter of this day's date, in which you request that the Board appointed in the month of April last, for the purpose of inquiring into the general management of the Colonial Storekeeper's Department, may be instructed to re-assemble for the purpose of receiving evidence, which, you state, you are now fully prepared to produce in refutation of the conclusions arrived at by them, as set forth in their Report, I am directed by the Treasurer to state, that, as you have had the fullest opportunity of knowing what was done, both by the Board in question, and by that which preceded it—having been examined by each, and present at all their meetings—it is not considered necessary to revive the Board, which, having reported, is virtually defunct.

I am, however, to inform you, that, as you have been called upon to shew cause why you should not be removed from the public service, any statements or documents which you may furnish in answer to that call, will be carefully considered before any decision is arrived at.

I have, &c.,
HENRY LANE,
Under Secretary.

COLONIAL

COLONIAL STOREKEEPER to COLONIAL TREASURER.

25 August, 1860.

SIR,

I beg to re-direct your attention to my letters of the 31st May and 15th June last, in which I made application for my salary during the period of my suspension, and more particularly urged my claim for its immediate settlement, at least up to the date—15th May—at which was conveyed to me the decision on the Report of the Board who investigated the charge brought against me on the 31st January last. I do not desire to recapitulate the arguments I made use of in those communications, but must observe, whatever their worth at the time, they have acquired much additional force by the long delay there has since been.

The expectation expressed in Mr. Under Secretary Lane's letter of the 7th June, of the inquiry being shortly brought to a close, has not been realised; and I submit that, being as I am in no degree responsible for this unprecedented delay, the minutest fractional measure of justice demands that the question of salary should not longer either await or be held dependent on the decision to be yet pronounced whether I am to remain in the public service or otherwise.

I hope this matter will meet your early attention, and that the determination of the Government, whether it be a refusal or a grant of my claim, will be conveyed to me in clear and unmistakable terms.

I have, &c.,
JNO. BUCHANAN.

COLONIAL STOREKEEPER to COLONIAL TREASURER.

27 August, 1860.

SIR,

I have to acknowledge the receipt of your letter of the 22nd instant, apprising me that it is not considered necessary to reassemble the Board of Inquiry into the general management of the Colonial Store, to receive, as I had requested, my refutations and explanations, by oral and documentary evidence, of the conclusions set forth in their Report.

The allegation that I have had the fullest opportunity of knowing what was done, both by the Board in question and by the one which preceded it, while indisputable in the sense of a statement of a mere fact, is incorrect, if, under the words used, the meaning is intended to be conveyed that I had the opportunity of defence against charges before the second Board, and did not avail myself of it. Reference to the records of the opening sittings of the Board will confirm this statement.

The proceedings and objects of the two Boards have been so irregularly, and I must add, unfairly mingled, although different in kind and degree, that I feel I must briefly relate the circumstances connected with the case if I desire it to be clearly understood.

On the 31st January last, I was called on to answer a specific written charge, before a Board of Officers named by the Government. Their investigation failed to substantiate the charge; the Government gave an opinion that the Report was incomplete and inconclusive. Whether so or not, blame could not be attached to me.

In April a second Board, differently composed, took up a new and altogether distinct inquiry into the general management of the department. Their instructions were of the widest and most discursive character.

However, knowing themselves to be engaged only in an investigation to discover *prima facie* grounds for future charges (which grounds, if discovered, would be embodied in a Report), they of course promptly replied to a clear and distinct inquiry I addressed them at the outset, that I was "not under accusation," and therefore not on my defence.

Knowing now for the first time the nature of the new charges I am required to meet, I have sought the opportunity of bringing forward evidence on my behalf, and have asked for this Board as the tribunal to receive it. I complain of the refusal of this request, but I do not object to submit such evidence, both personal and documentary, for consideration by any properly constituted tribunal. On the contrary, relying on the good faith, honesty, and singlemindedness of the assurance given in the concluding paragraph of Mr. Under Secretary Lane's letter, that whatever evidence I can furnish "will be most carefully considered before a decision is given," and believing in the existence of no desire to stifle defence of any kind, I now apply for information whether it will be convenient for the Executive Council, and when, to receive the oral and documentary testimony I have before said I am prepared to produce?

I have, &c.,
JNO. BUCHANAN.

UNDER SECRETARY TO THE TREASURY to COLONIAL STOREKEEPER.

The Treasury, New South Wales,
29 August, 1860.

SIR,

I am directed by the Treasurer to acknowledge the receipt of your letters of the 25th and 27th instant, and to inform you that the question of payment of salary, for the period of your suspension from office, will be considered at the time when your case shall be brought before the Executive Council for final decision.

I

I am at the same time to refer you to the letter from this Office of the 9th instant, No. 882, conveying to you the resolution of the Executive Council, that you should be called upon to shew cause why you should not be dismissed from the Public Service, and to request your immediate attention to the same.

I have, &c.,
HENRY LANE,
Under Secretary.

COLONIAL STOREKEEPER to COLONIAL TREASURER.

31 August, 1860.

SIR,

As the last paragraph of Mr. Under Secretary Lane's letter of the 29th instant leaves me in doubt whether or not the opportunity will be allowed me of rebutting, by parole evidence (as well as written), the charges of faulty management now preferred against me, I beg, as a final effort to obtain such opportunity (which I have not before had), to state categorically some of the reasons why I hold that this request should be conceded, viz. :—

1. Because the inquiry before the second Board started with the express declaration that I was not under accusation. The Board's Minutes will confirm this assertion.

2. Because, having (in answer to my inquiry) been clearly apprised of the Board's opinion that I was not present to meet charges, I was thereby virtually denuded of the rights and privileges to which an accused person has ever been held, under British rule, to be entitled, viz. :—

The right of knowing his accuser.

The right of being acquainted of the charges alleged against him.

The right of cross-examination and of producing evidence.

3. Because the defects of system and management, responsibility for which I could not anticipate, and did not, until the appearance of the Board's Report, know would be held to attach to me, are in general such as the Government were fully cognizant of, and they have been either expressly or indirectly sanctioned, for some of the following reasons, viz. :—

The slight consequence the Legislature, even up to a late date (re-acting upon the Executive), was inclined to put upon the department.

The repeated refusals to grant proper assistance.

The casting upon the same individuals duties essentially antagonistic, and which ought to have been discharged by separate persons.

1. Because (taking the more salient points only of the Report), I am prepared to shew—

That the applying a check upon consumption never rested with me, and was beyond my power effectually to exercise.

That the duty lapsed through the Treasurer for the time being—Mr. Donaldson—refusing to allow of its discharge at the Treasury any longer—such refusal being unaccompanied by any instruction to me to assume the power thus abandoned, even were that possible.

That the system of survey condemned by the Board is in express conformity with written instructions from the Government. The inference, that the practical working of the department has thereby been thrown in the hands of juniors by myself, consequently, is untenable.

That the mode of accounting for stores by quantity (or the Ordnance plan) has never been the custom either before or during my tenure of office.

On the contrary, to account by *value* has been the Government order, framed upon considerations of which the Board have yet heard nothing.

That the whole of the supplies for the public service have never been exclusively obtained from England, and that no instruction is extant by which I was at any time directed so to procure them; consequently, there has been no failure of forethought in this respect, inasmuch as more has been imported than there is room properly to house.

That the alleged failure in one of the results expected to be secured by the establishment of a Colonial Store, viz., regularity in the delivery of stores, does not exist. Sir R. Bourke had in view regularity in delivery by contractors, not by importation. That this must be the case is palpable, when I state that it was not until many years after he had left, that anything whatever was purchased out of the Colony.

I am prepared to offer explanations on other points, but desiring to confine this letter within reasonable limits, I do not urge them, in the hope that sufficient cause is herein shewn why I should be permitted to produce, before some tribunal, evidence, both written and personal, in refutation of charges that had taken no shape, and had not even been communicated to me, before your Minute and the Board's Report were placed in my hands.

I have, &c.,
JNO. BUCHANAN.

UNDER

UNDER SECRETARY TO THE TREASURY to COLONIAL STOREKEEPER.

*The Treasury, New South Wales,
4 September, 1860.*

SIR,

In reply to your letter of the 31st of last month, I am directed to request that you will comply with the instructions contained in the Minute of the Executive Council. The Government will then be in a position to decide upon the course proper to be taken in your case.

I am also to point out, that if these instructions be not complied with without further delay, it will become the Treasurer's duty to submit to the Governor General and Executive Council whether a decision should not at once be arrived at, as it is necessary for the public interests that the Department should not be suffered to remain any longer in the state of disorganization disclosed by the recent investigations.

I have, &c.,
HENRY LANE,
Under Secretary.

COLONIAL STOREKEEPER to COLONIAL TREASURER.

15 September, 1860.

SIR,

The Report of the Board of Inquiry into the Colonial Storekeeper's Department having been printed, I beg to ask to be favored with a second copy of it. This would save me the trouble and delay of copying a lengthy document. My answer to it is now finished, and will be sent in immediately I can make a fair copy—probably not later than to-morrow.

I have, &c.,
JNO. BUCHANAN.

UNDER SECRETARY TO THE TREASURY to COLONIAL STOREKEEPER.

*The Treasury, New South Wales,
17 September, 1860.*

SIR,

In compliance with the request contained in your letter of the 15th instant (received this day), I am directed to enclose, herewith, a second copy of the Report of the Board of Inquiry into the conduct of the Colonial Storekeeper's Department.

I have, &c.,
HENRY LANE,
Under Secretary.

COLONIAL STOREKEEPER to COLONIAL TREASURER.

20 September, 1860.

SIR,

The tenor of the correspondence I have had the honor of holding with you since the receipt of your Under Secretary's letter of the 9th ultimo, (P. O. 882) puts past doubt the inflexible determination (tacit though it merely be) to prevent me submitting to the Executive Council, or even to any Board or tribunal whatever, the oral and documentary evidence I wished to bring forward in answer to your call to shew cause why I should not be dismissed from the Public Service.

I shall not venture to inquire whether this determination has its origin in the false position in which, by your Minute of the 28th July, the Government are placed. That injustice has been done me I distinctly assert; and, in proof of the assertion, I refer once more to the facts of the case.

Until the appearance of the Report of the Board of Inquiry into the management of the Colonial Store, and of your Minute, one charge only (that contained in Mr. Under Secretary Lane's letter of the 31st January) had been preferred against me. Both Boards failed to obtain evidence of any kind to support it; and the second Board plainly telling me my relationship to them was not that of an accused person. I confidently ask whether the construction is not a strained one, by which it is implied in your letter of the 22nd August, (941-445) that because I knew what the second Board did, therefore I must be aware what charges would be eliminated from the evidence adduced; even before they were warmed into life by the breath of the Treasury. The various derelictions brought forth in this way are (I quote the exact phrassology of the Minute of the Executive Council) "held to be proven by the Minute of the Treasurer," and this without my having had the opportunity of knowing, much less of answering, any of them.

It being predetermined that the observations of the Board on defects of system are to be construed as proven charges; that no opportunity of meeting them shall be allowed except by a simple written statement—a limitation that serves, whether intentionally or not, to stifle full defence; and the penalty being already virtually declared, I maintain that but a scant measure of justice is afforded in thus confining me to ground narrowed so ungenerously, and unnecessarily for any public interest.

I proceed now to reply to the Report (oral evidence, be it remembered, being debarred me), section by section, as numbered by the last Board.

1. The opening sentences of the said Report deal with the question who wrote the signature "James Staunton;" and this inquiry, it is avowed, the Board took up with the express motive of disengaging their own proceedings from the previous investigation. On the question of the signature, an opinion is given directly the reverse of that of the first Board. The support this diversity of judgment yields to the complaint I made of the unjust imputation (unjust, because unsupported by evidence) attempted to be fastened on me, with the motive, as I believe, of affording excuse for the initiatory steps of this inquiry, I, of course, feel as satisfactory.

Having traced the crossed cheques to Mr. Weston's account at the London Chartered Bank (and, what is omitted to be mentioned, to the same account the only one of the uncrossed, respecting which a question was asked of the Manager), the Board make a suggestion of means whereby they consider I might absolve myself from the suspicion (for to that only does it extend) of connection with the uncrossed cheques. In matters of this nature, I hold that the utmost candour and plain dealing ought to be the rule; that the nursing of suspicions, affording no glimpse of them to the person most interested in their avowal, and yet afterwards bringing them to the light in the shape of innuendo in a Report, is a tortuous and unworthy course.

Since the year 1843 I have never indulged in the luxury of a banking account; consequently the Board's suggestion that I should furnish a statement of it is thrown away, and the propriety of making a voluntary offer could not of itself occur to my mind.

Immediately I learned what was desired, I offered the only evidence possible to be procured, viz.,—that which a *thorough* investigation of Mr. Weston's private account from its commencement, might afford. He gave permission for this examination, as I stated in my letter to you of the 16th August, and, coupling this circumstance with the partial examination made without his consent, and, therefore, surreptitiously, I feel at a loss clearly to understand the motive for rejecting an open straightforward offer.

As regards the supply of paper tendered under the cognomen of "Staunton and Co.," and delivered ex "Walter Flood," I have to state that the necessity of purchasing was unexpected, and arose out of two circumstances, neither of which could have been foreseen, and, therefore, was beyond my control.

The unprecedented length of the last Session of Parliament, and the consequent increased consumption of paper for printing, was one. The other was the delay that occurred at the Treasury in despatching to England my demand for paper, pending the inquiries in town, instituted under your directions, and the calculations made to test the advantage supposed to exist either in buying the supply on the spot, or of importing through merchants instead of through the Commercial Agent. This knowledge I do not derive from an official source, for I was not even apprised of the inquiries being carried on, and much less took part in them. They are spoken of by Mr. McNab in his evidence before the first Board. Their effect was, that the supply of paper which failed in January would, with a less consumption, have lasted till March, in which month the Government's own stock for the year arrived from England; or, by the earlier transmission of the demand Home, the supply would have come out sooner. Under either of these events, purchases would not have been necessary; and the "appearance of contrivance," which the transaction is considered to wear, would have been useless. Inasmuch, however, as, since January last, it has been found impossible to satisfy, either in Sydney or Melbourne, the private demand for this particular kind of paper, Mr. Weston's importation may, despite the opinion of a Board not accustomed to weigh the reasons that govern trading transactions, have been a legitimate speculation, devoid of any eye to the public wants. Be that as it may—being the second in position in the department—his opportunity of knowing what those wants were was not so meagre as to need assistance of mine.

2. On this section I have little to observe, except to add that, small as the store accommodation was in 1837, its extent has since been curtailed, and is less at this moment than at any time previous, notwithstanding the enormously increased necessities of the service. No blame can be attached to me for omitting to represent this state of things. The notice of every Government was drawn to it without effect. Once, indeed, I did succeed in getting a vote for new storehouses; but when the proposal of spending the money was mooted, the intention was frustrated by the revival of an old suggestion to obtain the Commissariat premises in Lower George-street, and the vote lapsed.

It is now eleven years since the propriety of appropriating these buildings to meet the even then urgent want of a proper and commodious store was first discussed. The question has been the subject of reports and letters innumerable, from Boards, Heads of Departments, and Officers of all Services,—Military, Naval, Ordnance, Commissariat, and Colonial. Settlement is as far in the distance now as ever, for there has always been a disinclination to deal boldly with it. Mr. Donaldson's ardour in the cause, burning as it appeared when in opposition, was effectually quenched by a glimpse of the difficulties surrounding it. Mr. Campbell gave a look at the pile of papers in which the matter is embedded, and thought it best not to disentomb it. Nothing was done then or since.

3. I find myself under some difficulty in furnishing any answer to the observations in this section. I am not conscious of having expressed myself in any part of my evidence as feeling dissatisfaction from the period of my appointment in 1845. The dissatisfaction I gave vent to was at the gross and unwarrantable treatment with which this inquiry was initiated, and for a time was conducted. When I took charge, on the 1st January, 1845, all the assistance that could be given me was *one* clerk, instead of the *four* which both my predecessors had been allowed. Its inadequacy was so great that, to enable me barely to

keep

keep open the doors of the department, I had to procure additional assistance, *without expense to the Government*. A second clerk was at length paid for by the public. My opinion was often expressed in writing, as well as verbally, that to abolish the department at once would prove the only cure for the unsatisfactory condition in which it was maintained. At length, in 1852, through the impossibility of the preparation of certain accounts connected with the expenditure for stores continuing to rest with the Audit Office, which had taken the duty in Mr. Lithgow's time, as one of the expedients to afford me aid; and with the prospect of the payments for stores and the accounts they would involve being also cast on me, the clerical staff was at last made up to the number originally granted in 1837—some sixteen years before. I resisted as long as I could having aught to do with the public money, to touch which I had an instinctive horror. I sought to have an Audit Office Clerk appointed to manage the new duty; this was overruled, and Mr. Weston was appointed from another department over the heads of the clerks in my office—for I declined recommending any of them—and he took his place next to myself. To his hands all payments, and the entire cash transactions and accounts were committed—the second additional clerk being allowed to assist him. He became in reality, and was acknowledged to be, the *de facto* accountant and paymaster of the Department, and soon gave proofs of his efficiency. That I unduly and improperly threw on his shoulders a trust that I should have personally discharged, I deny; it was impossible that I could, under any circumstances, assume it—and, as the Government were well aware, I never did undertake it. Moreover, the system upon which I acted is precisely analogous to what exists at the Post Office, the Government Printing Office, the Railway Department, and the Treasury. In the whole of these, payments are made by some individual other than the head, who has no immediate personal concern with them. This division of duty is both necessary and inevitable. Had I taken away any cheque—ever made the payments myself—or departed at any time from a course of proceeding that has been uniform and consistent from the very commencement—I might have been fairly open to the remark, that I was inclined to attach “little importance to the most ordinary precaution for the disbursement of public moneys placed at my disposal for paying for the stores.” The change made at this time was hazardous and retrogressive—it shifted a responsibility from departments peculiarly constituted to bear the burden, into others less able; and I find myself describing it, in connection with a subsequent order to obtain payment in cash for whatever stores I issued to any department, as “sowing the public money broadcast.”

5. When I first read this section, I was somewhat startled to find in what prominent relief the Board have brought out several defects of system, and, by implication, laid the responsibility at my door solely. A little closer inquiry might have changed materially for the better the appearance of many things that are held to be proven faults of mine—have shown that a full share of blame justly rests elsewhere than with me—have saved me the necessity of exhibiting the superficial character of the Board's inquiry—and have left less apparent that some of the more important of their conclusions are based upon supposition and erroneous ideas, instead of upon evidence, and a thorough knowledge of the subject dealt with.

Inefficient check upon consumption of Stores:—

In the original instructions for the Storekeeper's guidance, it was ordered, in clear and distinct words, that all requisitions for stores were to be submitted for the Governor's approval. The shape in which this approval was conveyed was by the Governor's signature to each separate application. Sanction in this way continued to be afforded throughout the entire tenure of office of Sir R. Bourke and Sir Geo. Gipps—the latter especially watched most closely all requisitions; evidence of his attention yet remains in his own handwriting; in fact, he pruned and reduced them in a style that would astound the officials of these days. When Sir C. Fitzroy arrived, the duty was assumed by Mr. Deas Thomson, who likewise dealt with them in a very rigid manner; every demand, however trivial, passing under his review.

With the advent of Responsible Government the duty became the Treasurer's, and for a time was discharged by him; eventually it was handed over to the Under Secretary. He commenced with a high hand, soon found himself in dispute with Benches and others, who resisted his use of the pruning knife; and I surmise (for I cannot of course give it as fact) that, perceiving the prospective discomfort and annoyance of the position, took steps quietly to vacate it.

A batch of requisitions having, as usual, been sent by me to the Treasury for approval, they were packed back in the state they left me, with intimation that I was to send no more there. This instruction, given verbally by the then Treasurer (Mr. Donaldson) to one of my clerks, became thenceforward, without scratch of pen to justify or support me, my only authority for any issues I might make. That the instruction was not given to myself personally I now hold fortunate, though at the time I felt somewhat aggrieved at it. Evidence in consequence exists of the manner in which so important a change was effected, and that is of much value.

This business being thus summarily thrown on my shoulders, I soon found that neither my position nor my power enabled me sternly to discharge it; for, unfortunately, the very services needing the most rigid scrutiny were precisely those that were too strong for me; and my decision could not be final. The barrier, however, that this department has always been to inordinate demands, is one of the principal reasons for its unpopular character. That its check may not be so effectual as in past days I freely admit, but I have little apprehension that blame for this will, by those who are unprejudiced, impartial, and inclined to allow fair weight to the abandonment I have spoken of, be held to attach to me.

Inefficient

Inefficient survey:—

The Board say, that "practically the survey of the stores is left in the hands of the most subordinate and least responsible officers of the department;" that I am "called in only as referee when the foreman and fourth or junior clerk cannot themselves agree whether the stores are or are not according to pattern." Put in this bold shape, without a word of explanation how this mode of survey arose, or whether a different plan was possible, both points on which material information could have been afforded had a single pertinent question respecting them been asked, and the implication being that the practice is most reprehensible, and that I am responsible for its adoption, I could not expect a fuller illustration either of the general fallacies that pervade the report, or, on the other hand, the failure to acquire any certain knowledge or comprehension of the business of the department than is conveyed in the few words quoted above.

It is necessary to revert to the origin of the department to get a clear view of this matter. Sir R. Boucke, by Minute dated in March, 1837, ordered the appointment of a Clerk of Works from the Royal Engineer's Department (Mr. Browne) to act in the Storekeeper's Department as "Examiner of Stores." This officer did duty in that capacity till 1843, when, through the disallowance of his salary of £50 a year, he ceased further attendance; and no provision for the duty was made till 1846. By that time I had succeeded in getting the vote restored. The successor in the Royal Engineer's Department (Mr. Hanley) to the former Clerk of Works was then appointed Examiner. After serving a year or two, the vote was a second time struck off, and the officer ceased, as before, to attend. Once more the vote was restored, and another Engineer Clerk of Works—the gentleman being Mr. Coles, at present in the Colonial Architect's Department—was named for the post. He held it one year only, when the allowance was again lost, and this time in company with that for the messenger, and other petty reductions.

After this I discontinued further agitation for a paid independent Examiner—the repugnance to allow one had become chronic; but the question arose what should be done in the absence of an officer of this character. To assemble every day a Board of Officers to hold surveys on stores was deemed an impracticable and onerous plan. The Government at last adopted a suggestion of the Auditor General, and ordered the foreman of store-house to do duty as Examiner, and to sign all certificates of surveys. Such is the history of this the most subordinate officer's connection with the duty. Deeming it inexpedient to leave the business entirely in his hands, by a departmental regulation I caused the store clerk also to join in the survey, and reserved to myself the final passing of all stores. At this time the store clerk was Mr. Campbell, who happened to stand second in rotation (the first being the accountant, Mr. Weston), and he continued so to act without intermission till nearly the end of last year, consequently I had no higher officer to appoint; and the innuendo as to the employment in this branch of the work of "the most subordinate and least responsible officers" is pointless. This subject might, I think, be safely left without further remark. For the information, however, of any one who may read this statement, and from acquaintance with the English system of checks be qualified to judge how far I had attempted to introduce corresponding observances here, I may add that the storehousemen acted as "Viewers," the foreman and the store clerk as "Inspectors," and myself as "Superintendent." No single individual could by any effort pass through his hands the many thousands of items that are annually received. A better or more effective disposition of the means at my command was impossible; and without adopting the English plan in its entirety, and keeping up at a heavy cost a separate "Inspection Branch," there is but little hope of improvement. Whatever its defects, I claim for it superiority to any system in vogue elsewhere in the Colony.

Absence of forethought to anticipate wants of the service:—

This dereliction is considered to be evidenced by the fact that the purchases at Home were only one-third of the total purchases during 1859.

I will not stop to comment on the proportion given, for that is of minor import, but the Board themselves, I conceive, furnish in their remarks contained in the preceding section (No. 4) a strong antidote to this allegation. Their own observations prove that a much greater quantity of stores has been imported than there was room properly to house. I ask then what would have been the condition of things, and whether I would not have been exposed to a charge of improvidence, had the whole of the supplies for the public service been drawn from England (assuming for a moment that to be possible), instead of a third only? Are not the difficulties growing out of the admitted want of commodious store accommodation, space for packing, and enough manual labor even sufficient to excuse this dereliction, were it one at all? That it is not mine, sir, you must be well aware, for I cannot think that the recollection of my memorandums of the 11th April and 22nd August, 1859, the substance of which you reproduced at an early subsequent date in a speech in Parliament, has vanished. I informed you in the first of these papers that the only class of stores which I held orders to import regularly was stationery. If you were then of opinion I ought to have imported everything, may I be permitted to remark, no such order was given. Even the limited order that existed was practically modified, and its fulfilment somewhat shifted from me, by the late custom of the Treasury to send requisitions to England unknown to me (and therefore clashing with my demands), for fancy stationery for certain departments, because the supplies I procured from the Stationery Office, being of the homely quality used by all the British Departments, was not deemed good enough for particular services here.

On my own motion, I have been accustomed to procure regularly from England—latterly I confess with some misgivings—clothing for the police and for convicts, arms, ammunition, accoutrements, and a few special items, for the reason that I had experienced the difficulty

of procuring them of proper quality in the Colony. By doing this much I evoked a considerable amount of odium and opposition. That members even of the Government itself were not disposed to look favorably upon the plan, partially only as it was in operation. I refer for proof to the *Herald* of the 4th February, 1859, and to the reports it gives of speeches made by yourself and your honorable colleague, Mr. Cowper. (*Extract appended.*) It is unquestionable that the importations actually made surpassed my means properly to store and attend to. I deny the existence of any instruction, implied or direct, by which purchase was ordered to be confined to England, and challenge its production. I appeal to any person whose experience qualifies him to judge, for an opinion, whether it is possible for the knowledge to be centered in any single individual that would be requisite to keep a store of so general and widely varied a character efficiently supplied beforehand with *everything* required for the public service. Nothing I have hitherto said has any reference to financial considerations. I now add that the Government failed even to provide funds for importations. That, I presume, can scarcely be set down as a dereliction for which I am amenable. I reported on the want of such means; suggested a course by which alone could the difficulty be properly met; and pointed out in unmistakable terms the illegality of the practice in force.

I am aware that by some subtle plan of book-keeping, afterwards introduced, it was held that this difficulty had been surmounted. However, if annual pre-appropriation by Parliament, out of the Consolidated Revenue, be not a delusion, I think the application of unvoted moneys from that fund, as remittances Home—to cover which votes may or may not be granted twelve or fifteen months subsequently—is a clear misappropriation, whether disbursed for stores, for salaries, or for any other purpose, however apparently expedient. In the case of stores, the plea of sudden emergency even is not available.

Unsatisfactory mode of accounting for stores:—

The system in operation is characterised as loose, and altogether unsatisfactory. Deferring for a moment opinion on that question, the condemnation, I may at once observe, brings within its scope a Committee of Council, upon whose recommendation it was adopted. The system of accounting by quantity is the plan followed by the British Government; it demands great care and attention, is tedious and laborious, but simple and accurate; its use in England is facilitated by the discarding of all reference to the value and cost of the stores comprehended in the account. Indeed, information on these points is not possessed by or considered necessary for store officers; and the great votes of the Imperial Parliament are shaped so as to avoid any necessity of this sort. No attempt is made to determine the exact money expenditure for stores by any particular ship, regiment, or department. Analogous to the accurate book accounts kept by tradesmen against their customers, an account only of the stores received and issued is substituted. An account in this shape is one which mercantile men never keep. Every officer who draws stores has to account to the Central Store Office in London for each article of such supplies. The minuteness of detail, trouble, and expense of this system are inconceivable, except by those who have witnessed it in operation. Nevertheless it is the only one by which the exact disposition of every item of the public property can be traced.

When an issue is made the store officer reports it, and credits himself in his ledger. The officer who draws the stores also reports, and charges himself in *his* account. Vouchers of delivery and receipt are interchanged in each case. Comparison at the central check office proves the correspondence of the charge and discharge. The exact reverse of this operation occurs when the storekeeper receives goods. Sight is never lost of stores, into whose hands soever they may go. With every change of officers a formal transfer of property is made, and inventories pass. These are sent to the check office, are there tested with the records, and entries made against the proper individual. In this Colony issues from the stores are treated as final. No question or inquiry thereafter arises about them. These circumstances were all brought under Mr. Donaldson's notice, a store ledger brought forward, and its working explained. Taking into consideration the impossibility, in this Colony, while votes are split into such fragmentary sums—of dispensing with vote accounts for stores—the wide area over which issues are spread—and the constantly shifting condition of circumstances and of officers, he deemed it most consonant with the present requirements of the Colony to have an attempt made to keep a store account by the means of fixed and unvarying values. Stores were to be received and issued at a uniform price, irrespective of actual cost; and the balance struck between the aggregate amount of receipts and aggregate amount of issues would form the remain. In conformity with this plan I have proceeded of late years. The Board say it is "loose and unsatisfactory." Be its defects what they may, having been adopted under competent authority, I plead irresponsibility.

System of promotion:—

One rule has always governed me in this matter. As the guardian to some extent of the interests of those serving under me, whatever influence I possessed has at all times been used to promote from the lower branches of the department to the better posts when opportunity served. I have advanced thereby neither friend, connexion, nor acquaintance; for all alike were perfect strangers on their first entry.

As to the possibility of petty peculation, it is in some degree inseparable from every establishment in which either money, securities, stores, or portable property of any kind forms the charge; and no system of accounting has ever yet been found effectual to guard against it. We have witnessed its perpetration to a considerable extent more than once even in the Treasury of the country; although that is a proved fact, it would be grossly unjust and unpardonable to breathe the insinuation of its continued existence there. Why then

then should the possibility of a practice, that at the utmost could prevail only to a trifling extent, be covertly whispered against my unfortunate subordinates upon mere conjecture? At this part of the report the hypothesis is again advanced, that the practical working of the department has been thrown upon subordinates. This time no specific instance or custom is adduced as evidencing what is meant; and I have, therefore, only a shadow to contend with. If the allegation be merely a *rechauffée* of the one produced in an earlier passage, I have shewn that I hold written authority from the Government for what is condemned; if new, its indefinite nature leaves open to me only the general but unequivocal contradiction of there being any evidence to support it.

Evidence of irregularity in furnishing supplies:—

It is considered to be shewn that the department has failed to substitute regularity for irregularity in the delivery of stores, by the circumstance that two-thirds (the proportion is open to question, but I pass that by) of the supplies for 1859 having been purchased in the Colony. This assumption is evidently founded on the idea that the regularity referred to in Sir Richard Bourke's Minute as a leading object in instituting the department was regularity of importation from England. The setting forth of elicited facts, rather than the hazarding of crude and hastily formed conclusions, unsupported by evidence, and so unsubstantial as to require to be qualified by an "if," would have been a fairer course to have pursued. Sir Richard Bourke never contemplated the possibility even of importation from the Mother Country by the Department; regularity in delivery by contractors was the object he desired to secure. It was not until very many years after his departure that any purchases were made out of the Colony—not in fact before the latter part of Sir Geo. Gipps's administration, and then but to a very limited extent. Purchase in the Colony has always been the rule—importation (for the reasons, and in the cases I have cited) the exception. The assumed failure is a vision altogether unsupported by evidence.

6. I pass this section over, it refers to future arrangements, and, therefore, demands no observation of mine, as I have only to deal with the past.

7. The substance of the regulation made at the time the payments were cast upon mine (in common with other departments) is not stated in full. The intervention of clerks was not confined to the filling in and entering only of cheques. Orders in my case at least were given for all cheques to be initialled by, and for the cheque book itself to remain constantly in the custody of, a clerk to be deputed for the purpose. Seeing, therefore, as I have already described, that the first clerk had been promoted to that grade from another office, expressly to take charge of and conduct the cash accounts, the duty clearly appertained to him. The Board say the regulation was instituted as well for my protection as for that of the Government. I take leave to dissent from the assertion. Protection for the public interest alone was in view, and that I think was sufficient. To guard against the possibility of the officer who might sign cheques misappropriating them, was, doubtless, the object of the rule. Its observance, both in spirit and letter, has been mine. Beyond appending my name at their foot, after satisfying myself they had been properly drawn, I left the matter in the hands of the proper officer, with whose responsibility I could not interfere without cause. By himself, or the clerk under him, were all payments made and witnessed. In no single instance was the duty ever performed by me. By doing so, the well understood intention to interpose a barrier to so objectionable a practice would have been violated, and, without doubt, have drawn down reprehension. The not doing so is held equally blameable. Either horn of a dilemma serves to impale. However, so well understood was the custom, that the new accountant, when unexpectedly questioned by the Board, at once avowed the descent of this responsibility to himself.

The observation as to payments by uncrossed as well as crossed cheques may be met with the reply that many persons will not, for obvious reasons, accept a crossed cheque. No certain or invariable rule on the matter ever prevailed. The determination either way was settled by the circumstances of the moment.

8. Nothing not met by the answers to preceding sections is advanced by the Board in this one, it is therefore passed over without comment.

9. The consideration whether the staff of the department is adequate, or the reverse, depends wholly on the meaning intended by the words "right principles;" if the precise construction be that the detailed account of quantities after the Ordnance plan should be followed, I reply that the only evidence taken on the point, disproves the assertion that the aid was sufficient under such a system. At the Board's own invitation, a gentleman, Mr. Wilkinson, who has been engaged all his life in working that system, stated in answer to the questions addressed him, that at a large English Station, with less demands to meet, and certainly with no greater variety of stores on hand, two clerks were engaged on the store ledger alone. Four is the number allowed here, one-half of whom are employed on the cash accounts; if the remaining two were employed on a ledger none would remain for the other numerous undescribed general duties.

10. The apparent difference in the evidence given by the officers of the department is to be explained thus:—

The duties admitted of a very obvious and clear division. One branch took the accounts and money transactions, half of the staff being assigned to that business. Neither of the clerks who had been engaged in it were examined before the second Board, owing to both having vacated their appointments. The other half took the store branch. These gentlemen, however, spoke and gave evidence in a dual capacity, referring, when the questions demanded it, to their work in the branch they had been formerly engaged on, and then answering in like manner questions touching duty in their present branch. This circumstance has been forgotten, or else never caught up. It affords, however, the only explanation of

of the otherwise unintelligible quality of their evidence in differing "not only from each other but also from themselves."

11. The expense of maintaining the department is next treated of, and some curious calculations of its cost are produced, at the root of which lie the most transparent fallacies. The vote for salaries and contingencies is quoted at £4,000. There is nothing positively false in the figures, but inasmuch as they comprehend such sums as £1,000 for land and water transport, £500 for rental of warehouse, £100 packing expenses—all of them charges not possible to be avoided under any system, the unfairness of the impression sought to be conveyed is undeniable. Let the character of this impression be what it may, the succeeding idea is pre-eminently absurd. Because the value of the stores in dépôt is estimated at £90,000, interest on this sum at 6 per cent. (one per cent. by the way above the Debenture rate) is set down as an item in the maintenance of the department. Of the value quoted, one-half is for warlike stores proper, without a dépôt of which not a gun could be fired, or a man armed. And here for a moment I will stop and lay claim to some credit for forethought in this matter if denied me in others. On my representation to Sir C. Fitz Roy this dépôt was formed; the nature, quality, and proportion of stores were settled in full detail by myself. Their utility is best proved by the heavy call on them for service at New Zealand, owing to the entire absence of munitions of a proper description in the military store. But I never anticipated the interest of the outlay being treated as an item of my department's expense, or brought forward as an instance of the extravagant working of it, instead of as the price the country must pay for the material means of defence. The remaining moiety, to a large amount, is composed of goods which the department merely holds (in transit, I may describe it) for other services—not for issue in detail. Why it should be held liable to interest on their cost is inconceivable.

In the remaining paragraphs nothing occurs calling for observation of mine. They are confined to recommendations with which I have no present concern. Those points in the Report that possess personal interest, through the assertions they set out, have been answered. It would have been less embarrassing, and less troublesome to me, to have cleared them up by *visa voce* evidence.

The refusal to reassemble the Board has compelled me to commit to writing observations that might have been fuller and clearer, had they been made orally. The aspect of discontent, which it will be considered they wear, might also have been softened. That I feel such, I avow; and the feeling has its root,—not in the manner in which evidence was taken, or even in its nature, but in the fact of its being left so uncertain and incomplete, as to permit the Board only to "see through a glass darkly."

I have, &c.,
JNO. BUCHANAN.

EXTRACT from Sydney Morning Herald of 4th February, 1859.

Mr. Weekes did not see the object of honorable members starting up, one after another, and objecting to items without giving a reason for opposition. There was one great objection, indeed, with respect to the manner in which stationery was supplied. The supply was not open to contract, but was drawn from England, and the very worst quality was always furnished. He would like to see the supply of stationery, and all other supplies, open to competition in the Colony.

Mr. Cooper explained that a large proportion of this sum was to meet the cost of printing, and the business had, in this respect, so increased of late, that it was no surprise that the sum was large. With respect to the objection taken by Mr. Weekes, he might say that he himself had long since turned his attention to the subject, and he would be glad to see all Colonial supplies open to public competition.

Mr. Weekes complained of the practice of applying to England for everything they wanted; while, if they looked to the sister Colony of Victoria, they would find that all Government supplies was open to the public competition of the Colonists. He might remark that even the Government Domain gates had been imported from England, while they had foundries in the city capable of turning out as good work as any that could be procured from the mother country.

Mr. Cooper explained that it was his desire to leave everything open to public competition that could be furnished here. With respect to the sum of £4,084, he was willing to withdraw it from the estimate.

COLONIAL STOREKEEPER to COLONIAL TREASURER.

21 September, 1860.

SIR,

A copy of your Minute of the 28th July having been transmitted to me, attached to the Report on my department, with the view, I presume, of making me aware of the charges that you have deduced out of the Board's observations, I proceed to reply, believing an answer is required. I rest, however, under a very great disadvantage, in consequence of the opinion which, though being one of my judges, and having before you only the imperfect data for judgment that one side of the case affords, you have expressed (may I be permitted to say, prematurely) that defence is not, in your belief, possible.

2. The Minute states that, to your mind, grave charges against the general administration of the Colonial Store Department have been most conclusively proved. May I venture to inquire what these charges were; and when were they communicated to me? Certainly I never received intimation of any charges of this kind. It may possibly be meant that charges indirectly spring out of the observations made by the Board. I have acted on this idea; and in another letter, of yesterday's date, answered those observations,

as

as fully as the confinement to a written statement will allow. While this answer cannot serve to recall a foregone condemnation, I hope it will be allowed fair weight in averting its effects.

3. The Minute holds it has been established that I had knowledge of Mr. Weston's being engaged in tendering for the public supplies under a feigned name. The only accusation I have yet been called on to rebut is, that such supplies were tendered for by myself in conjunction with Mr. Weston. The deliverance of the Board to whom the inquiry was remitted reads thus:—"The evidence has not established complicity or connivance, on the part of Mr. Buchanan, with those acts of Mr. Weston." Suspicion is then expressed (though very dubiously), because four letters' "a-m-c-s," are thought to bear some resemblance to my handwriting. The second Board deal with this suspicion, and say the handwriting is *not mine*. Taking the opinion on this untenable suspicion, in conjunction with the otherwise clear deliverance given by the Board appointed to try the special charge, acquittal has, I maintain, in reality been pronounced. Moreover, in acquitting me of complicity or connivance terms which comprehend knowledge—I am relieved of the latter implication also.

4. My ignorance of the transactions being assumed, escape is nevertheless barred, because I am held "scarcely less culpable" for not discovering them, as their occurrence "formed the common topic of conversation among the subordinates of the department."

Mr. Jones' is the only evidence on this point. He is a brother of the person who was secretly instrumental in getting the charge preferred. His family, I believe, consider (without truth) that I was the obstacle to another brother's appointment to the department. A promise of this kind, their mother informed me, had been given her by your honorable colleague, Mr. Cowper. By reason of a sudden change of Ministry it could not be redeemed. The failure of success with the new Minister, I understand, is laid at my door, and a grievance is thereby established. Mr. Jones speaks of one occasion only when he commented on these irregularities; and his utterances are described as uncertain. However, whether clear or indistinct, he confesses they did not occur in my hearing, and that neither then nor at any other time did he make any report to me.

4. In reference to the doubt that "may be expressed whether, as regards these supplies, the interest of the public service was not made subservient to that of Mr. Weston," I should have been glad to have had the nature of the subservience clearly stated. On the first and only occasion, a private tender, dated from Melbourne, of certain stores—all at prices much lower than it had ever been possible to purchase for before, and some of the articles of a kind that could never previously be procured—was accepted, under those special circumstances, and the articles were constantly in request, instead of there being "apparently no necessity for them."

5. The next allegation is, that "in some instances, it appears, no record of receipt of goods was made in the books at the store." If not, the record was duly kept in the office immediately adjoining, and that was the proper place. This record is a notation of the date of receipt opposite the item mentioned in the book copy of the order given for it. The witness referred to (Mr. Garnett) says this note may (he does not speak positively), at times, have been made from "memory," for the pressure of numerous simultaneous deliveries might have prevented its being made, in every case, on the instant. I see no evil or ill arising out of this. The articles were present to confirm "memory"—even though the "order" itself, from which the note on the office copy would ordinarily be made, had, to prevent delay probably, been given back to the contractor or his servant. The first Board had this matter under notice, saw by examples how the method worked, and found no fault with its operation.

6. The evidence of another witness (Mr. Jones), the clerk formerly belonging to the accountant's branch, discloses dissatisfaction, because he considered his particular duty (how the duty became his to the exclusion of all besides he does not explain) had been interfered with, in accounts having been checked and examined by the accountant himself. If, as is asserted, "Staunton's" bills were, in several cases, not examined at all, the circumstance can easily be put to the proof. The accounts are all attached to the report of the first Board, and with them will be found all the schedules, original tenders, and other documents. Not having the means of examination myself, I would ask those who can make it, are not the computations correct? Do not the prices correspond with the public tenders approved by the Government? These questions, I assert, can be answered only in the affirmative. Where, then, is the truth, what the object, of this witness's assertion that these accounts "were never examined at all?" The Auditor General had them before him, in his capacity as such, and again as Chairman of the first Board; the fair inference is, that, if faulty, he would have long since said so. Again, as respects the witnessing of the payment: if the regulation has not been complied with, the vouchers will shew the neglect on their face. Unless this observance had been attended to, the documents could not have passed review at the Audit Office, and would infallibly have been sent back.

Seeing that these proceedings were all in the ordinary regular course—that means were carefully taken, by the aid of agents, to prevent easy detection of deception—that utter failure has attended the resolute efforts, in various quarters, to fix me with complicity—I have no reason to attempt to shelter myself by the repudiation of fair responsibility.

7. I have endeavored, in my answer to the Report of the second Board, to explain the grounds upon which I hold myself absolved from practical responsibility for the payments. It must be unnecessary to repeat them. I will only add that Mr. Weston's nomination as chief clerk and accountant had that express object in view. If not to relieve me of this responsibility, in the same way as the heads in other departments similarly circumstanced, no reason can be assigned for introducing him as senior clerk into a department with the old duties of which he had no acquaintance,

acquaintance, and was less able to discharge than those clerks previously belonging to it, over whose heads he took precedence.

8. I mark one omission of moment in a quotation made from the second Report. The Board are precise in describing the indifference they consider to have prevailed in regard to payments; their words are—"by uncrossed as well as crossed cheques." There can be no reason to stray from this exact meaning, and having already explained why the practice is inevitable, it is needless I should say more.

9. I cannot perceive what further precautions could have been taken in the disbursement of the public moneys than has prevailed. The Board say I ought never to have been burdened with the payments. I demurred to their imposition as long as possible. Unless I had taken on myself to make them personally, in violation of the regulation, and of the practice in all departments where, as in mine, they are numerous, greater care could not have been used. A condemnation of the system is easily uttered, but I cannot suffer it to be supposed that a single instance is adduced of any ill that has really happened. There is no creditor pressing on the Government claims unsatisfied by the department! There has never been any complaint by contractors of delay or difficulty in obtaining payment! There is no arrear! There are no moneys unaccounted for! These are results which do not support the imputation of absence of vigilance, and they offer a fair counterpoise to an imaginary undescribed want of precaution.

10. Repetition must be needless of the refutations given in my letter of yesterday's date, of my supposed short-comings in respect to "excessive consumption," "survey of stores," "working of the department," "importation from England." That misapprehension prevails on all these subjects is manifest, and it would not have arisen, had the second Board's functions been less desultory, and my position in relation to them been defined.

11. I now find myself at the end of twenty-one years' service, passed under every Government without a complaint of any kind—during which time the great and sudden fluctuations in the department often placed me in trying positions—arraigned on a serious charge, the first breath of which reaches me in the shape of instant suspension. No preliminary inquiry made—no accuser produced—no *prima facie* grounds for the harsh and unprecedented proceeding assigned—police are placed in charge of the public store—the premises shut—all books and papers, private as well as public, seized, taped, and sealed up; like precaution taken even with the outer doors of the building. These proceedings are not only superintended, but are carried out, by the proper hands of the officers composing the very Board named to try the accusation. With the bias that this active participation always creates, and sitting as prosecutors as well as judges, their power of directing evidence to any wished for end was immense—its unfair exercise I complained of. Their Report being produced, its gravamen lies in the enunciation of a "suspicion."

A second Board is named. They are not hampered by having a specific accusation to deal with. Unlimited powers of inquiry are theirs. Bounds, they are expressly told, are not set them; but as accusations have to be searched for, none could be remitted for inquiry. Proceeding with the investigation, they strike from under the first Board the grounds of suspicion which had been adduced. Comments made by them under these peculiar circumstances on general matters become the foundation for charges of defective administration. Repeated but ineffectual efforts are made by me to be permitted the opportunity of meeting the said charges, before the Board—before the Executive Council—before any tribunal whatever. I strive to discover the principle on which this refusal is made, and fail. Moreover, I have been subjected to the stoppage of the whole of my salary for nearly eight months; I have represented the hardship of this position without avail.

If, sir, all these degrading, oppressive, and unjust measures meet your approval, and are adopted as your own, I trust, nevertheless, that if circumstances ever make you a victim, you will meet with treatment more in accordance with the spirit of British justice.

I have, &c.,

JNO. BUCHANAN.

PROCEEDINGS of the Executive Council, on the 1st October, 1860, relative to certain charges preferred against Mr. John Buchanan, Colonial Storekeeper.

Minute No. 60-42. Confirmed 11th October, 1860.

REFERRING to the proceedings on the 31st July last, when the Council advised that Mr. John Buchanan, the Colonial Storekeeper, should be called upon to shew cause why he should not be dismissed from the Public Service, by reason of certain derelictions of duty charged against him in a Minute endorsed by the Colonial Treasurer upon the Report of the Board which has recently inquired into the general management of the Department, His Excellency the Governor General lays before the Council two letters from Mr. Buchanan having reference to the matter, and dated respectively the 20th and 21st of September.

In the first of these letters Mr. Buchanan notices, section by section, the Report of the Board in so far as it affects himself, and in the second deals with the Minute of the Honorable the Treasurer, which, as above stated, contains the charges he was called upon to answer.

In

In this latter letter Mr. Buchanan expresses some doubt as to what the charges are, and when they were communicated to him, but nevertheless in either one letter or the other he comments upon and replies to the several accusations set forth in the Minute of the Treasurer; and the Council having carefully considered the explanations offered by him in reference to each, regret that they can only regard them as altogether unsatisfactory, and as failing completely to relieve him either of the imputation of having been cognizant of the improper practices of the late chief clerk, and to that extent a participator in them, or of the charges of gross neglect of duty, and maladministration of the important department of which he was the head.

Under these circumstances the Council, agreeing with the Honorable the Treasurer that it is impossible to retain Mr. Buchanan in his present position, or in any other where fidelity and the usual qualifications of the Head of a Department are essential, advise that he be now dismissed from the Public Service.

EDWARD C. MEREWETHER,

Clerk of the Council.

Approved—

W. D.,
12 Oct., 1860.

No. 60-825.

1861.

Legislative Assembly.
NEW SOUTH WALES.

STATISTICAL VIEW OF THE PROGRESS OF THE COLONY OF NEW SOUTH WALES.
(FROM THE YEAR 1855 TO 1859, INCLUSIVE.)

Ordered by the Legislative Assembly to be Printed, 18 January, 1861.

YEAR.	POPULATION.	BIRTHS.	MARRIAGES.	DEATHS.	SCHOOLS.		CONVICTIONS.	MILLS, &c.	MANUFACTORIES, WORKS, &c.	NO. OF ACRES OF LAND UNDER CULTIVATION.	LIVE STOCK.				COAL RAISED. Quantity.	LAND SALES. Amount realized	SHIPPING.				EXPORT OF—				REVENUE.	EXPENDITURE.	GOLD PRODUCED AT THE GOLD FIELDS.	YEAR.						
					No. of Schools.	No. of Scholars.					Horses.	Horned Cattle.	Sheep.	Pigs.			Inwards.		Outwards.		Wool	Tallow & Lard.	Oil, &c.	Coal.					VALUE OF TOTAL IMPORTS.	VALUE OF TOTAL EXPORTS.	REVENUE.	EXPENDITURE.	GOLD PRODUCED AT THE GOLD FIELDS.	YEAR.
																	No. of Vessels.	Tonnage.	No. of Vessels.	Tonnage.														
1855	277,579	10,344	2,765	4,022	476	27,243	526	147	224	171,100½	158,159	1,858,407	8,602,499	68,091	Tons. 137,076	£ 270,636	1,152	353,323	1,185	362,482	17,671,684	57,925	Sperm & Black. 249½ tons.	61,484	4,668,519	2,884,130	1,660,710	1,675,024	£ 654,594	1855				
1856	286,873	10,097	2,778	4,203	565	29,426	461	154	278	186,033½	168,929	2,023,418	7,736,323	105,998	189,960	245,555	1,143	321,679	1,219	336,113	19,200,341	77,314	335	84,086	5,460,971	3,480,880	1,986,553	1,835,134	£ 689,174	1856				
1857	305,487	12,501	2,902	4,846	550	29,236	395	157	261	184,513½	180,053	2,148,664	8,139,162	109,166	210,434	210,333	1,100	351,413	1,204	377,147	17,044,201	37,574	397	96,457	6,729,408	4,011,952	1,531,137	1,543,325	£ 674,477	1857				
1858	342,062	13,802	2,992	5,883	653	33,236	415	169	295	223,295½	200,713	2,110,604	7,581,762	92,843	216,397	240,633	1,141	348,984	1,154	366,925	13,553,835	29,085	1,438 casks & 3,024 galls.	113,649	6,059,366	4,186,277	1,456,451	1,570,566	£ 1,104,174	1858				
1859*	336,572	14,415	3,295	5,642	739	32,840	406	177	550	247,542½	214,684	2,190,976	5,162,671	119,701	308,213	252,627	1,250	363,121	1,299	387,015	16,988,016	17,376	470½ tons; also, Dugong, 86½ galls.; Seal, 26 galls.	173,935	6,597,053	4,768,049	2,339,490	1,858,166	£ 1,259,127	1859				
1860†																															†1860			
TOTAL.....	1,548,573	61,159	14,732	24,596	2,983	151,981	2,203	804	1,608	1,012,485½	922,538	10,332,069	37,222,417	495,799	1,062,080	1,219,734	5,756	1,738,520	6,061	1,829,682	84,458,077	218,674	.....	529,611	29,515,317	19,281,288	8,974,341	8,482,218	£ 4,381,546	TOTAL			
MEAN.....	309,714	12,232	2,946	4,919	597	30,396	441	161	322	202,497	184,508	2,066,414	7,444,483	99,159	212,416	243,957	1,157	347,704	1,212	365,936	16,891,615	43,735	.....	105,922	5,903,063	3,866,258	1,794,868	1,696,444	£ 876,309	MEAN.			
MEAN OF PREVIOUS FIVE YEARS, 1855 to 1859.....	230,666	8,820	2,449	3,654	453	25,001	601	152	154	150,755	132,170	1,547,848	8,847,592	68,070	83,936	161,499	871	259,672	878	265,972	15,192,248	101,105	.....	39,144	3,573,233	3,474,799	805,834	686,157	.....	Mean of previous 5 years, 55 to 59.		

* The Statistics of 1859 are exclusive of the Colony of Queensland.

† No information in the Office, as yet, that will supply the particulars for this Year.

1861.

Legislative Assembly.

NEW SOUTH WALES.

ESTIMATES FOR 1860-61.

(EXPLANATORY MEMORANDUM.)

Ordered by the Legislative Assembly to be Printed, 16 January, 1861.

W. DENISON,
Governor General.

Message No. 3.

In compliance with the 54th clause of the Constitution Act, and in accordance with his Opening Speech, the Governor General invites the Legislative Assembly to make provision for the Public Service, agreeably to the Supplementary Estimates for 1860, and the Estimates for 1861, which were submitted and partly voted during the last Session of Parliament, with such modifications as are explained in the Memorandum which accompanies the copies of these Estimates herewith transmitted.

*Government House,
Sydney, 16th January, 1861.*

MEMORANDUM Explanatory of the ALTERATIONS proposed to be made in the ESTIMATES OF EXPENDITURE for 1861, which were laid before the Legislative Assembly, on 12th October, 1860.

No. I.—SCHEDULES.			
SCHEDULE B.			
Amount of Original Estimate	...	...	3,355 17 1
<i>Pensions.</i>			
F. Garling, late Landing Surveyor, Customs, from 10th May, 1859, at £57 8s. 4d per annum	...	151 14 5	
David Nash, late Warehousekeeper, Customs, from 10th May, 1859, at £40 12s. 6d. per annum	...	107 7 0	
F. Bramwell, late Landing Waiter, Customs, from 10th May, 1859, at £25 3s. per annum	...	66 9 2	
Thomas Stewart, late Senior Inspector of Distilleries, from 1st November, 1860, at £104 15s. 3d. per annum	...	122 4 5	
James Collier, late Tide Surveyor, Customs, at £96 14s. 6d. per annum	...	96 14 6	
		544 9 6	3,900 6 7
No. II.—EXECUTIVE AND LEGISLATIVE.			
Amount of Original Estimate	...	...	18,606 0 0
LEGISLATIVE ASSEMBLY.			
Extra Messengers for two months, at £137 each	4	91 13 4	
LEGISLATIVE COUNCIL AND ASSEMBLY.			
Assistant Librarian	...	300 0 0	
		391 13 4	18,997 13 4
No. IV.—ADMINISTRATION OF JUSTICE.			
Amount of Original Estimate...	...	...	55,060 0 0
LAW OFFICERS OF THE CROWN.			
Clerk, from £200 to £250	...	50 0 0	
Assistant Clerk, from 10s. per diem to £200 per annum	...	17 0 0	
Additional Clerk	...	150 0 0	
Messenger, from £104 to £120	...	16 0 0	
		233 0 0	55,293 0 0
No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.			
Amount of Original Estimate	...	...	238,786 0 0
CUSTOMS.			
Rent of Custom House, Grafton	...	...	20 0 0
POST OFFICE.			
Additional Mail Guards, at £200	...	2 400 0 0	
Country Postmasters, further sum	...	500 0 0	
		900 0 0	
CONVEYANCE OF MAILS.			
Within and beyond the Settled Districts, further sum	...	...	2,670 0 0
HARBORS, LIGHT HOUSES, AND PILOT DEPARTMENT.			
<i>Boatmen.</i>			
One man additional	...	...	96 0 0
MISCELLANEOUS.			
To meet the Expenses of carrying on the Coast Survey northward of Port Stephens	...	...	1,500 0 0
			243,972 0 0
No. VIII.—AUDITOR GENERAL.			
Amount of Original Estimate...	...	...	4,992 0 0
AUDITOR GENERAL.			
Additional Clerk, for six months, at the rate of £250 per annum, to assist in the preparation of a Return ordered by the Legislative Assembly	...	...	125 0 0
			5,117 0 0

1861.

Legislative Assembly.
NEW SOUTH WALES.

ADDITIONAL SUPPLEMENTARY ESTIMATE FOR 1860.

Ordered by the Legislative Assembly to be Printed, 28 March, 1861.

JOHN YOUNG,
Administrator of the Government.

Message No. 3.

In compliance with the 54th Clause of the Constitution Act, the Administrator of the Government submits for the consideration of the Legislative Assembly an additional Supplementary Estimate of Expenditure for the year 1860.

*Government House,
Sydney, 28th March, 1861.*

ADDITIONAL SUPPLEMENTARY ESTIMATE FOR 1860.

No. III.—CHIEF SECRETARY.		
PROTESTANT ORPHAN SCHOOL.		
Fuel and Light, further sum		50 0 0
POLICE, GENERAL SERVICE.		
Deficiency in amount voted for 1859 and 1860... ..		930 0 0
PARRAMATTA GAOL.		
Additional Turnkeys, at 6s. 6d. per diem, from 1 November, 2		39 13 0
MAITLAND GAOL.		
Deficiency in amount voted for Medical Comforts, and Incidental Expenses		66 11 9
TAMWORTH GAOL.		
Turnkey, at 5s. 6d. per diem, from 17 December		4 2 6
PENAL ESTABLISHMENT, COCKATOO ISLAND.		
Police Guard, from 6 April		1,860 15 0
LUNATIC ASYLUM, TARBAN.		
Deficiency in amount voted for Contingencies		846 16 11
LUNATIC ASYLUM, PARRAMATTA.		
Deficiency in amount voted for Provisions and Medical Comforts, and for other Contingencies		589 11 11
MILITARY.		
Lodging allowance to Deputy Assistant Commissary General, April to June, 1860	37 3 2	
Allowance in lieu of Stabling and Forage to Senior Commissariat Officer, at 4s. per diem, from 1 November	12 4 0	49 7 2
CHARITABLE ALLOWANCES.		
For support of Paupers in Colonial Hospitals, further sum ...	1,026 19 8	
For the erection of an Hospital at Kiandra	200 0 0	
Further in aid of the Hospital at Braidwood, an equal amount having been raised by private subscription... ..	150 0 0	1,376 19 8
No. IV.—ADMINISTRATION OF JUSTICE.		
LAW OFFICERS OF THE CROWN.		
Expenses of the Police Magistrate at Deniliquin, as a Witness in the case <i>McGregor v. Kelly and Others</i>	62 15 0	
Law Expenses, including amount of Verdict found for Plaintiff, in the case " <i>Robertson ats. Lenehan</i> "	147 16 4	210 11 4
SUPREME AND CIRCUIT COURTS.		
To meet deficiency in the amount voted for Allowances to Witnesses		700 0 0
DISTRICT COURTS.		
Travelling Expenses of Judges, further sum		400 0 0
QUARTER SESSIONS.		
To meet deficiency in amount voted for Contingencies... ..		1,100 0 0
CORONERS.		
Deficiency in amount voted for 1859 and 1860		700 0 0
No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.		
TREASURY.		
House-keeper from £48 per annum to 3s. 4d. per diem.		13 0 0
SYDNEY BRANCH, ROYAL MINT.		
Allowance in lieu of Clothing to 1 Serjeant and 4 Constables, at 3d. per diem	22 17 6	
Deficiency in amount voted for Contingencies	264 17 5	287 14 11
PRINTING, POSTAGE STAMPS, AND BOOKBINDING.		
Deficiency in amount voted for Wages and Contingencies ...	1,000 0 0	
For the purchase of a new Steam Engine and Boiler	350 0 0	1,350 0 0
STEAM NAVIGATION AND PILOT BOARD.		
Fees to Non-Official Members of the Board, further sum ...		140 0 0
MISCELLANEOUS SERVICES.		
Interest on Moneys deposited in the Treasury under the 18th Section of the Savings' Bank Act of 1853, 17 Vic., 24; from 1 September, 1859, to 31 December, 1860	1,685 12 1	
For the relief of Sufferers by the recent Floods at Windsor, further sum	872 9 4	2,558 1 5
Carried forward £		13,273 5 7

ADDITIONAL SUPPLEMENTARY ESTIMATE FOR 1860.

3

Brought forward ... .. £	.....	18,273 5 7
No. VI.—SECRETARY FOR LANDS.		
INTERNAL COMMUNICATION.		
Special Grants to minor Bridges and Roads not classified, further sum ... ..	.....	1,000 0 0
MISCELLANEOUS SERVICES.		
Compensation to Mr. William Sutherland for loss sustained by him, in consequence of Deeds of Grant for certain Land at Minto being twice issued	127 4 0	
Allowance to Mr. C. F. Gorton, formerly a Clerk in the Survey Office	61 5 0	
Allowance to Gold Commissioner Buchanan, for Quarters erected at his private expense	220 0 0	
Balance of Pension to Mr. John Thompson, late Deputy Surveyor General	22 4 4	
		430 13 4
No. VII.—SECRETARY FOR PUBLIC WORKS.		
COLONIAL ARCHITECT.		
Additional Travelling Expenses... ..	.....	106 0 0
PUBLIC WORKS AND BUILDINGS.		
Contribution in aid of the erection of the Light House at King's Island	2,000 0 0	
For placing Moorings in the Harbour of Bellambi, further sum	8 0 0	
For lighting the Government Lamps in the streets of Sydney, further sum	26 13 4	
For the erection of two Pillars and Lamps on Circular Quay	16 0 0	
For the erection of a Steam Crane at Newcastle, further sum... ..	300 0 0	
For the erection of a Post Office, Kiandra	750 0 0	
For the purchase of a Triple-action Engine Pump, for raising water at the Victoria Barracks, &c.	150 0 0	
For the erection of Light House and Pilot Station, Twofold Bay	750 0 0	
Lantern and Apparatus... ..	250 0 0	
Fencing Cemetery at Parramatta, further sum	150 0 0	
For the erection of a Post Office in connection with the Electric Telegraph Office, West Maitland, further sum	50 0 0	
For the erection of a Court House at Albury, further sum	8 1 4	
Do. Gundagai, do.	11 18 0	
For the erection of a Watch House at Nelligen, do.	8 11 0	
Do. Cowra, do.	4 18 3	
Do. Tenterfield, do.	50 0 0	
Do. Howlong, do.	60 0 0	
Additions to Abattoirs, Glebe Island	800 0 0	
Additions and repairs to Military Buildings	610 0 0	
Additions and repairs to Legislative Buildings... ..	521 0 0	
		6,525 1 11
MISCELLANEOUS SERVICES.		
Additional, to cover funeral expenses and small bills of the late Mrs. De Courcy ... ..	.....	20 0 0
Total ... .. £	.....	£21,355 0 10

*The Treasury, New South Wales,
28th March, 1861.*

E. C. WREKES.

1861.

Legislative Assembly.
NEW SOUTH WALES.

ADDITIONAL ESTIMATES FOR 1861.

Ordered by the Legislative Assembly to be Printed, 16 April, 1861.

JOHN YOUNG,
Administrator of the Government.

Message No. 7.

In compliance with the 54th Clause of the Constitution Act, the Administrator of the Government submits for the consideration of the Legislative Assembly an Additional Estimate of Expenditure for the year 1861.

Government House,
Sydney, 16th April, 1861.

No. I.—SCHEDULES.			
SCHEDULE B.			
<i>Pensions.</i>			
H. H. Browne, late Agent for Immigration			196 0 7
No. II.—EXECUTIVE AND LEGISLATIVE.			
LEGISLATIVE COUNCIL AND ASSEMBLY.			
To defray the expense of the Collation, Binding, and Shipment of Parliamentary Reports and Papers presented to the Library by the House of Commons (Resolution of Assembly.)	507 0 0		
Refreshment Room—Incidental Expenses, further sum ...	20 0 0		
			527 0 0
No. III.—CHIEF SECRETARY.			
REGISTRAR GENERAL.			
To defray the cost of Binding			150 0 0
PROTESTANT ORPHAN SCHOOL.			
Fuel and Light, further sum			50 0 0
WATER POLICE.			
<i>Newcastle.</i>			
Additional Constables, at 6s. per diem 2			219 0 0
POLICE, COUNTRY DISTRICTS—EXECUTIVE.			
Allowance to District and Ordinary Constables, at Walgett, to enable them to keep Horses for Police duty			20 0 0
SYDNEY GAOL.			
<i>Salaries.</i>			
Additional Turnkeys, at 6s. 9d. per diem, 1 from the 20th, and 1 from the 20th February 2	210 12 0		
<i>Contingencies.</i>			
Fees for examining into and certifying as to the state of mind of persons confined in Gaol	50 0 0		
Deficiency in amount voted for Medical Comforts and Incidental Expenses for 1860	172 0 11		
			432 12 11
GOULBURN GAOL.			
Additional Turnkey, at 6s. 6d. per diem, from 5th March			98 3 0
TAMWORTH GAOL.			
Turnkey, at 5s. 6d. per diem			100 7 6
PENAL ESTABLISHMENT, COCKATOO ISLAND.			
Deficiency in amount voted for Medical Comforts and Incidental Expenses for 1860			69 12 11
MILITARY ALLOWANCE.			
Allowance in lieu of Stabling and Forage to Senior Commissariat Officer, at 4s. per diem			73 0 0
CHARITABLE ALLOWANCES.			
In aid of the expenses incurred by the Kiandra Hospital for 1860, on condition of an equal amount being raised by private subscription	291 0 7		
In aid of the Penrith Hospital and Benevolent Society, on same condition	200 0 0		
In aid of the Benevolent Society, Parramatta, on same condition, further sum	250 0 0		
			741 0 7
GRANTS IN AID OF PUBLIC INSTITUTIONS.			
In aid of the erection of the Newtown School of Arts, on condition of an equal amount being raised by private subscription, further sum	200 0 0		
In aid of the erection of the Mudgee Mechanics' Institute, on same condition	1,000 0 0		
In aid of the erection of the Campbelltown School of Arts, on same condition	250 0 0		
			1,450 0 0
MISCELLANEOUS SERVICES.			
To compensate Richard Brett and Richard Heather for losses sustained by them under the circumstances stated in their Petition to the Assembly dated 2nd February, 1860 (Resolution of Assembly)	100 0 0		
For the purchase of specimens of Gold for transmission to the Exhibition of All Nations, to be held at London in 1862... ..	5,000 0 0		
To cover the expense of the Military Expedition to Lambing Flat Gold Fields	8,000 0 0		
For the purchase of copies of the New Edition of the Australian Magistrate	292 0 0		
			13,392 0 0
Carried forward... .. £			17,518 17 6

ADDITIONAL ESTIMATES, 1861.

3

Brought forward ... .. £	.....	17,518 17 6
No. IV.—ADMINISTRATION OF JUSTICE.		
INSOLVENT COURT.		
Extra Clerk, at £150, for six months ... ..	.....	75 0 0
DISTRICT COURTS.		
Fee to C. K. Murray, Esq., for acting as Deputy Judge at Eden	80 0 0	
Travelling Expenses of Witnesses	50 0 0	
Gratuity of one month's pay for each year of service to John Maddigan, late Messenger, Sydney District Court... ..	74 7 9	
		204 7 9
No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.		
TREASURY.		
Housekeeper, from £48 per annum to 3s. 4d. per diem ... ..	.....	13 0 0
SYDNEY MINT.		
Allowance in lieu of Clothing to Detachment of Royal Engineers, for 1859-60... ..	.....	47 13 0
POST OFFICE.		
<i>Salaries.</i>		
Railway Guard, Northern Line	150 0 0	
Guards on the Northern Line, at £150, for three months 7	262 0 0	
Officekeeper, from £52 to £78	26 0 0	
<i>Contingencies.</i>		
Allowance for Forage to Letter Carrier at East Maitland	36 10 0	474 10 0
CONVEYANCE OF MAILS.		
Within and beyond the Settled Districts, further sum	2,330 0 0	
To provide Boat for conveyance of Mails across the river at Walgett	50 0 0	
		2,380 0 0
No. VI.—SECRETARY FOR LANDS.		
IMMIGRATION.		
Chief Clerk } For six months {	175 0 0	
Accountant }	127 10 0	
Matron }	35 0 0	
Messenger }	50 0 0	
		387 10 0
BOTANIC GARDENS, SYDNEY.		
For preparation of Land made by deposit of Silt in Lower Garden	150 0 0	
Levelling, trenching, and fencing reclaimed ground in Lower Garden	260 0 0	
		410 0 0
GOVERNMENT DOMAINS AND HYDE PARK.		
For repair of Roads in Government Domain ... ..	.....	100 0 0
ROAD BRANCH.		
ROADS OTHER THAN MAIN ROADS.		
For repair of Subordinate Roads (being amount required in excess of that provided in Schedule)	1,167 0 0	
Special Works on Road from Monaroo Table Land to the Coast (in lieu of £4,000 on Estimates-in-Chief for Special Works on Road from Eden to Chalker's)	2,000 0 0	
Clearing Track from Clyde River to Araluen (Shoebridge's Line), in lieu of £4,000 provided on Estimates-in-Chief for Road by Dirty Butter Creek	1,000 0 0	
Road from Clyde River Road at Miriga to Major's Creek	1,500 0 0	
Road by Dirty Butter Creek to Araluen	1,000 0 0	
Repair of Road leading from Queen's Wharf, Morpeth, to Great North Road... ..	250 0 0	
Cuttings on Bolivia Range, on Road from Glen Innes to Ten-terfield	200 0 0	
Carried forward £	7,117 0 0	
Carried forward ... .. £	.....	21,610 18 3

ADDITIONAL ESTIMATES, 1861.

Brought forward	£	21,610 18 3
No. VI—SECRETARY FOR LANDS— <i>Continued.</i>		
Brought forward	£ 7,117 0 0	
ROAD BRANCH.— <i>Continued.</i>		
ROADS OTHER THAN MAIN ROADS— <i>Continued.</i>		
Opening New Line of Road from Richmond to the Bridge ...	150 0 0	
Repairs to Fitz Roy Bridge, South Creek	500 0 0	
Bridges on Road from Mudbank to Bunnerong, Botany Bay ...	150 0 0	
		7,917 0 0
MISCELLANEOUS SERVICES.		
Compensation to Mr. H. Dangar, for fencing Road passing through his land at Singleton	208 0 0	
Do. Mr. Hume, land near Boorowa	150 0 0	
For fencing portion of Road from Bathurst to Rockley, passing through enclosed lands	150 0 0	
For fencing Road from Raymond Terrace by east side of Williams' River to Seaham and Clarence Town	450 0 0	
Enlargement of Enclosure to Cricket Ground in Outer Domain	165 0 0	
For the purchase of Alignment Posts for different Municipal Towns	2,300 0 0	
For the examination of the Shoalhaven and Snowy Rivers as to fitness for propagation of Salmon	210 0 0	
		1,633 0 0
No. VII—SECRETARY FOR PUBLIC WORKS.		
DEPARTMENT OF PUBLIC WORKS.		
<i>Salaries.</i>		
To provide for the Salary of Captain Martindale, at £1,500 a year, from the 1st to the 14th January, 1861	56 9 0	
Chief Clerk, addition to Salary	50 0 0	
<i>Contingencies.</i>		
Rent of offices in addition to sum voted... ..	433 0 0	
		589 9 0
RAILWAY DEPARTMENT.		
<i>Salaries.</i>		
Assistant Engineer for Trial Surveys	600 0 0	
Surveyor do.	500 0 0	
Clerk to Engineer-in-Chief, addition to Salary	50 0 0	
Assistant Clerk	100 0 0	
Ticket Printer	200 0 0	
<i>Contingencies.</i>		
Stores for Permanent Way	4,000 0 0	
Stores for Locomotive Traffic	9,000 0 0	
		14,450 0 0
ELECTRIC TELEGRAPH DEPARTMENT.		
Superintendent of Electric Telegraphs	700 0 0	
Assistant do. and Station Master, Sydney	400 0 0	
Junior Station Master, Sydney Exchange, 9 months at £52 per annum	39 0 0	
		1,139 0 0
ROAD DEPARTMENT.		
Commissioner for Main Roads	600 0 0	
To provide for the Salary of Mr. W. C. Bennett, as Engineer for Roads, from the 1st to the 14th January, 1861	26 6 10	
		626 6 10
PUBLIC WORKS AND BUILDINGS.		
Repairs to Court House, and Assistant Gold Commissioner's Quarters, at Nundle	300 0 0	
Erection of Office for District Surveyor, at Albury	270 0 0	
Do. Court House, at Uralla	300 0 0	
Do. Lockup, at Uralla	250 0 0	
Do. Lockup and Quarters for Commissioners and Police, at Lambing Flat	400 0 0	
For the erection of a Record Room, Department of Lands, further sum	250 0 0	
To repair Dam at Parramatta	200 0 0	
To provide Implements and Materials for employment of Prisoners in Berrima Gaol	500 0 0	
Fencing Cemetery at Nundle	150 0 0	
Buildings for Pilot and Boats' Crews, at Moruya	300 0 0	
		2,920 0 0
Carried forward	£	47,915 14 1

ADDITIONAL ESTIMATES, 1861.

5

Brought forward ... .. £	.... ..	47,915 14 1
No. VII.—SECRETARY FOR PUBLIC WORKS— <i>Continued.</i>		
Brought forward £	2,920 0 0	
PUBLIC WORKS AND BUILDINGS— <i>Continued.</i>		
Erection of Escort Stations in the Southern District	2,000 0 0	
Erection of Stables and Paddock for Native Police Horses, New England District	150 0 0	
Erection of Landing Waiter's Box, Circular Quay	93 0 0	
Alteration and repairs to Court House, Bombala	170 0 0	
Erection of Watch House, Murrumbarra	500 0 0	
Erection of Watch House, Wyagdon	450 0 0	
Erection of Stable and Fencing Camp Ground, Mounted Patrol Station, Tambaroora	135 0 0	
		6,418 0 0
HARBOURS AND RIVER NAVIGATION.		
<i>Engineer's Department.</i>		
Rent of Office ... ..	.....	250 0 0
MISCELLANEOUS SERVICES.		
Further sum as Compensation to the family of the late Mrs. De Courcy (Resolution of Assembly)	52 0 0	
For Passage to England of Captain Martindale and Family ...	252 0 0	
		304 0 0
TO BE PROVIDED FOR BY LOAN.		54,887 14 1
PUBLIC WORKS.		
Towards removing obstacles to the Navigation of the River Murray	1,000 0 0	
Construction of a Bridge over the Lachlan River at Nanami ...	5,000 0 0	
Construction of a Bridge over Tumut River, including £200 for Superintendence	2,400 0 0	
Erection of Lodging Houses and Public Room at Glebe Island ...	5,000 0 0	
Extension of Circular Quay for the accommodation of Harbour Steamers	1,300 0 0	
		14,700 0 0
TOTAL ... ..	... .. £	69,587 14 1

The Treasury, New South Wales,
16th April, 1861.

E. C. WEEKES.

Sydney: Thomas Richards, Government Printer.—1861.

[Price, 2d.]

220—B

1861.

Legislative Assembly.

NEW SOUTH WALES.

SUPPLEMENTARY ESTIMATE FOR 1861.

Ordered by the Legislative Assembly to be Printed, 3 May, 1861.

JOHN YOUNG,

*Administrator of the Government.**Message No. 12.*

In compliance with the Resolution of the Legislative Assembly, His Excellency transmits a Supplementary Estimate for 1861, wherein provision is made for the expenditure of £50,000 towards promoting Assisted Immigration to this Colony.

*Government House,**Sydney, 3 May, 1861.*

SUPPLEMENTARY ESTIMATE OF EXPENDITURE FOR 1861.

To be expended in promoting Assisted Immigration to this Colony.....£50,000.

E. C. WEEKES.

*The Treasury, New South Wales,
3rd May, 1861.*

1861.

Legislative Assembly.
NEW SOUTH WALES.

CHIEF COMMISSIONER OF INSOLVENT ESTATES.
(PROPOSED SALARY OF.)

Ordered by the Legislative Assembly to be Printed, 28 March, 1861.

JOHN YOUNG,
Administrator of the Government.

Message No. 4.

In accordance with the provision contained in the 54th Clause of the Constitution Act, the Administrator of the Government recommends to the Legislative Assembly the appropriation of a sum not exceeding £1,200, for the salary of the Chief Commissioner of Insolvent Estates.

Government House,
Sydney, 28 March, 1861.

NEW SOUTH WALES.

Finance, 1860-61.

ESTIMATES

OF THE

WAYS AND MEANS

OF THE

GOVERNMENT

OF

NEW SOUTH WALES,

FOR THE YEAR

1861.

Ordered by the Legislative Assembly to be Printed,
1 FEBRUARY, 1861.



SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER.

1861.

No. 2.

ACCOUNT CURRENT OF REVENUE AND EXPENDITURE FROM 1 JANUARY TO 31 DECEMBER, 1860.

To	£	s.	d.	By	£	s.	d.
Consolidated Revenue:—				Balance on 31 December, 1859	148,056	15	8
Amount of Appropriation Act for 1860 ...	1,143,931	13	9	Revenue and Receipts actually collected			
Special Appropriations	276,833	0	0	during the year	1,310,052	0	0
Provided by the Constitutional and Colonial				Amount due by the Sydney Municipal Council,			
Acts	58,350	0	0	for Interest on Debentures, to 31 De-			
				cember, 1860	49,312	3	5
				Loans authorized to be raised for Public Works, and to pay off			
				Debentures	681,837	0	0
1,479,114	13	9					
Less:—							
Amount not required	50,000	0	0				
Loans authorized to be raised:—							
For Public Works..	263,237	0	0				
To pay off Debentures due 1860	418,600	0	0				
Supplementary Estimate for 1860, as voted by late Parliament ...	56,834	19	8				
Balance on 31st December, 1860	21,971	5	8				
	£				£		
	2,189,757	19	1		2,189,757	19	1
				By			
				Balance on 31st December, 1860, brought down	21,971	5	8

The Treasury, New South Wales,
31st January, 1861.

E. C. WEEKES.

No. 3.

ACCOUNT CURRENT OF ESTIMATED REVENUE AND EXPENDITURE, CARRIED ON TO 31 DECEMBER, 1861.

To	£	s.	d.	By	£	s.	d.
Charges on Consolidated Revenue :—				Balance on 31 December, 1860	21,971	5	8
General Services	1,173,177	0	0	Estimated Revenue for 1861, as per Statement of Ways and Means... ..	1,519,844	0	0
Special Appropriations	226,500	0	0	Amount proposed to be raised by Loan for Public Works ...	138,784	0	0
Provided by Constitutional and Colonial Acts... ..	58,350	0	0				
	1,458,027	0	0				
Additional Charges, as per Memorandum accompanying the Estimates	6,480	2	10				
Charges proposed to be covered by Loan for Public Works ...	138,784	0	0				
Estimated Balance on 31 December, 1861	77,308	2	10				
	£ 1,680,599	5	8	By	£ 1,680,599	5	8
				Estimated Balance on 31 December, 1861, brought down...£	77,308	2	10

FINANCE, 1860-61.

*The Treasury, New South Wales,
31st January, 1861.*

E. C. WEEKES.

No. 4.

ABSTRACT OF THE PROBABLE REVENUE OF THE GOVERNMENT OF NEW SOUTH WALES,
FOR THE YEAR 1861.

	REVENUE OF 1859.	REVENUE OF 1860.	ESTIMATE FOR 1861.
	£	£	£
Customs	611,875	555,104	598,000
Duty on Spirits distilled in the Colony	54,627	44,129	68,000
Gold Revenue	47,169	55,877	13,700
Mint Receipts	18,963	21,630	27,000
Land Revenue	477,892	312,869	455,800
Postage	43,679	45,636	50,000
Licenses	69,421	68,349	75,460
Fees of Office	27,102	26,385	27,773
Fines and Forfeitures	5,859	4,397	6,450
Rents—Exclusive of Land... ..	18,739	18,328	20,269
Railway Tolls	61,843	58,867	70,000
Electric Telegraph Receipts	8,425	11,396	18,000
Pilotage Rates, Harbour Dues, and Fees	15,269	13,942	15,000
Tonnage Dues, Newcastle	2,199	2,892	3,000
Immigration Remittances	16,690	10,503	.....
Interest on City Debentures	2,201	8,162	20,850
Miscellaneous Receipts	28,860	50,569	49,442
Revenue of Bishopthorpe Estate	1,152	1,017	1,100
	£ 1,511,965	1,310,052	1,519,844
TO BE RAISED BY LOAN.			
To meet the Expenses of Public Works and Buildings			138,784
TOTAL			£ 1,658,628

REVENUE DETAILED.				REVENUE OF 1859.	REVENUE OF 1860.	ESTIMATE FOR 1861.
CUSTOMS.						
Spirits	...	...	...	322,810	301,598	367,000
Wine	...	...	...	33,865	27,677	30,000
Ale and Beer	...	...	...	6,728	7,803	8,000
Tobacco	...	...	...	91,957	89,217	90,000
Tea	...	...	...	53,377	45,804	21,000
Sugar and Molasses	...	...	...	91,757	71,602	70,000
Coffee and Chicory	...	...	...	10,062	7,641	8,000
Opium	...	...	...	1,319	4,262	4,000
				611,875	555,104	598,000
DUTY ON SPIRITS DISTILLED IN THE COLONY ...				54,627	44,129	68,000
GOLD REVENUE.						
Duty on Gold	...	...	...	36,680	42,636	.....
Fees for the Escort and Conveyance of Gold	...	...	...	443	2,022	1,000
Leases of Auriferous Tracts	...	...	...	620	615	700
Miners' Rights	...	...	...	6,806	7,620	8,500
Business Licenses	...	...	...	2,620	2,984	3,500
				47,169	55,877	13,700
MINT RECEIPTS ...				18,963	21,630	27,000
LAND REVENUE.						
Land Sales	..	...	...	252,628	155,317	270,000
Rents of Land for Pastoral Purposes	...	...	...	84,984	63,705	110,000
Assessment on Runs	...	...	...	136,203	91,290	70,000
Quit Rents	...	...	...	1,168	819	} 500
Redemption of Quit Rents	...	...	...	69	35	
Survey of Land	...	...	...	261	154	300
Licenses to cut Timber, make Bricks, and quarry Stone on Crown Lands	...	...	...	2,579	1,549	1,500
Mineral Leases	...	...	...	.....	.....	3,500
				477,892	312,869	455,800
POSTAGE ...				43,679	45,636	50,000
LICENSES.						
To Wholesale Spirit Dealers	...	...	...	7,270	6,650	7,500
To Auctioneers	...	...	...	1,829	1,656	3,000
To Bonded Storekeepers	...	...	...	3,392	4,026	5,000
To Retail Fermented and Spirituous Liquors	...	...	...	52,347	51,402	55,000
Night Licenses to Publicans and for Billiard Tables	...	...	...	3,770	3,822	4,000
To Distillers and Rectifiers	...	...	...	60	55	60
To Hawkers and Pedlers	...	...	...	340	354	400
To Pawnbrokers	...	...	...	280	250	300
All other Licenses	...	...	...	133	134	200
				69,421	68,849	75,460
Carried forward	...	...	...	£ 1,323,626	1,103,594	1,287,960

REVENUE DETAILED—Continued.			
	REVENUE OF 1859.	REVENUE OF 1860.	ESTIMATE FOR 1861.
Brought forward	£ 1,323,626	1,103,594	1,287,960
FEES OF OFFICE.			
On Commissions to Public Officers... ..	189	178	200
On Certificates of Naturalization	349	231	350
On Copies and Transcripts of Papers	16	24	20
On the Preparation and Enrolment of Title Deeds...	7,207	4,720	4,000
Registrar General	2,819	2,897	4,500
Prothonotary of Supreme Court	2,907	2,951	2,000
Master in Equity	1,170	1,222	1,100
Curator of Intestate Estates	324	282	300
Insolvent Courts	1,406	1,733	1,500
Sheriff	849	990	1,600
Moreton Bay Court... ..	678	.....	.....
Courts of Requests	68	.....	.....
District Courts	3,383	5,313	5,540
Courts of Petty Sessions	2,398	2,659	3,006
Water Police Court and Shipping Masters...	2,906	2,793	3,300
Steam Navigation Board	188	164	173
Court of Claims	72	14	20
On Disputed Claims at the Gold Fields	66	26	20
Other Fees	107	188	150
	27,102	26,385	27,773
FINES AND FORFEITURES.			
Sheriff	613	762	2,000
Moreton Bay Court... ..	56	.....	.....
Courts of Petty Sessions	2,909	2,447	3,000
Water Police Court... ..	173	245	200
For the Unauthorized Occupation of Crown Lands...	156	488	150
Crown's Share of Seizures by the Departments of Customs and Distilleries	828	101	500
Confiscated and Uncollected Property	933	298	500
Other Fines... ..	191	56	100
	5,859	4,397	6,450
RENTS—EXCLUSIVE OF LAND.			
Tolls and Ferries	9,794	11,494	11,820
Wharfs	8,378	5,910	3,300
Military Canteen	198	50	49
Government Buildings and Premises	369	591	600
Glebe Island Ferry... ..	.....	96	1,200
Ditto Abattoirs ... ..	.....	187	3,300
	18,739	18,328	20,269
RAILWAY TOLLS	61,843	58,867	70,000
ELECTRIC TELEGRAPH RECEIPTS	8,425	11,396	18,000
PILOTAGE RATES, HARBOUR DUES, AND FEES	15,269	13,942	15,000
Carried forward	£ 1,460,863	1,236,909	1,445,452

REVENUE DETAILED—Continued.

	REVENUE OF 1859.	REVENUE OF 1860.	ESTIMATE FOR 1861.
Brought forward... ..	£ 1,460,863	1,236,909	1,445,452
TONNAGE DUES, NEWCASTLE	2,199	2,892	3,000
IMMIGRATION REMITTANCES	16,690	10,503	.....
INTEREST ON CITY DEBENTURES	2,201	8,162	20,850
MISCELLANEOUS RECEIPTS.			
Sale of Government Property	2,299	1,349	1,500
For the Support of Patients in the Lunatic Asylums	978	858	1,000
Collections by the Government Printer	2,015	2,065	2,000
Payment by the Commissariat towards the support of British Prisoners and Lunatics	4,040	3,246	2,910
Do. towards the support of the Gunpowder Magazine	69	92	102
Store Rent of Gunpowder	402	274	280
For Work performed by Prisoners in Gaol... ..	1,197	902	1,000
Fees on presenting Private Bills to the Parliament, and on Letters of Registration	445	455	400
Interest on Bank Deposits	14,868	33,399	30,000
Proceeds of Sale of Alpaca Wool ... ..	.....	29	250
Other Receipts	2,547	7,900	10,000
	28,860	50,569	49,442
REVENUE OF BISHOPTHORPE ESTATE	1,152	1,017	1,100
TOTALS	£ 1,511,965	1,310,052	1,519,844

No. 5.

STATEMENT of the DEBT of the Colony on the 31st January, 1861, shewing the sums authorized to be raised by certain of the Loan Acts, and the amounts raised under each of those Acts respectively.

SERVICES.	AMOUNTS AUTHORIZED TO BE RAISED.	AMOUNTS RAISED.	BALANCES TO BE RAISED.	DEBT ON 31 JAN.	REMARKS.
DEBENTURES ISSUED ON ACCOUNT OF LOANS TO THE SYDNEY RAILWAY COMPANY	200,000 0 0	200,000 0 0	.....	200,000 0 0	
PUBLIC WORKS—					
18 Vic., No. 35	178,750 0 0	105,750 0 0	73,000 0 0	83,000 0 0	
RAILWAYS—					
18 Vic., 40	402,700 0 0	402,700 0 0	.....	402,600 0 0	
PUBLIC WORKS—					
19 Vic., 38 & 40	405,323 0 0	398,614 16 3	6,708 3 9	403,800 0 0	
SYDNEY SEWERAGE—					
17 Vic., 34	200,000 0 0	200,000 0 0	.....	154,130 0 0	
SYDNEY WATER—					
17 Vic., 35	200,000 0 0	200,000 0 0	.....	180,400 0 0	
TO PAY OFF L. & I. DEBENTURES—					
20 Vic., No. 1	73,776 0 0	73,700 10 0	75 10 0	73,700 0 0	
RAILWAYS—					
20 Vic., 1	200,000 0 0	199,997 10 0	2 10 0	203,000 0 0	
TO PAY OFF L. & I. DEBENTURES—					
20 Vic., 16	130,400 0 0	130,311 0 0	89 0 0	132,300 0 0	
PUBLIC WORKS—					
20 Vic., 33	107,717 18 11	107,717 18 11	.....	112,000 0 0	
RAILWAYS—					
20 Vic., 34	300,000 0 0	300,000 0 0	.....	299,000 0 0	
TO PAY OFF DEBENTURES—					
22 Vic., No. 5	145,000 0 0	144,310 10 0	689 10 0	145,000 0 0	
RAILWAYS AND PUBLIC WORKS—					
22 Vic., No. 22	758,500 0 0	709,868 13 7	48,631 6 5	712,000 0 0	
PUBLIC WORKS—					
22 Vic., 26	11,600 0 0	.....	11,600 0 0	.....
TO PAY OFF DEBENTURES—					
23 Vic., No. 5	365,600 0 0	46,765 0 0	318,835 0 0	47,000 0 0	
PUBLIC WORKS AND TO PAY OFF DEBENTURES—					
23 Vic., No. 10	348,223 0 0	.....	348,223 0 0	.....
DEBENTURES transmitted to Oriental Bank, London; Account Sales for which have not yet been received .....	.....	.....	.....	{ 318,600 0 0 23 Vic., No. 5. 348,200 0 0 23 Vic., No. 10. 5,000 0 0 22 Vic., No. 26.	
	4,027,589 18 11	3,219,735 18 9	807,854 0 2	3,819,730 0 0	
TO COVER DEFICIT IN 1855-6.					
20 Vic., 20	£150,000 0 0	.....	150,000 0 0	.....	To be repealed.

NOTE.—It is probable that a further sum of £40,000 will have to be raised,—being £20,000 each for the Affiliated Colleges in connection with the Presbyterian and Wesleyan Churches, 19 Vic., 38.

The Treasury, New South Wales,
31st January, 1861.

E. C. WEEKES.

NEW SOUTH WALES.

Finance, 1860-61.

ESTIMATES

OF THE

WAYS AND MEANS

OF THE

GOVERNMENT

OF

NEW SOUTH WALES,

FOR THE YEAR

1861.

Ordered by the Legislative Assembly to be Printed.
11 APRIL, 1861.



SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER.

1861.

FINANCE, 1860-61.

No. 1.

ACCOUNT CURRENT OF REVENUE AND EXPENDITURE FROM 1 JANUARY TO 31 DECEMBER, 1859.

To	£	s.	d.		By		£	s.	d.
Consolidated Revenue :—									
Amount Appropriated for 1859	1,208,787	6	2		Balance on 1st January, 1859		48,277	7	9
Special Appropriations	238,500	0	0		Revenue and Receipts actually collected during the year ...		1,511,965	0	0
Provided by the Constitutional and Colonial Acts	60,300	0	0						
Supplementary Appropriation	81,623	12	10						
	1,589,210	19	0						
Less :—									
Savings on Votes of Parliament	177,025	6	11		Loans authorized to be raised for Public Works, and to pay off Debentures		123,586	0	0
	1,412,185	12	1						
Loans authorized to be raised :—									
For Public Works	43,586	0	0						
To pay off Debentures due 1859	80,000	0	0						
	123,586	0	0						
Balance on 31st December, 1859	148,056	15	8						
	£ 1,683,828	7	9				£ 1,683,828	7	9
					By				
					Balance on 31st December, 1859, brought down ...		£ 148,056	15	8

The Treasury, New South Wales,
10th April, 1861.

E. C. WEEKES.

No. 2.

ACCOUNT CURRENT OF REVENUE AND EXPENDITURE FROM 1 JANUARY TO 31 DECEMBER, 1860.

To	£	s.	d.	By	£	s.	d.
Consolidated Revenue :—				Balance on 31 December, 1859	148,056	15	8
Amount of Appropriation Act for 1860 ...	1,148,931	18	9	Revenue and Receipts actually collected			
Special Appropriations	276,833	0	0	during the year	1,310,052	0	0
Provided by the Constitutional and Colonial				Amount due by the Sydney Municipal			
Acts	58,350	0	0	Council, for Interest on Debentures, to			
				31 December, 1860	49,812	3	5
				Loans authorized to be raised for Public Works, and to pay off			
				Debentures	681,837	0	0
1,479,114	13	9					
Less :—							
Amount not required	50,000	0	0				
Loans authorized to be raised :—							
For Public Works... ..	263,237	0	0				
To pay off Debentures due 1860	418,600	0	0				
Supplementary Estimate for 1860, as voted by late Parliament ...	56,834	19	8				
Balance on 31st December, 1860	21,971	5	8				
	£	2,189,757	19 1		£	2,189,757	19 1
				By			
				Balance on 31 December, 1860, brought down	21,971	5	8

The Treasury, New South Wales,
10th April, 1861.

E. C. WEEKES.

No. 3.

ACCOUNT CURRENT OF ESTIMATED REVENUE AND EXPENDITURE, CARRIED ON TO 31 DECEMBER, 1861.

To	£	s.	d.	By	£	s.	d.
Charges on Consolidated Revenue:—				Balance on 31 December, 1860	21,971	5	8
General Services	1,173,177	0	0				
Special Appropriations	226,500	0	0				
Provided by Constitutional and Colonial Acts	58,350	0	0	Estimated Revenue for 1861, as per Statement of Ways and Means	1,507,844	0	0
	1,458,027	0	0				
<i>Less:—</i>				Amount proposed to be raised by Loan for Public Works ...	98,835	0	0
Deductions made in the Estimates in Chief during their passage through Committee of Supply	38,904	10	2				
	1,419,122	9	10				
To provide for the adequate representation of New South Wales at the Exhibition of the Industry of All Nations, to be held in London, in 1862. (Message No. 3.)	3,000	0	0				
Additional Charges, as per Memorandum accompanying the Estimates (as voted)	5,325	8	4				
Charges proposed to be covered by Loan for Public Works ...	98,835	0	0				
Additional Supplementary Estimate for 1860, as proposed ...	21,355	0	10				
Estimated Balance on 31 December, 1861	81,012	6	8		£	1,628,650	5 8
	£	1,628,650	5 8				
				By			
				Estimated Balance on 31 December, 1861, brought down...£	81,012	6	8

FINANCE, 1860-61.

The Treasury, New South Wales,
10th April, 1861.

E. C. WEEKES.

No. 4.

ABSTRACT OF THE PROBABLE REVENUE OF THE GOVERNMENT OF NEW SOUTH WALES,
FOR THE YEAR 1861.

	REVENUE OF	REVENUE OF	ESTIMATE FOR
	1859.	1860.	1861.
	£	£	£
Customs	611,875	555,104	565,000
Duty on Spirits distilled in the Colony ..	54,627	44,129	45,000
Gold Revenue	47,169	55,877	58,700
Mint Receipts	18,963	21,630	27,000
Land Revenue	477,892	312,869	455,800
Postage	43,679	45,636	50,000
Licenses	69,421	68,349	75,460
Fees of Office	27,102	26,385	27,773
Fines and Forfeitures	5,859	4,397	6,450
Rents—Exclusive of Land	18,739	18,323	20,269
Railway Tolls	61,843	58,867	70,000
Electric Telegraph Receipts	8,425	11,396	18,000
Pilotage Rates, Harbour Dues, and Fees	15,269	13,942	14,000
Tonnage Dues, Newcastle	2,199	2,892	3,000
Immigration Remittances	16,690	10,503	.....
Interest on City Debentures	2,201	8,162	20,850
Miscellaneous Receipts	28,860	50,569	49,442
Revenue of Bishopthorpe Estate	1,152	1,017	1,100
	£ 1,511,965	1,310,052	1,507,844
TO BE RAISED BY LOAN.			
To meet the Expenses of Public Works and Buildings			98,835
TOTAL			£ 1,606,679

REVENUE DETAILED.			
	REVENUE OF 1859.	REVENUE OF 1860.	ESTIMATE FOR 1861.
CUSTOMS.			
Spirits	322,810	301,598	310,000
Wine	33,865	27,677	30,000
Ale and Beer	6,728	7,808	8,000
Tobacco	91,957	89,217	90,000
Tea	53,377	45,304	45,000
Sugar and Molasses... ..	91,757	71,602	70,000
Coffee and Chicory	10,062	7,641	8,000
Opium	1,319	4,262	4,000
	611,875	555,104	565,000
DUTY ON SPIRITS DISTILLED IN THE COLONY	54,627	44,129	45,000
GOLD REVENUE.			
Duty on Gold	36,680	42,636	45,000
Fees for the Escort and Conveyance of Gold	443	2,022	1,000
Leases of Auriferous Tracts	620	615	700
Miners' Rights	6,806	7,620	8,500
Business Licenses	2,620	2,984	3,500
	47,169	55,877	58,700
MINT RECEIPTS	18,963	21,630	27,000
LAND REVENUE.			
Land Sales	252,628	155,317	270,000
Rents of Land for Pastoral Purposes	84,984	63,705	110,000
Assessment on Runs	136,203	91,290	70,000
Quit Rents	1,168	819	500
Redemption of Quit Rents	69	35	
Survey of Land	261	154	300
Licenses to cut Timber, make Bricks, and quarry Stone on Crown Lands	2,579	1,549	1,500
Mineral Leases ... ..	.....	.....	3,500
	477,892	312,869	455,800
POSTAGE	43,679	45,636	50,000
LICENSES.			
To Wholesale Spirit Dealers	7,270	6,650	7,500
To Auctioneers	1,829	1,656	3,000
To Bonded Storekeepers	3,392	4,026	5,000
To Retail Fermented and Spirituous Liquors	52,347	51,402	55,000
Night Licenses to Publicans and for Billiard Tables	3,770	3,822	4,000
To Distillers and Rectifiers... ..	60	55	60
To Hawkers and Pedlers	340	354	400
To Pawnbrokers	280	250	300
All other Licenses	133	134	200
	69,421	68,349	75,400
Carried forward £	1,323,626	1,103,594	1,276,960

REVENUE DETAILED—Continued.			
	REVENUE OF 1859.	REVENUE OF 1860.	ESTIMATE FOR 1861.
Brought forward	£ 1,323,626	1,103,594	1,276,960
FEES OF OFFICE.			
On Commissions to Public Officers... ..	189	178	200
On Certificates of Naturalization	349	231	350
On Copies and Transcripts of Papers	16	24	20
On the Preparation and Enrolment of Title Deeds	7,207	4,720	4,000
Registrar General	2,819	2,897	4,500
Prothonotary of Supreme Court	2,907	2,951	2,000
Master in Equity	1,170	1,222	1,100
Curator of Intestate Estates	324	282	300
Insolvent Courts	1,406	1,733	1,500
Sheriff	849	990	1,000
Moreton Bay Court... ..	678	.....	.....
Courts of Requests... ..	68	.....	.....
District Courts	3,388	5,318	5,540
Courts of Petty Sessions	2,308	2,659	3,000
Water Police Court and Shipping Master	2,906	2,793	3,300
Steam Navigation Board	188	164	173
Court of Claims	72	14	20
On Disputed Claims at the Gold Fields	66	26	20
Other Fees	107	188	150
	27,102	26,385	27,773
FINES AND FORFEITURES.			
Sheriff	613	762	2,000
Moreton Bay Court... ..	56	.....	.....
Courts of Petty Sessions	2,909	2,447	3,000
Water Police Court... ..	173	245	200
For the Unauthorized Occupation of Crown Lands... ..	156	488	150
Crown's Share of Seizures by the Departments of Customs and Distilleries	828	101	500
Confiscated and Unclaimed Property	933	298	500
Other Fines... ..	191	56	100
	5,859	4,597	6,450
RENTS—EXCLUSIVE OF LAND.			
Tolls and Ferries	9,794	11,494	11,820
Wharfs	8,378	5,910	3,300
Military Canteen	198	50	49
Government Buildings and Premises	369	591	600
Glebe Island Ferry .. ..	.....	96	1,200
Ditto Abattoirs .. ..	.....	187	3,800
	18,739	18,328	20,269
RAILWAY TOLLS... ..	61,843	58,867	70,000
ELECTRIC TELEGRAPH RECEIPTS	8,425	11,396	18,000
PILOTAGE RATES, HARBOUR DUES, AND FEES	15,269	13,942	14,000
Carried forward	£ 1,460,863	1,236,909	1,433,452

REVENUE DETAILED—Continued.			
	REVENUE OF 1859.	REVENUE OF 1860.	ESTIMATE FOR 1861.
Brought forward	£ 1,460,863	1,236,909	1,433,452
TONNAGE DUES, NEWCASTLE	2,199	2,892	3,000
IMMIGRATION REMITTANCES	16,690	10,503	.....
INTEREST ON CITY DEBENTURES	2,201	8,162	20,850
MISCELLANEOUS RECEIPTS.			
Sale of Government Property	2,299	1,349	1,500
For the Support of Patients in the Lunatic Asylums	978	858	1,000
Collections by the Government Printer	2,015	2,065	2,000
Payment by the Commissariat towards the support of British Prisoners and Lunatics	4,040	3,246	2,910
Do. towards the support of the Gunpowder Magazine	69	92	102
Store Rent of Gunpowder	402	274	280
For Work performed by Prisoners in Gaol... ..	1,197	902	1,000
Fees on presenting Private Bills to the Parliament, and on Letters of Registration	445	455	400
Interest on Bank Deposits	14,868	33,399	30,000
Proceeds of Sale of Alpaca Wool ... ..	.....	29	250
Other Receipts	2,547	7,900	10,000
	28,860	50,569	49,442
REVENUE OF BISHOPTHORPE ESTATE	1,152	1,017	1,100
TOTALS	£ 1,511,965	1,310,052	1,507,844

No. 5.

STATEMENT of the DEBT of the Colony on the 31st January, 1861, shewing the sums authorized to be raised by certain of the Loan Acts, and the amounts raised under each of those Acts respectively.

SERVICES.	AMOUNTS AUTHORIZED TO BE RAISED.	AMOUNTS RAISED.	BALANCES TO BE RAISED.	DEBT ON 31 JAN.	REMARKS.
DEBENTURES ISSUED ON ACCOUNT OF LOANS TO THE SYDNEY RAILWAY COMPANY	200,000 0 0	200,000 0 0	.....	200,000 0 0	
PUBLIC WORKS—					
18 Vic., No. 35	178,750 0 0	103,750 0 0	73,000 0 0	83,000 0 0	
RAILWAYS—					
18 Vic., 40	402,700 0 0	402,700 0 0	.....	402,600 0 0	
PUBLIC WORKS—					
19 Vic., 38 & 40	405,323 0 0	398,614 16 3	6,708 3 9	403,800 0 0	
SYDNEY SEWERAGE—					
17 Vic., 34	200,000 0 0	200,000 0 0	.....	154,130 0 0	
SYDNEY WATER—					
17 Vic., 35	200,000 0 0	200,000 0 0	.....	180,400 0 0	
TO PAY OFF L. & I. DEBENTURES—					
20 Vic., No. 1	73,776 0 0	73,700 10 0	75 10 0	73,700 0 0	
RAILWAYS—					
20 Vic., 1	200,000 0 0	199,997 10 0	2 10 0	203,000 0 0	
TO PAY OFF L. & I. DEBENTURES—					
20 Vic., 16	130,400 0 0	130,311 0 0	89 0 0	132,300 0 0	
PUBLIC WORKS—					
20 Vic., 33	107,717 18 11	107,717 18 11	.....	112,000 0 0	
RAILWAYS—					
20 Vic., 34	300,000 0 0	300,000 0 0	.....	299,000 0 0	
TO PAY OFF DEBENTURES—					
22 Vic., No. 5	145,000 0 0	144,310 10 0	689 10 0	145,000 0 0	
RAILWAYS AND PUBLIC WORKS—					
22 Vic., No. 22	758,500 0 0	709,868 13 7	48,631 6 5	712,000 0 0	
PUBLIC WORKS—					
22 Vic., 26	11,600 0 0	.....	11,600 0 0	.....
TO PAY OFF DEBENTURES—					
23 Vic., No. 5	365,600 0 0	46,765 0 0	318,835 0 0	47,000 0 0	
PUBLIC WORKS AND TO PAY OFF DEBENTURES—					
23 Vic., No. 10	348,223 0 0	.....	348,223 0 0	.....
DEBENTURES transmitted to Oriental Bank, London; Account Sales for which have not yet been received .....	.....	.....	.....	{ 318,600 0 0 348,200 0 0 5,000 0 0	{ 23 Vic., No. 5. 23 Vic., No. 10. 22 Vic., No. 26.
	4,027,589 18 11	3,219,735 18 9	807,854 0 2	3,819,730 0 0	
TO COVER DEFICIT IN 1855-6. 20 Vic., 20	* 150,000 0 0	.....	150,000 0 0	.....	To be repealed.

NOTE.—It is probable that a further sum of £40,000 will have to be raised,—being £20,000 each for the Affiliated Colleges in connection with the Presbyterian and Wesleyan Churches, 19 Vic., 38.

The Treasury, New South Wales,
10th April, 1861.

E. C. WEEKES,

1861.

Legislative Assembly.

NEW SOUTH WALES.

SAVINGS ON VOTES OF PARLIAMENT.

(PARTICULARS OF—DATED 8 DECEMBER, 1859.)

Ordered by the Legislative Assembly to be Printed, 1 February, 1861.

SAVINGS ON VOTES OF PARLIAMENT.

PARTICULARS of the Amount of SAVINGS on Votes of Parliament, in continuation of those shown in the Account Current (No. 1) for the year 1858, dated 8 December, 1859.

HEADS OF ACCOUNT.	AMOUNT.	TOTAL.
No. 1.		
Schedule A, and Supplement	303 19 9	
Schedule B, do.	4,857 3 3	
Schedule C, do.	462 1 7	
		5,623 4 7
No. 2.		
Executive and Legislative ... ..	.....	1,071 8 2
No. 3.		
Government Resident, Port Curtis	127 1 2	
Post Office and Conveyance of Mails	10,041 5 4	
Steam Postal Communication <i>via</i> Panama, 1859... ..	50,000 0 0	
Orphan Schools	452 6 1	
Immigration and Quarantine	2,525 8 3	
Bounties on the introduction of Foreign Immigrants, 1856	7,120 0 0	
Police generally	13,375 11 7	
Gaols and Penal Establishment	5,563 9 7	
Observatory	155 13 4	
Lunatic Asylums	1,486 11 4	
Health Officers and Medical Board	8 6 8	
Vaccine Institution	17 18 3	
Naval and Military	1,182 15 11	
Charitable Allowances	1,817 8 0	
Municipal Institutions—Endowments, 1859	9,442 3 4	
Miscellaneous	3,202 13 8	
Naval and Military Postage	26 7 6	
Balances of other Departments	1,204 13 3	
		107,749 13 3
No. 4.		
Administration of Justice ... ..	.....	4,035 13 2
No. 5.		
Customs, and Drawbacks and Refund of Duties	5,773 16 9	
Colonial Distilleries	1,285 12 0	
Gold Receivers	44 11 2	
Colonial Storekeeper	257 9 11	
Gunpowder Magazine	44 13 6	
Shipping Masters	208 1 0	
Harbors, Light Houses, and Pilot Department	6,590 9 11	
Miscellaneous	1,683 17 5	
Balances of other Departments	772 15 2	
		16,661 6 10
No. 6.		
Survey and Management of Crown Lands	20,839 19 2	
Gold Fields and Gold Contingent... ..	1,376 11 0	
Botanic Gardens	60 4 0	
Railway Department	1,776 3 2	
Roads do.	561 1 9	
Electric Telegraph Department	2,175 8 5	
Railway Trial Surveys	5,249 12 5	
Public Works and Buildings	9,224 9 11	
Harbors and River Navigation	265 3 11	
Balances of other Departments	242 5 7	
		41,760 19 4
No. 7.		
Auditor General ... ..	.....	123 1 7
TOTAL		£ 177,025 6 11

Audit Office,
18 October, 1860.

W. C. MAYNE,
Auditor General.

1861.

Legislative Assembly.

NEW SOUTH WALES.

TRUST MONEYS DEPOSIT ACCOUNT.

(FROM 1 APRIL, 1860, TO 31 MARCH, 1861.)

*Ordered by the Legislative Assembly to be Printed, 19 April, 1861.*THE TREASURER OF NEW SOUTH WALES *in Account with* THE TRUST MONEYS DEPOSIT ACCOUNT, under the Act 20 Vic., 11, from 1 April, 1860, to 31 March, 1861.

Dr.			Cr.		
To Master in Equity.....	34,961	19 1	By Master in Equity	17,196	6 1
„ Curator of Intestate Estates	3,510	5 3	„ Curator of Intestate Estates	6,647	9 4
„ Prothonotary of Supreme Court ..	726	17 0	„ Prothonotary of Supreme Court ...	676	12 6
„ F. W. Perry, Official Assignee.....	10,922	8 0	„ F. W. Perry, Official Assignee....	7,343	0 7
„ J. Morris, Do.	22,711	17 7	„ John Morris, Do.	25,002	9 5
„ J. P. Mackenzie, Do.	29,541	6 10	„ J. P. Mackenzie, Do.	32,224	8 6
„ R. H. Sempill, Do.	9,943	2 3	„ R. H. Sempill, Do.	1,539	4 7
			„ W. Pickering (Brisbane), Do.	633	14 7
„ Balance on 31 March, 1860	68,032	14 7	„ Balance on 31 March, 1861	82,083	5 0
TOTAL.....£	180,350	10 7	TOTAL	£ 180,350	10 7

The Treasury, New South Wales,
19th April, 1861.E. C. WEEKES,
Treasurer.

1861.

Legislative Assembly.

NEW SOUTH WALES.

TREASURY BALANCES.

(RETURN IN REFERENCE TO.)

Ordered by the Legislative Assembly to be Printed, 8 May, 1861.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 2 May, 1861, That there be laid upon the Table of this House,—

“ A Return shewing the Balances in the Treasury on the 1st
 “ day of May, 1861 ; distinguishing the Amount derived from
 “ the proceeds of Sale of Debentures from the sum at the
 “ Credit of the ordinary Revenue Account ; the Reserves under
 “ Special Accounts ; and also the Balances at the Credit of the
 “ Lodgment Accounts, and the distribution of the Balances.”

(*Mr. Piddington.*)

BALANCES in the TREASURY, SYDNEY, NEW SOUTH WALES, on the 1st day of May, 1861.

PUBLIC REVENUE ACCOUNTS.			£	s.	d.	£	s.	d.	DISTRIBUTION OF THE BALANCES.			£	s.	d.	£	s.	d.
Consolidated Revenue	Revenue Proper	...	501,833	0	8	525,401	5	4	In Bank of New South Wales, General Account	260,530	15	0	656,715	18	7		
	Loans Account...	...	23,568	4	8				Do. Suspense Account	4,860	0	3					
Assessment on Sheep, 22 Vic., 10	...	...	9,303	8	7	12,798	16	5	„ Oriental Bank, Sydney	125,000	0	0					
Schedule B, 18 and 19 Vic., chap. 54	...	...	2	2	0				„ Do. London	216,205	5	9					
Church and School Estates Fund	...	...	3,493	5	10				„ Joint Stock Bank	119	17	7					
LODGMET ACCOUNTS.									„ Commercial Bank	50,000	0	0					
Police Reward Fund	...	...	17,216	2	4				In the Treasury Chest, viz. :—								
Police Superannuation Fund	...	...	9,569	7	5				Coin	.....	.....	.....		
Poundage Account	...	...	12,798	18	3				Gold	.....	.....	.....		
Imperial Postage...	...	...	1,283	19	7				Securities	26,800	0	0					
Shipping Master's Account	...	...	440	13	7				Cash in the hands of the paying Teller			432	2	0			
Savings Bank Deposits	...	...	60,000	0	0				Amount of Savings Bank Deposits transferred to Mint Bullion Account in Bank of New South Wales			60,000	0	0			
Revenue Suspense Account (Old)	...	...	781	8	6												
Do. (New)	...	...	4,860	0	3												
Sundry Deposits	...	...	1,206	4	2												
Trust Moneys Deposit Account	...	...	97,591	4	9	205,747	18	10									
TOTAL						743,948	0	7	TOTAL						743,948	0	7

The Treasury, New South Wales,
Sydney, 3rd May, 1861.

[Price, 1d]

Sydney: Thomas Richards, Government Printer.—1861.

1861.

NEW SOUTH WALES.

ABSTRACTS

OF THE

PUBLIC ACCOUNTS

OF THE

Colony of New South Wales,

FOR THE YEAR

1860,

CONSISTING OF SEPARATE STATEMENTS, UNDER THE
FOLLOWING HEADS, VIZ.:-

GENERAL ACCOUNT CURRENT.—CIVIL LIST GRANTS.—
CONSOLIDATED REVENUE FUND.—SALES OF DEBENTURES IN ENGLAND.—
LOANS OUTSTANDING ON 31ST DECEMBER, 1860.—
NEWCASTLE TONNAGE DUTY, 19 VICT., No. 25, & 20 VICT., No. 12.—
ORIENTAL BANK CORPORATION.—GOVERNMENT COMMERCIAL AGENTS.—
CLERGY AND SCHOOL LANDS' REVENUE.—
ASSESSMENT ON SHEEP (SCAB ACT).—POLICE REWARD FUND, 16 VICT., No. 33.—
POLICE SUPERANNUATION FUND, 16 VICT., No. 33.—SPECIAL RECEIPTS.—
TRUST MONEYS' DEPOSITS, 20 VICT., No. 11.—MINT BULLION.

Ordered by the Legislative Assembly to be Printed,
8 May, 1861.

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER,
PHILIP-STREET.

1861.

INDEX.

A.	C.
Aborigines	Charges on Collections
Abstract of Disbursements out of the Consolidated Revenue Fund	Charitable Allowances
Account—Assessment on Sheep—(Scab Act)	Church of England—Clergy and School Lands
Account—Clergy and School Lands'	Church of England—Schedule C
Account Current—Consolidated Revenue Fund	Circuit Courts—Supreme and
Account Current—General	City Debentures—Interest on—Receipts
Account Current—Loans'	City Funds—Municipal Council, Sydney—in aid of the
Account Current—Schedule A	Civil List Grants—Particulars of Payments therefrom
Account Current—Schedule B	Clergymen—Compensation to, for loss of Addition to Stipends
Account Current—Schedule C	Clergy and School Lands—Account of Receipts and Disbursements
Account—Mint Bullion	Coal Fields—Examiner of
Account—Special Receipts'	Cockatoo Island—Penal Establishment
Account—Trust Monies'	Compensation to Clergymen for loss of Addition to Stipends
Account of Debentures negotiated in England	College, St. John's—Endowment of
Administration of Justice	College, St. Paul's—Endowment of
Advances Unadjusted—Schedule of	Colonial Architect
Agents—Government Commercial—Statement of Receipts and Disbursements	Colonial Distilleries
Albany—Erection of an Hospital at	Colonial Hospitals—For the support of Paupers in the
Albany Gaol	Colonial Secretary—Schedule A
Allowances—Charitable	Colonial Storekeeper
Allowance—Military	Colonial Treasurer—Schedule A
Allowance—Naval	Colonial Treasurer—Supplement to Salary provided under Schedule A
Allowance to Poundkeepers—Erecting Pounds and	Commercial Agents—Government—Statement of Receipts and Expenditure by
Alpacas—Management of	Commission on Sales of Land, &c.
Architect—Colonial	Consolidated Revenue Fund—Account Current
Armidale and New England Hospital	Consolidated Revenue Fund—Statement of Receipts
Artillery—Royal	Construction and Maintenance of Roads, Bridges, and Ferries
Assembly—Legislative	Conveyance of Mails
Assessment on Sheep Account—(Scab Act)	Coroners
Asylum for Destitute Children	Council—Executive
Attorney General—Schedule A	Council—Legislative
Auditor General's Department	Council and Assembly—Legislative
Auditor General—Schedule A	Court of Claims
Australian Museum—Endowment of the	Court—Insolvent
Australian Museum—Salary of Curator	Courts of Requests
Australian Museum—Scientific Works for	Courts—Supreme and Circuit
B.	Crown Lands—Survey and Occupation of
Balmain School of Arts—Building Fund	Crown Law Officers
Bathurst Gaol	Curator of the Australian Museum—Salary of
Bathurst Hospital	Customs—Drawbacks and Refund of Duties
Bathurst School of Arts—Building Fund	Customs—Establishment
Benevolent Society, Parramatta	Customs—Receipts
Benevolent Society, Singleton and Patrick's Plains	D.
Benevolent Society, Sydney	Debentures—Repayment of
Berrima Gaol	Debentures—Proceeds of
Bishopthorpe Estate Revenue—Schedule C	Debentures—Result of Sales of
Booby Island—Provisions left on	Denominational Schools
Bookbinding—Printing and	Denominational Schools—Clergy and School Lands
Botanic Gardens, Sydney	Department of Public Works
Botanic Gardens, Brisbane	Destitute Children's Asylum
Bounties on the Importation of Foreign Immigrants	Disbursements out of the Consolidated Revenue Fund—Abstract of
Braidwood Literary Institute	Disbursements—Loans—Statement of Receipts and
Bridges and Ferries—Roads	Distilleries—Colonial
Brisbane—Steam Navigation Board	District Courts
Boatmen	Dredge—Steam—"Hercules"
Buildings—Public Works and	Dredge—Steam—"Hunter"
Buildings—Public Works and—Loans	Dock—Fitz Roy Dry
Building Funds :—	Drawbacks and Refund of Duties—Customs
Balmain School of Arts	Duty on Spirits distilled in the Colony
Bathurst School of Arts	
East Maitland School of Arts	
Grafton School of Arts	
Maitland Mechanics' Institute	
Maitland School of Arts	
Newtown School of Arts	
Sydney Mechanics' School of Arts	
Waverley School of Arts	

E.	
East Maitland School of Arts—Building Fund..	30
Educational	29
Electoral Lists—Expenses attending the preparation of	32
Election of Members to serve in the Legislative	
Assembly—Expense of	32
Electric Telegraph Branch	36
Electric Telegraph Receipts	24
Emigration from the United Kingdom	35
Endowments:—	
Australian Museum	30
Municipal Institutions	31
Sydney Grammar School	29
Sydney University	29
St. John's College	29
St. Paul's College	29
Erecting Pounds and Allowance to Poundkeepers ..	32
Examiner of Coal Fields	35
Executive and Legislative Departments.. .. .	29
Executive Council	29
Expenses attending the preparation of the Electoral	
Lists	32
Expenses consequent upon the Discovery of Gold at the	
Fitz Roy River, Port Curtis	35
Expense of Election of Members to serve in the Legis-	
lative Assembly	32
F.	
Fees of Office	24
Fees on Certificates of Competency to Masters of	
Vessels	25
Fever Wards and Dead House, Maitland	31
Fines and Forfeitures	24
Fitz Roy River, Port Curtis—Expenses consequent	
upon the Discovery of Gold at	35
Fitz Roy Dry Dock	36
Foreign Immigrants—Bounties on the Importation of ..	35
G.	
Gaol and Penal:—	
Gaol, Albury	30
Bathurst	29
Berrima	30
Goulburn.. .. .	30
Gundagai	30
Maitland	30
Other Gaols—Country Districts	30
Parramatta	29
Sydney	29
Wollongong	30
Yass	30
Penal Establishment—Cockatoo Island	30
General Account Current	1
Gold Police and Horse Patrol, Country Districts ..	29
Gold Fields	35
Gold Receivers	53
Gold Revenue	23
Goulburn Gaol	30
Goulburn Hospital	31
Goulburn School of Arts—Aid to.. .. .	30
Government Domains and Hyde Park	35
Governor General—His Excellency the—Schedule A ..	8
Governor General's Establishment—His Excellency the	
Governor's Private Secretary	8
Government Commercial Agents—Statement of Re-	
ceipts and Expenditure	61 & 65
Grafton School of Arts—Building Fund.. .. .	30
Grammar School, Sydney—Endowment	29
Grants in aid of Public Institutions	30
Gratuities to Surgeons Superintendent and others ..	35
Gundagai Gaol	30
Gunpowder Magazine	33
H.	
Harbours and River Navigation	36
Harbour Surveys—Preliminary	36
Harbour Dues	25
Harbours, Light Houses, and Pilot Department ..	33
Harbour Masters	33
Health Officers	33
His Excellency the Governor General—Schedule A ..	8
His Excellency the Governor General's Establishment	
Horse Patrol and Gold Police, Country Districts ..	29
Horse Patrol, Sydney	29

Hospital:—	
Armidale and New England	31
Bathurst.. .. .	31
Goulburn	31
Maitland	31
Mudgee	31
Newcastle	31
Parramatta	31
Port Macquarie.. .. .	31
Sofala	31
Wagga Wagga	31
Windsor	31
Yass	31
I.	
Immigration Remittances—Receipts	25
Immigration Remittances refunded to Depositors ..	35
Immigration Establishment	35
Improving the Navigation of the River Hunter and	
Port of Newcastle	43 & 55
Infirmary and Dispensary, Sydney	31
Insolvent Court	32
Inspector General and Metropolitan Police	29
Interest on City Debentures—Receipts	25
Interest on Loans	37
Interest on Public Moneys—Receipts	35
Internal Communication	35
J.	
Judges—Pensions to—Schedule B	10
Judges—Schedule A	8
Judges—Schedule A—Supplementary	28
Justice—Administration of	32
K.	
Kiandra—Erection of an Hospital at	31
L.	
Land and Immigration Debentures paid off	45
Lands—Secretary for	34
Lands—Survey of	34
Lands—Occupation of	34
Land Revenue	23
Law Officers of the Crown	32
Legislative Assembly	29
Legislative Council	29
Legislative Council and Assembly	29
Licences	23
Light Houses, Harbours, and Pilot Department ..	33
Light Houses	33
Literary Institute, Braidwood	30
Loans:—	
Account Current	22
Interest on	37
Statement of Receipts and Disbursements	41
Statement of—Unpaid, 31st December, 1860 ..	51
Lunatic Asylum, Parramatta	30
Lunatic Asylum, Tarban Creek	30
M.	
Magazine—Gunpowder	33
Mails—Conveyance of	33
Maitland Gaol	30
Maitland Hospital	31
Maitland Mechanics' Institute—Building Fund ..	30
Maitland School of Arts—Building Fund	30
Management—Expenses of—Clergy and School Lands	
Mechanics' School of Arts, Sydney	30
Medical Establishments	30
Medical Board	30
Metropolitan Police—Inspector General and	29
Military Allowance	30
Mint Bullion Account	85
Mint Receipts	23
Mint—Sydney Branch of the Royal—Expenditure ..	33
Miscellaneous Expenditure:—	
Principal Secretary	32
Treasurer and Secretary for Finance and Trade ..	34
Secretary for Lands	35
Secretary for Public Works	36
Miscellaneous Receipts	25
Mudgee Hospital	31
Municipal Council, Sydney—in aid of City Funds ..	31
Municipal Institutions—Endowments	31
Municipal Institutions—Preliminary Expenses ..	31
Museum—Australian—Endowment of	30
Museum—Australian—Salary of Curator	30
Museum—Australian—Scientific Works for	30

N	
National Schools	29
Native Police	29
Naval and Military	30
Naval Allowance	30
Navigation—Harbours and River	36
Navigation of the River Hunter and Port of Newcastle—Improving the	43 & 55
Newcastle Hospital	31
Newcastle Tonnage Dues	25 & 55
Newtown School of Arts—Building Fund	30
O	
Observatory	30
Occupation of Lands	34
Oriental Bank Corporation, London—Debentures sold by the	49
Oriental Bank Corporation, London—Statement of Receipts and Disbursements by the	57
Orphan School—Protestant	29
Orphan School—Roman Catholic	29
Outfit, Penrith Hospital	31
P	
Parramatta Benevolent Asylum	31
Parramatta Gaol	29
Parramatta Hospital	31
Parramatta Lunatic Asylum	30
Patrick's Plains—Erection of a Benevolent Asylum	31
Paupers in the Colonial Hospitals—For the support of	31
Penal Establishment, Cockatoo Island	30
Penrith Hospital—Outfit	31
Pensions—Schedule B	10
Pensions to Judges—Schedule B	10
Pensions to Political Officers—Schedule B	10
Pensions to Superannuated Officers and Others—Schedule B	10
Pensions and Retired Allowances—Supplement to Schedule B	28
Pilotage Receipts	24
Pilots—Sea and River	33
Police:—	
Horse Patrol and Gold Police, Country Districts	29
Native Police	29
Rural Police	29
Sydney—Judicial	29
Inspector General and Metropolitan	29
Horse Patrol	29
Water	29
Police Reward Fund Account	77
Police Superannuation Fund Account	79
Political Officers—Pensions to	10
Port Macquarie Hospital	31
Postage of Public Departments	34
Post Office	33
Postage Receipts	23
Postage Stamps	33
Pounds—Erecting—and Allowance to Poundkeepers	32
Presbyterian Church—Clergy and School Lands	73
Presbyterian Church—Schedule C	17
Principal Secretary's Department	29
Printing, Bookbinding, and Postage Stamp Department	33
Private Secretary—The Governor's—Schedule A	8
Proceeds of Debentures	42
Protestant Orphan School	29
Provisions, Booby Island	34
Public Debt—Statement of	51
Public Institutions—Grants in aid of	30
Public Works and Buildings	36 & 38
Public Works and Buildings provided for by Loans	41
Public Works—Secretary for	36
Q	
Quarantine	33
Quarter Sessions	32
R	
Railway Accident—Compensation	36
Railway Department	35
Railway Trial Surveys	35
Railway Tolls	24
Railway Works provided for by Loans	43
Receipts and Disbursements, Loans—Statement of	41
Receipts—Consolidated Revenue Fund—Statement of	23
Receivers—Gold	33
Refund of Duties—Drawbacks and	33
Registrar General	29
Remittances—Immigration—Receipts	25
Remittances—Immigration—refunded to Depositors	35
Remittances to the Land and Emigration Commissioners	35
Rents—Exclusive of Land	24
Requests—Courts of	32
Revenue and Receipts returned	37
Reward—Police—Fund Account	77
River Navigation—Harbours and	36
Roads, Bridges, and Ferries	35, 36, & 39
Roads Department	36
Roman Catholic Church—Clergy and School Lands	73
Roman Catholic Church—Schedule C	18
Roman Catholic Orphan School	29
Royal Artillery	30
Royal Mint—Sydney Branch of	33
Rural Police	29
S	
Schedules A & B—Supplements to	28
Schedule A—Account Current	7
Schedule B—Account Current	9
Schedule C—Account Current	13
Schedule A—Disbursements under	8 & 28
Schedule B—Disbursements under	10 & 28
Schedule C—Disbursements under	14 & 28
Schedule C—Bishophorpe Estate Revenue	25
Schedule of Advances unadjusted	47
Schools of Arts—Aid to	30
Schools of Arts—Building Funds—Aid to	30
Schools:—	
Denominational	29
Denominational—Clergy and School Lands	73
Grammar School, Sydney—Endowment of the	29
National	29
Protestant Orphan School	29
Roman Catholic Orphan School	29
School Lands—Clergy and—Account of Receipts and Disbursements	71
Scientific Works for the Australian Museum	30
Sea and River Pilots	33
Secretary, Colonial—Schedule A	8
Secretary's Department—Principal	29
Secretary for Finance and Trade—Treasurer and	33
Secretary for Lands' Department	34
Secretary for Public Works' Department	35
Sessions—Quarter	32
Sheep Account—Assessment on	75
Sheriff	32
Shipping Masters	33
Singleton and Patrick's Plains Benevolent Society	31
Sofala Hospital	31
Solicitor General—Schedule A	8
Special Receipts' Account	51
Spirits distilled in the Colony—Duty on	23
Statement of Debentures sold by the Oriental Bank Corporation, London	49
Statement of Loans unpaid, 31st December, 1860	51
Statement of Receipts and Expenditure by Captain Galton, R.E., Acting Government Commercial Agent	61
Statement of Receipts and Payments by the Oriental Bank Corporation, London	57
Statement of Receipts and Payments by the Government Commercial Agents	65
Stationery and Stores	34
Steam Dredge "Hercules"	36
Steam Dredge "Hunter"	36
Steam Navigation Board	33
Steam Navigation Board, Brisbane	33
St. John's College—Endowment Fund	29
St. Paul's College—Endowment Fund	29
St. Leonard's School of Arts	30
Storekeeper—Colonial	33
Stores and Stationery	34
Superannuated Officers and others—Pensions to	10
Superannuation—Police—Fund Account	79
Supplements to Schedules A and B	28
Supreme and Circuit Courts	32
Surveys—Railway Trial	35
Surveys—Preliminary Harbour	36
Survey of Lands	34
Sydney Branch of the Royal Mint	33
Sydney Gaol	29
Sydney Grammar School—Endowment of the	29
Sydney Infirmary and Dispensary	31
Sydney Mechanics' School of Arts—Aid to	30
Sydney Mechanics' School of Arts—Building Fund	30

Sydney Police 29
 Sydney University Endowment 29

T.

Tarban Creek—Lunatic Asylum 30
 Telegrams—Public.. .. . 34
 Telegraph Branch—Electric 36
 Telegraph Receipts—Electric 24
 Tonnage Dues, Newcastle 25&55
 Treasurer and Secretary for Finance and Trade 33
 Treasurer, Colonial—Schedule A 8
 Treasurer, Colonial—Supplement to Salary provided
 under Schedule A 28
 Treasury Department 33
 Trust Moncys—Account of 83

U.

Unclassified Expenditure 37
 University of Sydney—Endowment of 29

V.

Vaccine Establishments 30
 Volunteer Corps 30

W.

Wagga Wagga Hospital 31
 Water Police, Sydney 29
 Waverley School of Arts—Building Fund 30
 Wesleyan Methodist Church—Clergy and School Lands 73
 Wesleyan Methodist Church—Schedule C 17
 Windsor Hospital 31
 Wollongong Gaol 30
 Works and Buildings—Public 36&38
 Works and Buildings—Public—provided for by Loans 41

Y.

Yass Gaol 30
 Yass Hospital 31

NEW SOUTH WALES.

GENERAL ACCOUNT CURRENT

OF THE

REVENUES AND RECEIPTS

OF THE

COLONY OF NEW SOUTH WALES,

AND OF THEIR

EXPENDITURE

IN THE YEAR

1860.

GENERAL ACCOUNT CURRENT OF THE REVENUE AND RECEIPTS OF THE COLONY

Dr.

PAGE.	RECEIPTS.	AMOUNT.	TOTAL.
	To BALANCES AT THE CREDIT OF THE FOLLOWING ACCOUNTS, on the 31st December, 1859, viz. :—		
22	Consolidated Revenue Fund	309,066 13 8	
42	Loans' Account	133,423 2 5	
71	Clergy and School Lands' Revenue Account ...	9,695 15 5	
75	Assessment on Sheep Account (Scab Act) ...	9,426 9 3	
77	Police Reward Fund	14,760 16 8	
79	Police Superannuation Fund	9,531 3 0	
81	Special Receipts' Account	94,051 4 10	
83	Trust Moneys' Deposit Account	61,139 12 9	
			641,094 18 0
	To RECEIPTS IN THE YEAR 1860, as per the following Statements, viz. :—		
23	Consolidated Revenue Fund, Statement, No. 1 ...	1,309,890 12 5	
42	Loans' Account, Statement, No. 3	560,729 2 2	
71	Clergy and School Lands' Revenue Account ...	5,936 1 7	
77	Police Reward Fund	2,463 9 0	
79	Police Superannuation Fund	2,453 17 8	
81	Special Receipts' Account	45,099 9 4	
83	Trust Moneys' Deposit Account	110,477 0 0	
			2,037,049 12 2
	To BANK DEPOSIT RECEIPTS, Investments, on behalf of the following Funds, lodged in the Treasury in the year 1860, viz. :—		
77	Police Reward Fund	5,090 14 6	
79	Police Superannuation Fund	2,578 15 4	
			7,669 9 10
	To ISSUES ON ACCOUNT ADJUSTED—		
	Balance of Adjustments over Advances to Public Officers and English Agents, on the following Accounts, viz. :—		
22	Consolidated Revenue Fund	116,825 2 7	
42	Loans' Account	31,227 4 0	
			148,052 6 7
22	To ADJUSTMENT OF THE BALANCE OF THE OVER-PAYMENT TO THE MUNICIPAL COUNCIL OF SYDNEY, on Account of the Water Supply to the City, in the year 1858, as per Consolidated Revenue Fund Account Current		1,837 19 3
42	To BALANCE AT THE DEBIT OF THE LOANS' ACCOUNT, on the 31st December, 1860		17,117 4 4
	TOTAL	£	2,852,821 10 2

OF NEW SOUTH WALES, AND OF THEIR EXPENDITURE IN THE YEAR 1860.

Cr.

PAGE.	DISBURSEMENTS.	AMOUNT.	TOTAL.
BY PAYMENTS IN THE YEAR 1860, UNDER THE FOLLOWING ACCOUNTS, viz. :—			
27	Consolidated Revenue Fund, Statement, No. 2 ...	1,312,777 9 5	
45	Loans' Account, Statement, No. 3 ...	726,230 17 11	
71	Clergy and School Lands' Revenue Account...	6,022 12 9	
75	Assessment on Sheep Account (Scab Act) ...	114 14 0	
77	Police Reward Fund ...	832 15 11	
79	Police Superannuation Fund ...	1,977 3 0	
81	Special Receipts' Account ...	50,854 0 5	
83	Trust Moneys' Deposit Account ...	92,189 4 5	
			2,190,998 17 10
BY AMOUNT PLACED AT INTEREST IN THE BANK OF NEW SOUTH WALES, on behalf of the following Funds, viz. :—			
77	Police Reward Fund ...	5,090 14 6	
79	Police Superannuation Fund ...	2,578 15 4	
			7,669 9 10
BY ISSUES ON ACCOUNT,—			
22	Consolidated Revenue Fund, as per Account Current	10,319 4 1	
45	Loans' Account, as per Statement, No. 3 ...	16,265 15 0	
71	Clergy and School Lands' Revenue Account...	569 4 8	
77	Police Reward Fund ...	656 7 11	
79	Police Superannuation Fund ...	1 19 5	
			27,812 11 1
BY BALANCES AT THE CREDIT OF THE FOLLOWING ACCOUNTS, on the 31st December, 1860, viz. :—			
22	Consolidated Revenue Fund ..	414,523 14 5	
71	Church and School Lands' Revenue Account	9,089 19 7	
75	Assessment on Sheep Account (Scab Act) ...	9,311 15 3	
77	Police Reward Fund ...	15,735 1 10	
79	Police Superannuation Fund ...	10,005 18 3	
81	Special Receipts' Account ...	88,296 13 9	
83	Trust Moneys' Deposit Account ...	79,427 8 4	
			626,340 11 5
TOTAL		£	2,852,821 10 2

W. C. MAYNE,
Auditor General.

1. *Chrysomelidae*

Chrysomelidae

Chrysomelidae

Chrysomelidae

Chrysomelidae

NEW SOUTH WALES.

CIVIL LIST GRANTS.

APPROPRIATION AND EXPENDITURE

OUT OF THE

CONSOLIDATED REVENUE FUND,

UNDER

18 & 19 VICT., CAP. 54. (SCHEDULE 1, SEC. 49.)

FOR THE YEAR

1860.

1877
 1878

1879
 1880

NEW SOUTH WALES.

Schedule A, 18 & 19 Victoria, Cap. 54.

IN ACCOUNT WITH THE CONSOLIDATED REVENUE FUND, 1ST JANUARY TO 31ST DECEMBER, 1860.

Dr.		Cr.	
RECEIPTS.	AMOUNT.	DISBURSEMENTS.	AMOUNT.
	£ s. d.		£ s. d.
To Amount transferred from the Consolidated Revenue Fund.....	18,009 6 8	By Amount of Payments as per Account of Consolidated Revenue Fund, to 31st December, 1860	18,009 6 8
To Balance of the Annual Amount provided by the Schedule A...	4,340 13 4	By Balance reverted to the Consolidated Revenue Fund	4,340 13 4
TOTAL... ..£	22,350 0 0	TOTAL.....£	22,350 0 0

Audit Office, Sydney, New South Wales,
18th January, 1861.

W. C. MAYNE,
Auditor General.

SCHEDULE A.

STATEMENT shewing the Particulars of Salaries provided by Schedule A, annexed to the Act 18 & 19 Victoriae, Cap. 54, of the Salaries drawn, and of the Amount which has reverted to the Consolidated Revenue Fund for 1860.

SALARIES PROVIDED AND PAYABLE FROM SCHEDULE RESERVE FOR 1860.	OFFICERS.	PERIOD FOR WHICH DRAWN.		AMOUNT DRAWN.	BALANCE REVERTED TO THE CONSOLIDATED REVENUE FUND.	REMARKS.
		From	To			
£ s. d.				£ s. d.	£ s. d.	
7,000 0 0	His Excellency the Governor General	1 Jan., 1860.	31 Dec., 1860.	7,000 0 0	.....
2,000 0 0	The Chief Justice	"	"	2,000 0 0	.....
3,000 0 0	The two Puisne Judges	"	"	2,995 13 9	4 6 3	{ Consequent upon the resignation of Mr. Justice Dickinson, as Puisne Judge.
1,500 0 0	The Judge for Moreton Bay .....			.....	1,500 0 0	{ Ceded to be a charge upon the Government of New South Wales on the erection of the Colony of Queensland, 1st December, 1859.
2,000 0 0	Colonial Secretary	1 Jan., 1860.	31 Dec., 1860.	1,999 19 11	0 0 1	{ Fraction lost in computing Salaries for broken periods.
1,250 0 0	Colonial Treasurer ..	"	"	1,250 0 0	.....
900 0 0	Auditor General	"	"	900 0 0	.....
1,500 0 0	Attorney General	"	"	1,413 13 0	86 7 0	{ Salary of Attorney General, during the vacancies from 15th to 20th February, and 17th to 31st March.
1,000 0 0	Solicitor General	"	31 March, 1860.	250 0 0	760 0 0	{ Salary of Solicitor General, during the vacancy from 1st April to 31st December.
400 0 0	Governor's Private Secretary	"	31 Dec., 1860.	200 0 0	200 0 0	{ Appointment of a Private Secretary, from 1st December, 1859, at half salary.
1,600 0 0	{ Master in Equity and Curator of Intestate Estates, and Chief Commissioner of Insolvent Estates .....			.....	1,000 0 0	{ Salary of Master in Equity, lapsed from 1st January, 1856, by the Appointment of S. F. Milford, Esq., as Puisne Judge.
800 0 0	{ Chairman of Quarter Sessions, and Commissioner of Court of Requests .....			.....	800 0 0	{ Salary of Chairman of Quarter Sessions, lapsed by the Appointment of Thomas Callaghan, Esq., to that office, in the room of Alfred Checke, Esq.
22,350 0 0	TOTALS			£ 18,009 6 8	4,340 13 4	

Audit Office, Sydney, New South Wales,
18th January, 1861.

W. C. MAYNE,
Auditor General.

NEW SOUTH WALES.

Schedule B, 18 & 19 Victoria, Cap. 54.

IN ACCOUNT WITH THE CONSOLIDATED REVENUE FUND, 1ST JANUARY TO 31ST DECEMBER, 1860.

Dr.

Cr.

RECEIPTS.	ARREARS.	CURRENT.	DISBURSEMENTS.	ARREARS.	CURRENT.
To Amount transferred from the Consolidated Revenue Fund	681 13 7	8,733 12 2	By Amount of Payments, as per Account of Consolidated Revenue Fund, for 1860	681 13 7	8,733 12 2
To Balance of the Annual Amount provided by the Schedule B.	17 13 1	5,216 7 10	By Balance of Charges, on Account of 1860 and previous years, payable in 1861 ..	7 12 6	385 14 9
			By Balance reverted to the Consolidated Revenue Fund	10 0 7	4,880 13 1
TOTALS£	699 6 8	13,950 0 0	TOTALS£	699 6 8	13,950 0 0

Audit Office, Sydney, New South Wales,
13th February, 1861.

W. C. MAYNE,
Auditor General.

SCHEDULE B.

STATEMENT showing the Particulars of Pensions provided by Schedule B, annexed to the Act 18 & 19 Victoria, Cap. 54, of the Pensions actually drawn or payable for 1860 and Previous Years, and of the Amount which has reverted to the Consolidated Revenue Fund for 1860.

PENSIONS PROVIDED AND PAYABLE FROM		PARTIES.	PERIOD FOR WHICH DRAWN.		AMOUNT DRAWN.		PAYABLE IN 1861, ON ACCOUNT OF PREVIOUS YEARS.	BALANCE REVERTED TO THE CONSOLIDATED REVENUE FUND.		REMARKS.
Balances of 1856-9.	Reserve for 1860.		From	To	For 1856-9.	For 1860.		For 1859.	For 1860.	
£ s. d.	£ s. d.					£ s. d.	£ s. d.	£ s. d.		
107 5 2	4,550 0 0	PENSIONS TO JUDGES.								
		R. Therry, late Puisne Judge	22 Nov., 1859	21 Oct., 1860	107 5 2	855 4 10	196 17 6		3,497 17 8	
		PENSIONS TO POLITICAL OFFICERS.								
	2,000 0 0	E. Dean Thomson, Esq., O.B., late Colonial Secretary	1 Jan., 1860	31 Dec., 1860		2,000 0 0				
	900 0 0	F. J. S. Merewether, Esq., late Auditor General.	" "	" "		900 0 0				
	1,250 0 0	J. H. Plunkett, Esq., Q.C., late Attorney General	" "	" "		1,200 0 0				
266 13 4	800 0 0	Sir W. M. Manning, Q.C., late Solicitor General	1 Sept., 1859	" "	266 13 4	741 18 0			55 2 0	Held the office of Attorney General, from 31st February to 16th March, 1860.
	1,000 0 0	Amount lapsed by the death of C. D. Riddell, Esq., late Colonial Treasurer							1,000 0 0	
		PENSIONS TO SUPERANNUATED OFFICERS AND OTHERS.								
	379 3 4	William Lithgow, late Auditor General	1 Jan., 1860	31 Dec., 1860		379 3 4				
	300 0 0	William Carter, late Registrar General	" "	31 July, 1860		175 0 0			125 0 0	Deceased.
	200 0 0	J. Nicholson, late Harbour Master	" "	31 Dec., 1860		200 0 0				
	222 10 0	G. B. White, late Surveyor	" "	" "		222 10 0				
	186 13 4	G. W. Newcombe, late Clerk in the Colonial Secretary's Office	" "	" "		186 13 0			0 0 4	
	167 0 0	James Larmer, late Surveyor	" "	" "		167 0 0				
	79 0 0	B. P. Griffin, late Clerk in the Colonial Treasury.	" "	" "		79 0 0				
	70 0 0	James Warner, late Assistant Surveyor	" "	" "		70 0 0				
	22 0 0	S. M. Barrowes, late Foreman of Colonial Stores.	" "	31 May, 1860		9 3 4			12 16 8	Deceased.
	100 0 0	S. Milcham, Widow of Surgeon Milcham	" "	31 Dec., "		100 0 0				
	54 18 0	J. Graves, late Sergeant, Gold Guards	" "	" "		54 18 0				
	35 5 8	W. Galvin, late Messenger, Legislative Council.	" "	" "		35 5 8				
	29 13 1	N. Robinson, late Constable, Police, Sydney	" "	" "		29 13 1				
	14 19 9	W. Callaghan, late Constable, Police, Sydney	" "	" "		14 19 9				
	11 18 3	G. Wilson, late Constable, Police, Penrith	" "	" "		14 18 0			0 0 3	
373 18 6	12,325 1 5	Carried forward			373 18 6	7,438 7 0	196 17 6		4,690 16 11	

STATEMENT OF PENSIONS PROVIDED BY SCHEDULE B—Continued.

PENSIONS PROVIDED AND PAYABLE FROM		PARTIES.	PERIOD FOR WHICH DRAWN.		AMOUNT DRAWN.		PAYABLE IN 1861, ON ACCOUNT OF PREVIOUS YEARS.	BALANCE REVERTED TO THE CONSOLIDATED REVENUE FUND.		REMARKS.
Balances of 1856-9.	Reserve for 1860.		From	To	For 1859.	For 1860.		For 1859.	For 1860.	
£ s. d.	£ s. d.			£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.		
373 18 6	12,326 1 5	Brought forward.....£	.....	.....	7,438 7 0	196 17 6	.....	4,690 16 11		
PENSIONS TO SUPERANNUATED OFFICERS AND OTHERS—Continued.										
.....	14 16 6	J. Moore, late Keeper of Supreme Court House ..	1 Jan., 1860	31 Dec., 1860	.....	14 16 4	.....	.....	0 0 2	
.....	12 10 0	B. Naughton, late Constable, Police, Sydney .....	"	"	.....	12 10 0	.....	.....	.....
47 2 11	188 11 8	Rev. F. Wilkinson, late Colonial Chaplain	1 Oct., 1859	30 Sept., 1860	47 2 11	141 8 9	47 2 11	.....	.....
26 0 0	52 0 0	F. Gosling, late Clerk in General Post Office	1 July, "	"	26 0 0	39 0 0	13 0 0	.....	.....
100 0 0	200 0 0	Mrs. Smith, Widow of Judge Advocate Bent	"	3 Mar., 1860	100 0 0	34 10 5	.....	.....	165 9 7	Deceased.
2 6 0	9 2 6	T. Bevan, late Trooper, Mounted Police	1 Oct., "	30 Sept., "	2 6 0	6 17 0	2 5 6	.....	.....
34 7 8	137 11 2	T. S. Townsend, late Surveyor	"	"	34 7 8	103 3 8	34 7 6	.....	.....
.....	39 10 0	Michael Doyle, late Messenger in the Colonial Treasury	1 Jan., 1860	31 Dec., "	.....	39 10 0	.....	.....	.....
.....	53 0 8	N. Leador, late Clerk in the Court of Requests ..	"	"	.....	53 0 8	.....	.....	.....
.....	102 0 0	R. Ormiston, late Chief Clerk, Central Police Office ..	"	"	.....	102 0 0	.....	.....	.....
.....	35 10 0	Colin Mackenzie, late Clerk in the Supreme Court ..	"	"	.....	35 10 0	.....	.....	.....
.....	134 10 5	Merion Moriarty, late Port Master .....	"	"	.....	134 10 0	.....	.....	0 0 5	
35 19 11	143 19 9	J. J. Galloway, late District Surveyor	1 Oct., 1859	"	35 19 11	143 19 9	.....	.....	.....
20 1 2	40 0 0	O. Homersham, late Clerk, Customs Department ..	"	30 Sept., "	10 0 7	30 1 9	9 18 3	10 0 7	.....
.....	23 4 0	Thos. Hinton, late Porter, Customs Department ..	1 Jan., 1860	31 Dec., "	.....	23 4 0	.....	.....	.....
.....	28 16 0	John Brennan, late Turnkey, Parramatta Gaol ..	"	"	.....	28 16 0	.....	.....	.....
28 6 10	113 7 4	William Shone, late Surveyor	1 Oct., 1859	30 Sept., "	28 6 10	85 0 6	28 6 10	.....	.....
6 2 5	73 9 6	W. S. Wall, late Curator, Australian Museum	1 Dec., "	31 Dec., "	6 2 5	73 9 0	.....	.....	0 0 6	
11 8 9	7 12 6	Richard Williams, late Coast Waiter, Customs ..	1 July, "	30 June, "	3 16 3	3 16 3	11 8 9	.....	.....
.....	185 1 1	W. C. Greville, late Clerk in the Colonial Secretary's Office	1 Jan., 1860	31 Dec., "	.....	185 1 1	.....	.....	.....
13 12 6	.....	Maria Feeny, Gratuity as Matron of Gaol at Brisbane, one month's pay for every year of service .....	.....	.....	13 12 6	.....	.....	.....	.....
.....	24 5 6	W. Taylor, late Clerk of Petty Sessions, Wollongong .....	.....	.....	.....	.....	.....	.....	24 5 6	Appointed Messenger in the Legislative Council, 24th June, 1856.
699 6 8	13,950 0 0	TOTALS .....	.....	.....	£ 681 13 7	8,733 12 2	343 7 3	10 0 7	4,880 13 1	

Audit Office, Sydney, New South Wales,
13th February, 1861.

W. C. MAYNE,
Auditor General.

NEW SOUTH WALES.

Schedule C, 18 & 19 Victoria, Cap. 54.

IN ACCOUNT WITH THE CONSOLIDATED REVENUE FUND, 1ST JANUARY, TO 31ST DECEMBER, 1860.

125-D

Dr.

Cr.

RECEIPTS.	ARREARS.			CURRENT.			DISBURSEMENTS.										
	£	s.	d.	£	s.	d.	ARREARS.			CURRENT.							
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.		
To Balance at the Credit of the Schedule C, on the 31st December, 1859	4,517	17	0	.....			By Amount of Payments, as per Account of Consolidated Revenue Fund, for 1860, viz. :—									
To Revenue derived from the Bishopthorpe Estate for 1859-60	373	6	8	591	13	4	Church of England.....										
To Amount transferred from the Church of England's Share of the Church and School Lands' Revenue, to meet the charge on Schedule C for House Rent (Diocese of Sydney) in 1859	127	10	0				Presbyterian Church										
To Amount transferred from the Consolidated Revenue Fund, and apportioned to the undermentioned Communions, according to the Census of 1851, viz. :—							Wesleyan Methodist Church										
Church of England.....				14,634	6	5	Roman Catholic Church										
Presbyterian Church				2,852	15	11											
Wesleyan Methodist Church				1,572	10	6											
Roman Catholic Church.....				8,940	7	2											
TOTALS.....	£	5,018	13	8	28,591	13	4	TOTALS.....			£	5,018	13	8	28,591	13	4

13

Audit Office, Sydney, New South Wales,
23rd January, 1861.

W. C. MAYNE,
Auditor General.

SCHEDULE C.

STATEMENT of the Expenditure, from the Colonial Treasury, of the Amount appropriated for defraying the Expenses of the several Services and Purposes specified in the Schedule C, annexed to the Act 18 & 19 Victorie, Caput 54, in the Year 1860.

STATION.	NAME.	SALARIES.	ALLOWANCES.				Special Payments out of the Unexpended Balances on 31 Dec., 1859.	TOTAL AMOUNT PAID			TOTAL.
			In lieu of Forage for one Horse.	For Travelling Expenses.	In lieu of House Rent.	For the Service of Previous Years.		For the Service of the Year 1860.	TOTAL.		
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
CHURCH OF ENGLAND.											
<i>Diocese of Sydney.</i>											
Sydney.	The Bishop of Sydney and Metropolitan	2,000 0 0	.....	.....	.....	.....	250 0 0	1,750 0 0	2,000 0 0	
	Dean of Sydney	300 0 0	.....	.....	.....	.....	25 0 0	275 0 0	300 0 0	
	St. Philip's	160 0 0	.....	.....	.....	.....	13 6 8	146 13 4	160 0 0	
	St. James'	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
	St. Andrew's	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
	St. Lawrence	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
	Trinity	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
	St. Mark's, Alexandria	208 6 8	.....	.....	.....	.....	37 10 0	170 16 8	208 6 8	
	Surry Hills	125 0 0	.....	.....	.....	.....	50 0 0	75 0 0	125 0 0	
	Appin	150 0 0	.....	.....	.....	.....	12 10 0	137 10 0	150 0 0	
		T. H. Wilkinson	112 10 0	12 10 0	100 0 0	112 10 0	
		succeeded by							25 0 0	25 0 0	
	Ashfield and Enfield	W. Lumsdaine	25 0 0	12 10 0	12 10 0	
		A. S. King	12 10 0	12 10 0	12 10 0	
	Balmain	W. Stack, B.A.	200 0 0	33 6 8	166 13 4	200 0 0	
Bathurst	Thomas Sharpe, M.A.	200 0 0	45 15 0	.....	.....	.....	28 3 4	217 11 8	245 15 0	
Berrima	J. S. Hassall	220 16 8	.....	.....	.....	.....	37 10 0	183 6 8	220 16 8	
Braidwood	James Allan	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Bungonia	E. B. Proctor	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Burwood	M. D. Meares, M.A.	114 5 8	28 10 0	.....	.....	.....	32 6 8	110 8 4	142 15 0	
Camden	H. Tingcombe	183 6 8	.....	.....	.....	.....	16 13 4	166 13 4	183 6 8	
Campbelltown	Edward Smith, B.A.	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Canperdown	C. C. Kemp	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Canbury	P. G. Smith	150 0 0	.....	.....	.....	.....	12 10 0	137 10 0	150 0 0	
Carcoar	J. A. Burke, B.A.	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
	Carried forward..... £	5,961 15 0	74 5 0	.....	.....	.....	711 6 8	5,924 13 4	6,036 0 0	

STATEMENT OF EXPENDITURE UNDER SCHEDULE C.—Continued.

STATION.	NAME.	SALARIES.	ALLOWANCES.				Special Payments out of the Unexpended Balances on 31 Dec., 1859.	TOTAL AMOUNT PAID.			TOTAL.
			In lieu of Forage for one Horse.	For Travelling Expenses.	In lieu of House Rent.	TOTAL.		For the Service of Previous Years.	For the Service of the Year 1860.		
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
CHURCH OF ENGLAND—Continued.											
<i>Diocese of Sydney—Continued.</i>											
	Brought forward	£ 3,961 15 0	74 5 0	.....	.....	.....	711 6 8	5,324 13 4	6,036 0 0	
Chippendale	Revd. A. H. Stephen, B.A.	220 16 8	.....	.....	.....	.....	37 10 0	183 6 8	220 16 8	
	„ E. J. Nixon, B.A.	66 13 4	.....	.....	.....	.....	33 6 8	83 6 8	66 13 4	
	succeeded by										
Cook's River	„ A. H. Bull	133 6 8	.....	.....	.....	.....	.....	133 6 8	133 6 8	
	„ J. Smith	16 13 4	.....	.....	.....	.....	.....	16 13 4	16 13 4	
Cooma, Maneroo, and Auckland ..	„ Thomas Druitt	103 0 0	.....	.....	.....	.....	8 6 8	91 13 4	100 0 0	
Dapto	„ W. W. Simpson, M.A.	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Denham Court	„ G. N. Woodd, B.A.	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Dubbo	„ H. D. H. Garvin	100 0 0	.....	.....	.....	.....	50 0 0	50 0 0	100 0 0	
Goulburn	„ W. Sawyerby	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Gunning and Collector	„ D. P. M. Hulbert, M.A.	150 0 0	.....	.....	.....	.....	12 10 0	137 10 0	150 0 0	
Hunter's Hill and Lane Cove	„ G. E. Turner, S.C.J.	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Kelso	„ William Lisle	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Kiama	„ Foster Ashwin	283 6 8	.....	.....	.....	.....	100 0 0	183 6 8	283 6 8	
Liverpool	„ C. F. D. Priddle	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Marsfield	„ W. F. Gore, B.A.	183 6 8	.....	.....	.....	.....	16 13 4	166 13 4	183 6 8	
Mudgee	„ James Günther	233 6 8	.....	.....	.....	.....	50 0 0	183 6 8	233 6 8	
Mulgoo	„ George Vidal, B.A.	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Narellan	„ Thomas Hassall, M.A.	250 0 0	45 15 0	.....	.....	.....	32 6 8	263 8 4	295 15 0	
Parramatta	„ R. L. King, B.A.	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Penrith and South Creek	„ Elijah Smith	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Picton	„ James Carter	74 2 8	.....	.....	.....	.....	.....	74 2 8	74 2 8	
Pitt Town and Wilberforce	„ Thomas Wilson, B.A.	216 13 4	.....	.....	.....	.....	33 6 8	183 6 8	216 13 4	
Prospect	„ Thomas Donkin, B.D.	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Queanbeyan	„ A. D. Scaves	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Richmond and Kurrajong	„ John Elder	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
St. Leonard's, North Shore	„ W. B. Clarke, M.A.	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Sutton Forest and Berrima	„ Thomas Horton	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
	„ William Stone	50 18 1	.....	.....	.....	.....	50 18 1	.....	50 18 1	
Windser	„ H. T. Stiles, M.A.	250 0 0	45 15 0	.....	.....	.....	32 6 8	263 8 4	295 15 0	
	„ C. T. Briscoe	5 18 3	.....	.....	.....	.....	5 18 3	.....	5 18 3	
	succeeded by										
	„ Edward Syngé	133 6 8	.....	.....	.....	.....	.....	133 6 8	133 6 8	
	„ Thomas Kemmis	60 15 1	.....	.....	.....	.....	44 1 9	16 13 4	60 15 1	
	Total, Diocese of Sydney. } £ 11,290 19 1		165 15 0	.....	.....	.....	1,451 18 1	10,004 16 0	11,456 14 1	11,456 14 1
	Carried forward										

STATEMENT OF EXPENDITURE UNDER SCHEDULE C.—Continued.

STATION.	NAME.	SALARIES.	ALLOWANCES.			Special Payments out of the Unexpended Balances on 31 Dec., 1859.	TOTAL AMOUNT PAID			TOTAL.
			In lieu of Forage for one Horse.	For Travelling Expenses.	In lieu of House Rent.		For the Service of Previous Years.	For the Service of the Year 1860.	TOTAL.	
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
CHURCH OF ENGLAND—Continued.										
Diocese of Newcastle.										
	Brought forward	£ 11,290 19 1	£ 165 15 0				1,451 18 1	10,004 16 0	11,456 14 1	£ 11,456 14 1
Bishop of Newcastle	The Right Revd. W. Tyrrell, D.D.	500 0 0					41 13 4	458 6 8	500 0 0	
Armidale	Revd. S. Hungerford	100 0 0					8 6 8	91 13 4	100 0 0	
Clarence River	" A. E. Selwyn	100 0 0					25 0 0	75 0 0	100 0 0	
	" T. L. Dodd	25 0 0					8 6 8	16 13 4	25 0 0	
Dungog	" succeeded by									
	" W. Carr	75 0 0						75 0 0	75 0 0	
Falbrook and Jerry's Plains	" W. W. Dove	200 0 0					16 13 4	183 6 8	200 0 0	
Glen Innes	" G. C. Bode	100 0 0					8 6 8	91 13 4	100 0 0	
Gosford	" Alfred Glennie	200 0 0					16 13 4	183 6 8	200 0 0	
	" Arthur Wayn	87 10 0					12 10 0	75 0 0	87 10 0	
Hexham and Alnwick	" succeeded by									
	" T. L. Dodd	25 0 0						25 0 0	25 0 0	
Lochinvar	" Lovick Tyrrell	100 0 0					25 0 0	75 0 0	100 0 0	
Lower Hawkesbury	" R. T. Bolton, M.A.	200 0 0					16 13 4	183 6 8	200 0 0	
Macleay River	" F. R. Kemp	100 0 0					8 6 8	91 13 4	100 0 0	
Maitland (East)	" J. A. Greaves, M.A.	200 0 0					16 13 4	183 6 8	200 0 0	
	" Robert Chapman	200 0 0					16 13 4	183 6 8	200 0 0	
Maitland (West)	" J. R. Thackeray	100 0 0					8 6 8	91 13 4	100 0 0	
Morpeth, Hinton, and Middlehope	" R. G. Boodle, M.A.	216 13 4					33 6 8	183 6 8	216 13 4	
Murrurundi	" J. J. Nash	116 13 4					25 0 0	91 13 4	116 13 4	
	" F. D. Bode	50 0 0					16 13 4	33 6 8	50 0 0	
Muswellbrook	" succeeded by									
	" W. E. White	150 0 0						150 0 0	150 0 0	
Newcastle	" B. E. Shaw	90 14 2					19 8 9	71 5 5	90 14 2	
	" F. W. Addams	133 6 8					16 13 4	116 13 4	133 6 8	
Paterson	" (absent on leave.)									
	" Charles Walsh	33 6 8						33 6 8	33 6 8	
Port Macquarie	" Thomas O'Reilly	162 10 0					37 10 0	125 0 0	162 10 0	
Raymond Terrace	" J. R. Blomfield	200 0 0					16 13 4	183 6 8	200 0 0	
Scone	" Coles Child, B.A.	200 0 0					16 13 4	183 6 8	200 0 0	
Singleton	" James Blackwood, B.A.	200 0 0					16 13 4	183 6 8	200 0 0	
Tanaworth	" E. Williams	100 0 0					8 6 8	91 13 4	100 0 0	
Wollombi	" J. F. R. Whitfield	150 0 0					12 10 0	137 10 0	150 0 0	
	Total, Diocese of Newcastle....	£ 4,115 14 2					448 12 1	3,667 2 1	4,115 14 2	£ 4,115 14 2
	Carried forward....	£ 15,406 13 3	£ 165 15 0				1,900 10 2	13,671 18 1	15,572 8 3	£ 15,572 8 3

STATEMENT OF EXPENDITURE UNDER SCHEDULE C.—Continued.

STATION.	NAME.	SALARIES.	ALLOWANCES.			Special Payments out of the Unexpended Balances on 31 Dec., 1859.	TOTAL AMOUNT PAID			TOTAL.
			In lieu of Forage for one Horse.	For Travelling Expenses.	In lieu of House Rent.		For the Service of Previous Years.	For the Service of the Year 1860.	TOTAL.	
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
PRESBYTERIAN CHURCH.		Brought forward.....£	15,406 13 3	165 15 0	.....	.....	1,900 10 2	13,671 18 1	15,572 8 3	15,572 8 3
Sydney ..	{ Pitt-street .. St. Andrew's .. Paddington .. Woolloomooloo ..	Revd. James Fullerton, L.L.D.	200 0 0	.....	.....	.....	.....	200 0 0	200 0 0	.....
		John Dougall	200 0 0	.....	.....	.....	.....	200 0 0	200 0 0	.....
		James Milne	154 0 0	.....	.....	.....	.....	200 0 0	200 0 0	.....
		John M'Gibbon	150 0 0	.....	.....	.....	4 0 0	150 0 0	154 0 0	.....
Bathurst.....		James D. Laughton, B.A.	150 0 0	.....	.....	.....	.....	150 0 0	150 0 0	.....
Campbelltown ..		William M'Kee	150 0 0	.....	.....	.....	.....	150 0 0	150 0 0	.....
Goulburn		William Ross	150 0 0	.....	.....	.....	.....	150 0 0	150 0 0	.....
Hinton		Robert Blain	166 13 4	.....	.....	.....	.....	150 0 0	150 0 0	.....
		succeeded by	.....	.....	.....	.....	.....	166 13 4	166 13 4	.....
Maitland (West) ..		Alexander M'Ewen.....	33 6 8	.....	.....	.....	.....	33 6 8	33 6 8	.....
Muswellbrook ..		William Porves	200 0 0	.....	.....	.....	.....	200 0 0	200 0 0	.....
Newcastle		Duncan Ross	25 10 0	.....	.....	.....	.....	25 10 0	25 10 0	.....
Parra matta		James Nimmo	150 0 0	.....	.....	.....	.....	150 0 0	150 0 0	.....
Paterson		James Coultis, M.A.	150 0 0	.....	.....	.....	.....	150 0 0	150 0 0	.....
Port Macquarie ..		Thomas Stirton	150 0 0	.....	.....	.....	.....	150 0 0	150 0 0	.....
Portland Head		Edward Holland	150 0 0	.....	.....	.....	.....	150 0 0	150 0 0	.....
Singleton		George M'Fie	150 0 0	.....	.....	.....	.....	150 0 0	150 0 0	.....
Windsor		James S. White	150 0 0	.....	.....	.....	.....	150 0 0	150 0 0	.....
Woolungong		Mathew Adair	150 0 0	.....	.....	.....	.....	150 0 0	150 0 0	.....
		Cunningham Arclison	150 0 0	.....	.....	.....	.....	150 0 0	150 0 0	.....
Total Presbyterian Church...£			2,779 10 0	.....	.....	.....	4 0 0	2,775 10 0	2,779 10 0	2,779 10 0
WESLEYAN METHODIST CHURCH.										
Sydney ..	{ Prince-street .. Surry Hills.....	Revd. Joseph Oran	150 0 0	.....	.....	.....	.....	150 0 0	150 0 0	.....
Bathurst.....		Samuel Ironside .....	.....	.....	.....	150 0 0	150 0 0	150 0 0	150 0 0	.....
Goulburn		H. H. Goud	150 0 0	.....	.....	.....	.....	150 0 0	150 0 0	.....
		John Wat-ford.....	.....	.....	.....	.....	.....	150 0 0	150 0 0	.....
		Benjamin Chapman	112 10 0	.....	.....	.....	.....	150 0 0	150 0 0	.....
Maitland.....		succeeded by	.....	.....	.....	.....	.....	112 10 0	112 10 0	.....
		John Watford.....	37 10 0	.....	.....	.....	.....	37 10 0	37 10 0	.....
Carried forward.....£			450 0 0	.....	.....	300 0 0	300 0 0	450 0 0	750 0 0	.....
Carried forward....£			18,186 3 3	165 15 0	.....	.....	1,904 10 2	16,447 8 1	18,351 18 3	18,351 18 3

STATEMENT OF EXPENDITURE UNDER SCHEDULE C.—Continued.

STATION.	NAME.	SALARIES.	ALLOWANCES.			Special Payments out of the Unexpended Balances on 31 Dec., 1859.	TOTAL AMOUNT PAID			TOTAL.
			In lieu of Forage for one Horse.	For Travelling Expenses.	In lieu of House Rent.		For the Service of Previous Years.	For the Service of the Year 1860.	TOTAL.	
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
WESLEYAN METHODIST CHURCH— <i>Continued.</i>										
	Brought forward.....£	18,186 3 3	165 15 0				1,904 10 2	16,447 8 1	18,351 18 3	18,351 18 3
	Brought forward....£	450 0 0				300 0 0	300 0 0	450 0 0	750 0 0	
Manning River	Revd. J. Penell					150 0 0	150 0 0		150 0 0	
Paramatta	" J. A. Manton	200 0 0						200 0 0	200 0 0	
Moreton Bay	" Samuel Wilkinson					150 0 0	150 0 0		150 0 0	
Wollongong	" James Watkin					172 10 6	172 10 6		172 10 6	
Yass	" Charles Creed					150 0 0	150 0 0		150 0 0	
	Total, Wesleyan Methodist Church £	650 0 0				922 10 6	922 10 6	650 0 0	1,572 10 6	1,572 10 6
ROMAN CATHOLIC CHURCH.										
	Most Revd. John Bede Polding, D.D.	800 0 0					66 13 4	733 6 8	800 0 0	
	Right Revd. Henry G. Gregory, D.D.	300 0 0		10 0 0			65 0 0	275 0 0	310 0 0	
	The Ven. Archdeacon J. M'Encros...	177 17 6					8 6 8	169 10 10	177 17 6	
Sydney	Very Revd. Dean O'Connell.....	22 2 6					8 6 8	18 15 10	22 2 6	
	Revd. Patrick Newman	200 0 0					16 13 4	183 6 8	200 0 0	
	" Michael Corish	200 0 0					16 13 4	183 6 8	200 0 0	
	" John Sheridan	200 0 0					16 13 4	183 6 8	200 0 0	
Albury	" Cornelius Twomey	150 0 0					12 10 0	137 10 0	150 0 0	
Appin	" John Maher	200 0 0					16 13 4	183 6 8	200 0 0	
Armidale	" Timothy M'Carthy.....	150 0 0					12 10 0	137 10 0	150 0 0	
	" J. T. Dunne			40 0 0			40 0 0		40 0 0	
Balmain	" J. J. Therry	150 0 0					12 10 0	137 10 0	150 0 0	
Bathurst	" John Grant, D.D.	200 0 0		18 0 0			34 13 4	183 6 8	218 0 0	
Berrima	" Patrick Magennis	150 0 0		14 0 0			26 10 0	137 10 0	164 0 0	
Braidwood	" E. O'Brien	137 10 0						137 10 0	137 10 0	
Brisbane Water	" Henry Woolfroy	150 0 0					12 10 0	137 10 0	150 0 0	
Bungonia	" D. J. D'Arcy	175 0 0					37 10 0	137 10 0	175 0 0	
	" M. Flanagan	112 10 0					37 10 0	75 0 0	112 10 0	
Cumden	" succeeded by Jerome Keating	62 10 0						62 40 0	62 10 0	
Campbelltown	" J. P. Roche	200 0 0					16 13 4	183 6 8	200 0 0	
	Carried forward	3,757 10 0		112 0 0			457 16 8	3,391 13 4	3,849 10 0	
	Carried forward	18,836 3 3	165 15 0			922 10 6	2,827 0 8	17,097 8 1	19,924 8 9	19,924 8 9

STATEMENT OF EXPENDITURE UNDER SCHEDULE C.—Continued.

STATION.	NAME.	SALARIES.	ALLOWANCES.			Special Payments out of the Unexpended Balance on 31 Dec., 1859.	TOTAL AMOUNT PAID			TOTAL.
			In lieu of Forage for one Horse.	For Travelling Expenses.	In lieu of House Rent.		For the Service of Previous Years.	For the Service of the Year 1860.	TOTAL.	
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
ROMAN CATHOLIC CHURCH— <i>Continued.</i>										
	Brought forward.....	£ 18,836 3 3	165 15 0	.....	.....	922 10 6	2,827 0 8	17,097 8 1	19,924 8 9	19,924 8 9
	Brought forward.....	£ 3,737 10 0	.....	112 0 0	.....	.....	457 16 8	3,391 13 4	3,849 10 0	.....
Carcoar	Revd. Bernard Murphy.....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	.....
Goulburn	" Richard Walsh.....	200 0 0	.....	20 0 0	.....	.....	36 13 4	183 6 8	220 0 0	.....
Hartley	" James Phelan.....	150 0 0	.....	.....	.....	.....	12 10 0	137 10 0	150 0 0	.....
Kelso	" Jerome Keating.....	116 13 4	.....	14 0 0	.....	.....	30 13 4	100 0 0	130 13 4	.....
	succeeded by	.....	.....	.....	.....	.....	.....	.....	.....	.....
Kiama.....	" Peter O'Farrell.....	83 6 8	.....	.....	.....	.....	.....	83 6 8	83 6 8	.....
	" Peter Young.....	87 10 0	.....	10 0 0	.....	.....	22 10 0	75 0 0	97 10 0	.....
Liverpool	succeeded by	.....	.....	.....	.....	.....	.....	.....	.....	.....
	" M. Flanagan.....	62 10 0	.....	.....	.....	.....	.....	62 10 0	62 10 0	.....
Macedonald River	" Peter O'Farrell.....	116 13 4	.....	.....	.....	.....	16 13 4	100 0 0	116 13 4	.....
	succeeded by	.....	.....	.....	.....	.....	.....	.....	.....	.....
Peter Young.....	83 6 8	.....	.....	.....	.....	.....	.....	83 6 8	83 6 8	.....
Maitland (East)	Patrick White.....	150 0 0	.....	.....	.....	.....	12 10 0	137 10 0	150 0 0	.....
Maitland (West)	John Kenny.....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	.....
Millendary	J. T. Lynch.....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	.....
Mudgee	Patrick Birch.....	150 0 0	.....	.....	.....	.....	12 10 0	137 10 0	150 0 0	.....
Newcastle	Calaghan M'Carthy.....	150 0 0	.....	14 0 0	.....	.....	26 10 0	137 10 0	164 0 0	.....
Parramatta	C. V. Dowling.....	150 0 0	.....	.....	.....	.....	12 10 0	137 10 0	150 0 0	.....
Penrith	J. C. Sumner.....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	.....
Petersham	Michael Brennan.....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	.....
Queanbeyan	P. Kenyon.....	150 0 0	.....	.....	.....	.....	12 10 0	137 10 0	150 0 0	.....
Raymond Terrace	Michael Kavansagh.....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	.....
Ryde	Eugene Luckie.....	150 0 0	.....	.....	.....	.....	12 10 0	137 10 0	150 0 0	.....
Singleton	C. M. Joly.....	150 0 0	.....	.....	.....	.....	12 10 0	137 10 0	150 0 0	.....
St. Leonard's	James Hanly.....	200 0 0	.....	20 0 0	.....	.....	36 13 4	183 6 8	220 0 0	.....
Wellington	Peter Powell.....	150 0 0	.....	.....	.....	.....	12 10 0	137 10 0	150 0 0	.....
Windsor	D. McGuinn.....	125 0 0	.....	.....	.....	.....	.....	125 0 0	125 0 0	.....
Wollongong	Patrick Hallinan, D.D.....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	.....
Yass	W. X. Johnson.....	200 0 0	.....	10 0 0	.....	.....	26 13 4	183 6 8	210 0 0	.....
	Michael M'Alroy.....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	.....
	Total, Roman Catholic Church..	£ 7,962 10 0	.....	200 0 0	.....	.....	887 10 0	7,375 0 0	8,162 10 0	8,162 10 0
	TOTAL EXPENDITURE.....	£ 26,798 13 3	165 15 0	200 0 0	.....	922 10 6	3,714 10 8	24,372 8 1	28,086 18 9	28,086 18 9

Audit Office, Sydney, New South Wales,
23rd January, 1861.

W. C. MAYNE,
Auditor General.

NEW SOUTH WALES.

CONSOLIDATED REVENUE FUND.

ACCOUNT

OF

RECEIPTS AND DISBURSEMENTS

IN THE YEAR

1860.

CONSOLIDATED REVENUE FUND ACCOUNT CURRENT FOR THE YEAR 1860.

Dr.

Cr.

RECEIPTS.	AMOUNT.	DISBURSEMENTS.	AMOUNT.
REVENUE ACCOUNT.		REVENUE ACCOUNT.	
To Balance at the Credit of the Consolidated Revenue Fund Account, on the 31st December, 1859	809,066 13 8	By Payments in the year 1860, as per Statement No. 2... ..	1,312,777 9 5
To Receipts in the year 1860, as per Statement No. 1	1,309,890 12 5	By Issues on Account—	
To Issues on Account Adjusted—		Balance of Advances to Public Officers over Adjustments	10,319 4 1
Balance of Adjustments over Advances to other Governments and English Agents	116,825 2 7		
To Adjustment of the Balance of the Overpayment to the Municipal Council of Sydney, on account of Water Supply to the City, in the year 1858	1,837 19 3	By Balance at the Credit of the Consolidated Revenue Fund Account on 31st December, 1860	414,523 14 5
TOTAL, REVENUE ACCOUNT... .. £	1,737,620 7 11	TOTAL, REVENUE ACCOUNT £	1,737,620 7 11
LOANS' ACCOUNT.		LOANS' ACCOUNT.	
To Balance at the Credit of the Loans' Account on the 31st December, 1859	133,425 2 5	By Payments in the year 1860, as per Statement No. 3... ..	726,230 17 11
To Receipts in the year 1860, as per Statement No. 3	560,729 2 2	By Issues on Account—	
To Issues on Account adjusted „ „ „	31,227 4 0	Advances to the Government Commercial Agents to purchase Railway Materials in England, unadjusted	16,265 15 0
To Balance at the Debit of the Loans' Account, on the 31st December, 1860	17,117 4 4		
TOTAL, LOANS' ACCOUNT... .. £	742,496 12 11	TOTAL, LOANS' ACCOUNT £	742,496 12 11
TOTAL, CONSOLIDATED REVENUE FUND £	2,480,117 0 10	TOTAL, CONSOLIDATED REVENUE FUND £	2,480,117 0 10

Audit Office, Sydney, New South Wales,
30th April, 1861.

W. C. MAYNE,
Auditor General.

No. 1.

STATEMENT OF RECEIPTS

IN THE YEAR 1860,

ON ACCOUNT OF THE CONSOLIDATED REVENUE FUND.

HEAD OF REVENUE.	AMOUNT.			TOTAL.		
	£	s.	d.	£	s.	d.
CUSTOMS.						
Spirits	301,597	12	10			
Wine	27,677	2	10			
Ale, Porter, and Beer of all sorts	7,802	17	0			
Tobacco	89,217	6	10			
Tea	45,303	14	10			
Sugar and Molasses	71,602	4	10			
Coffee and Chicory	7,641	9	0			
Opium	4,261	10	10			
				555,103	19	0
DUTY ON SPIRITS DISTILLED IN THE COLONY... ..				44,129	0	5
GOLD REVENUE.						
Duty on Gold, { Collected by the Collector of Customs	3,982	14	9			
{ Collected by the Deputy Master of the Royal Mint	38,652	16	10			
Miners' Rights	7,620	10	0			
Business Licenses	2,984	0	0			
Leases of Auriferous Tracts... ..	615	0	0			
Fees for Escort and Conveyance of Gold, &c.	2,021	17	1			
				55,876	18	8
MINT RECEIPTS... ..				21,629	9	4
LAND REVENUE.						
Proceeds of Land Sales	155,316	14	8			
Rents of Land	63,704	17	7			
Increased Assessment, and Rent of Runs, 22 Victoria, No. 17	91,289	19	0			
Quit Rents	818	15	6			
Redemption of Quit Rents	35	4	8			
Survey of Runs	154	0	0			
Licenses to cut Timber, and make Bricks, &c., on Crown Lands	1,549	0	0			
				312,868	11	5
POSTAGE				45,636	8	9
LICENSES.						
To Wholesale Spirit Dealers	6,650	0	0			
To Auctioneers	1,656	7	11			
To Bonded Storekeepers	4,625	15	0			
To Retail Fermented and Spirituous Liquors	51,359	4	0			
Night Licenses to Publicans and for Billiard Tables	3,822	10	0			
To Distillers and Rectifiers... ..	55	0	0			
To Hawkers and Pedlers	353	17	2			
To Pawnbrokers	250	0	0			
All other Licenses	176	13	8			
				68,349	7	9
Carried forward				1,103,593	15	4

STATEMENT OF RECEIPTS IN THE YEAR 1860,

HEAD OF REVENUE.				AMOUNT.			TOTAL.		
				£	s.	d.	£	s.	d.
Brought forward ... ..				£	.....		1,103,593	15	4
FEES OF OFFICE.									
On Commission to Public Officers				178	0	0			
On Certificates of Naturalization				231	6	0			
On Copies and Transcripts of Papers				24	5	6			
On the Preparation and Enrolment of Title Deeds				4,719	10	0			
Registrar General				2,896	7	6			
Prothonotary of Supreme Court				2,951	2	8			
Master in Equity				1,221	17	0			
Curator of Intestate Estates				282	3	6			
Insolvent Court				1,732	12	0			
Sheriff				990	7	4			
District Courts				5,312	19	11			
Courts of Petty Sessions				2,658	8	8			
Water Police Court... ..				486	6	6			
Shipping Masters				2,306	19	1			
Steam Navigation Board				164	0	0			
Court of Claims				14	6	0			
On Disputed Claims at the Gold Fields				26	0	0			
Slaughtering Fees, Glebe Island Abattoirs... ..				91	11	10			
Convict Department... ..				1	17	6			
Other Fees				94	18	6			
							26,584	19	6
FINES AND FORFEITURES.									
Sheriff				761	12	6			
Courts of Petty Sessions				2,446	14	2			
Water Police Court... ..				244	15	6			
For the Unauthorized Occupation of Crown Lands				488	10	0			
Crown's share of Seizures by the Departments of Customs and Distilleries				101	9	9			
Proceeds of Sale of Confiscated and Unclaimed Property				298	4	5			
Other Fines				56	0	0			
							4,397	6	4
RENTS—EXCLUSIVE OF LAND.									
Tolls and Ferries				430	5	4			
Tolls (Main Roads Act, 1858)				11,063	6	7			
Wharves				5,909	17	6			
Military Canteen, Sydney				50	1	0			
Government Buildings and Premises				480	9	9			
Glebe Island Abattoirs				96	8	4			
Glebe Island Punt Dues				187	2	9			
							18,217	11	3
RAILWAYS.									
Railway Tolls				58,866	11	5			
Railway Miscellaneous Receipts:—									
Hire of Locomotives			£713	16	6				
Sale of Property			139	19	7				
Advertising in Carriages			113	6	8				
Rent of Buildings and Premises			110	8	8				
Surcharges recovered			25	11	11				
Fines, &c.			16	12	6				
Other Miscellaneous Receipts			22	13	6				
							1,142	9	4
							60,009	0	9
ELECTRIC TELEGRAPH RECEIPTS									
							41,396	8	1
PILOTAGE.									
Port Jackson				7,469	8	6			
Out Ports				4,371	17	10			
							11,841	6	4
Carried forward ... ..				£	.....		1,235,840	7	7

ON ACCOUNT OF THE CONSOLIDATED REVENUE FUND.

HEAD OF REVENUE.	AMOUNT.			TOTAL.		
	£	s.	d.	£	s.	d.
Brought forward	£			1,235,840	7	7
HARBOUR DUES				1,397	18	0
FEES ON CERTIFICATES OF COMPETENCY TO MASTERS OF VESSELS				702	10	0
TONNAGE DUES, NEWCASTLE				2,891	18	6
IMMIGRATION REMITTANCES.						
British	10,373	9	0			
Foreign	130	0	0			
				10,503	9	0
INTEREST ON CITY DEBENTURES				8,162	0	9
MISCELLANEOUS RECEIPTS.						
Sale of Government Property	1,192	11	8			
For the support of Patients in the Lunatic Asylums	857	13	2			
Collections by the Government Printer	2,063	14	3			
For Work performed by Prisoners in Gaol... ..	902	0	5			
Ratable proportion of the Expenses of Imperial Convicts for the year 1859, received from the British Treasury	3,246	8	6			
Contributions by the Ordnance Department towards the expense of the Gunpowder Magazine	91	16	10			
For advertising Intestate Estates in the <i>London Gazette</i>	20	0	0			
For Military Washing and Barrack Damages	31	11	10			
For Hire of Steam Dredge	39	0	0			
Amount received under the Assisted Immigrants' Employment Act, 16 Victoria, No. 42	59	0	0			
Repayment of Expenses incurred for docking Vessels at the Fitz Roy Dry Dock	941	7	3			
Store Rent of Gunpowder	273	12	0			
Fees on presenting Private Bills to Parliament	175	0	0			
Fees on Letters of Registration	280	0	0			
Surcharges Recovered	239	15	10			
Unclaimed Balances of the proceeds of Intestate Estates	4,041	18	6			
Amount recovered from the Estate of the late Mr. Kingsmill, Clerk of Petty Sessions, Maitland	234	7	8			
Proceeds of the Sale of Alpaca Wool	28	13	9			
Proceeds of the Sale of Unclaimed Property of Government Immigrants accumulated since 1851	1,060	6	3			
Royalty and other Expenses on Coal extracted from Crown Lands on Trespass	63	15	4			
Interest on Public Moneys received from the following Banks, in which they have been deposited, viz. :—						
Oriental Bank Corporation	£13,742	8	6			
Bank of New South Wales	17,789	8	8			
Commercial Bank	1,865	14	10			
				33,397	12	0
Other Miscellaneous Receipts	187	3	4			
				49,427	8	7
SCHEDULE C.						
Revenue derived from the Bishopthorpe Estate, for 1859-60				965	0	0
TOTAL	£			1,309,890	12	5

Audit Office, Sydney, New South Wales,
28th February, 1861.

W. C. MAYNE,
Auditor General.

No. 2.

—

ABSTRACT OF DISBURSEMENTS,
IN THE YEAR 1860,
OUT OF THE CONSOLIDATED REVENUE FUND,
AS DETAILED IN THE ANNEXED STATEMENT.

PAGE.	HEAD OF SERVICE.	AMOUNT.
28	I.—SCHEDULES TO IMPERIAL ACT 18 & 19 VICTORIÆ, CAP 54.	55,511 11 2
28	SUPPLEMENT TO SCHEDULES A & B	5,473 14 8
29	II.—EXECUTIVE AND LEGISLATIVE	17,493 19 9
32	III.—THE PRINCIPAL SECRETARY	343,478 7 2
32	IV.—ADMINISTRATION OF JUSTICE	48,098 3 5
34	V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE...	230,902 0 0
35	VI.—SECRETARY FOR LANDS	156,199 13 11
36	VII.—SECRETARY FOR PUBLIC WORKS	279,085 15 1
36	VIII.—THE AUDITOR GENERAL	4,852 2 1
	UNCLASSIFIED EXPENDITURE:—	
37	Interest on Loans 165,758 12 2	
37	Charges on Collections 1,197 11 7	
37	Revenue and Receipts returned 4,641 8 4	
37	Arrear Charges against the Territorial Revenue 84 10 1	
		171,682 2 2
	TOTAL DISBURSEMENTS... ..	£ 1,312,777 9 5

*Audit Office, Sydney, New South Wales,
30th April, 1861.*

W. C. MAYNE,
Auditor General.

No. 2.

STATEMENT OF DISBURSEMENTS,
IN THE YEAR 1860,
OUT OF THE CONSOLIDATED REVENUE FUND.

HEAD OF SERVICE.	ESTABLISHMENTS.			OTHER SERVICES.	TOTAL PAYMENTS.	CHARGED ON APPROPRIATIONS OF		
	Salaries.	Contingencies.	TOTAL.			Previous Years.	Current Year.	
E.—Schedules to Imperial Act, 18 & 19 Victoria, Cap. 54.								
SCHEDULE A				18,009 6 8	55,511 11 2	681 13 7	18,009 6 8	
SCHEDULE B				9,415 5 9			8,733 12 2	
SCHEDULE C				28,086 18 9			3,714 10 8	24,372 8 1
Total, Schedules A, B, and C	£			55,511 11 2	*55,511 11 2	4,396 4 3	51,115 6 11	
SUPPLEMENTS TO SCHEDULES A AND B.								
SCHEDULE A.								
Chief Justice, 20 Victoria, No. 5				600 0 0	1,848 11 2		600 0 0	
Puisne Judges, ditto				998 11 2			998 11 2	
Colonial Treasurer, 20 Victoria, No. 18				250 0 0			250 0 0	
SCHEDULE B.								
Lady Forbes, Widow of Sir Francis Forbes, formerly Chief Justice				200 0 0	3,625 3 6		200 0 0	
Lady Dowling, Widow of Sir James Dowling, late Chief Justice				200 0 0			150 0 0	
Mrs. Anne Kinchela, Widow of the late Mr. Justice Kinchela				100 0 0			50 0 0	75 0 0
Mrs. Anne Petrie, Daughter of the late Captain Flinders, R.N.				125 0 0			50 0 0	75 0 0
Mr. E. R. Stack, late Master of the Benevolent Asylum				133 6 8				133 6 8
W. C. Greville, late Clerk, Colonial Secretary's Department (in part)				181 11 11				181 11 11
John Thompson, late Deputy Surveyor General				538 13 8			58 13 8	480 0 0
T. H. B. Venour, late Shipping Master				123 4 6			61 12 3	61 12 3
John Moore Dillon, late Criminal Crown Solicitor				234 14 1			18 1 1	216 13 0
William Flinn, late Turnkey, Bathurst Gaol				15 19 9			4 16 1	41 3 8
Benjamin Shaw, late Deputy Harbour Master				74 15 0				74 15 0
Charles Ormsby, late Superintendent, Cockatoo Island				55 2 2				55 2 2
George Barney, late Surveyor General				692 4 1			192 4 1	500 0 0
A. W. Rolleston, late Landing Waiter, Customs				67 8 9			6 2 9	61 6 0
Charles Watson, late Pilot, Moreton Bay				74 7 6			16 0 10	58 6 8
King Barton, late Clerk to the Private Secretary				114 6 3			19 16 3	94 10 0
Thomas Reilly, late Sergeant to Governor General's Orderlies				25 16 10				25 16 10
William Macpherson, late Clerk of the Legislative Council				431 13 4				431 13 4
William Wedge Darke, late Assistant Surveyor				153 0 8				153 0 8
G. N. Russell, late Tide Waiter, Customs				26 12 6				26 12 6
Jeremiah Browne, late Assistant Superintendent, Cockatoo Island				27 5 10		27 5 10		
Total, Supplements to Schedules A and B	£			5,473 14 8	5,473 14 8	502 7 0	4,971 7 8	

* The detail of these Payments will be found in separate Statements.

STATEMENT OF DISBURSEMENTS, IN THE YEAR 1860,

STATEMENT OF DISBURSEMENTS, &c.—Continued.

HEAD OF SERVICE.	ESTABLISHMENTS.			OTHER SERVICES.	TOTAL PAYMENTS.	CHARGED ON APPROPRIATIONS OF	
	Salaries.	Contingencies.	TOTAL.			Previous Years.	Current Year.
KK.—Executive and Legislative.							
HIS EXCELLENCY THE GOVERNOR GENERAL	770 18 7	398 3 3	1,169 1 10	.....	1,169 1 10	91 19 10	1,077 2 0
LEGISLATIVE COUNCIL	5,122 4 3	370 3 7	5,492 7 10	.....	5,492 7 10	2 2 0	5,490 5 10
LEGISLATIVE ASSEMBLY	6,163 5 1	897 8 2	7,060 13 3	.....	7,060 13 3	.....	7,060 13 3
LEGISLATIVE COUNCIL AND ASSEMBLY	1,212 13 10	1,529 1 6	2,741 15 4	.....	2,741 15 4	767 3 11	1,974 11 5
EXECUTIVE COUNCIL	1,017 18 6	12 3 0	1,030 1 6	.....	1,030 1 6	9 12 8	1,020 8 10
Total, Executive and Legislative	£ 14,257 0 3	3,206 19 6	17,493 19 9	.....	17,493 19 9	870 18 5	16,623 1 4
KKK.—The Principal Secretary.							
PRINCIPAL SECRETARY	4,719 2 6	28 19 8	4,748 3 2	.....	4,748 2 2	22 13 0	4,725 9 2
REGISTRAR GENERAL	3,225 0 0	3,355 2 4	6,580 2 4	.....	6,580 2 4	957 19 2	5,622 3 2
EDUCATIONAL.							
National Schools .. .. .	.....	.....	.....	23,445 1 10	.....	.....	23,445 1 10
Denominational Schools—							
Church of England .. .. .	.....	.....	.....	9,401 8 6	.....	1,654 8 10	7,746 19 8
Presbyterian .. .. .	.....	.....	.....	1,936 1 8	.....	595 5 6	1,340 16 2
Wesleyan .. .. .	.....	.....	.....	910 3 6	.....	108 1 5	802 2 1
Roman Catholic .. .. .	.....	.....	.....	5,999 10 10	.....	1,159 15 10	4,839 15 0
Expenses of the Board .. .. .	.....	.....	.....	990 16 2	.....	101 12 5	889 3 9
Protestant Orphan School	1,059 15 3	2,346 17 4	3,406 12 7	.....	.....	7 0 6	3,399 12 1
Roman Catholic Orphan School	933 7 4	2,328 16 5	3,262 3 9	.....	.....	81 17 4	3,180 6 5
Endowment of the University of Sydney, 14 Victoria, No. 31 .. .. .	.....	.....	.....	5,000 0 0	.....	.....	5,000 0 0
Endowment of St. Paul's College, 18 Victoria, No. 37 .. .. .	.....	.....	.....	500 0 0	.....	41 13 4	458 6 8
Endowment of St. John's College, 18 Victoria, No. 37 .. .. .	.....	.....	.....	500 0 0	.....	41 13 4	458 6 8
Endowment of the Sydney Grammar School, 18 Victoria .. .. .	.....	.....	.....	1,500 0 0	.....	.....	1,500 0 0
POLICE:							
Sydney, Judicial.							
Central Police Office	2,405 18 5	83 7 9	2,489 6 2	.....	.....	43 2 9	2,446 3 5
Water	1,162 10 0	27 0 7	1,189 10 7	.....	.....	.....	1,189 10 7
Sydney, Executive.							
Inspector General and Metropolitan	22,699 12 9	1,238 0 1	23,937 12 10	.....	.....	703 8 5	23,234 4 5
Water	2,400 16 0	101 17 10	2,502 13 10	.....	.....	.....	2,502 13 10
Horse Patrol	2,117 17 6	786 14 11	2,904 12 5	.....	.....	104 10 11	2,800 1 6
Rural Police	67,366 17 10	14,310 0 8	81,706 18 6	.....	.....	9,547 8 11	72,159 9 7
Horse Patrol and Gold Police, Country Districts	23,688 4 2	17,348 0 3	41,036 4 5	.....	.....	9,005 10 10	32,030 13 7
Native Police	933 2 9	602 1 3	1,535 4 0	.....	.....	636 14 1	898 9 11
GAOL AND PENAL.							
Sydney	4,008 4 0	2,679 17 3	6,778 1 3	.....	.....	401 0 7	6,377 0 8
Parramatta	2,311 9 6	2,187 2 8	4,498 12 2	.....	.....	203 6 10	4,295 5 4
Bathurst	1,312 18 6	862 8 8	2,175 2 2	.....	.....	.....	2,175 2 2
Carried forward	£ 140,434 11 6	48,316 7 8	188,750 19 2	50,163 2 6	225,482 6 1	25,420 4 0	213,513 17 8

STATEMENT OF DISBURSEMENTS, &c.—Continued.

HEAD OF SERVICE.	ESTABLISHMENTS.			OTHER SERVICES.	TOTAL PAYMENTS.	CHARGED ON APPROPRIATIONS OF		
	Salaries.	Contingencies.	TOTAL.			Previous Years.	Current Year.	
H.H.—The Principal Secretary—continued.								
Brought forward	£ 140,434 11 6	48,316 7 8	188,750 19 2	50,183 2 6	225,482 6 1	25,420 4 0	213,518 17 8	
GAOL AND PENAL—continued.								
Maitland	1,298 5 0	986 4 7	2,284 9 7	.....	} 24,259 5 11	96 11 11	2,187 17 8
Goulburn	1,168 5 6	791 13 2	1,959 18 8	.....		23 5 8	1,537 10 0
Berrina	53 8 9	.....	53 8 9	.....		.....	63 8 9
Yass	101 5 3	.....	101 5 3	.....		.....	104 5 3
Wollongong	159 15 0	.....	159 15 0	.....		.....	159 15 0
Albury	47 0 0	.....	47 0 0	.....		.....	47 0 0
Gundagai	9 2 0	.....	9 2 0	.....		.....	9 2 0
Other Gaols, Country Districts	362 13 9	.....	362 13 9	.....		107 1 9	255 12 0
Cockatoo Island	2,643 19 6	3,182 17 10	5,826 17 4	.....		22 10 0	5,804 7 4
OBSERVATORY	1,182 10 0	858 9 9	2,040 19 9		2,040 19 9	816 8 3	1,234 11 6
MEDICAL.								
Medical Board	44 0 0	.....	44 0 0	.....	} 18,288 10 11	44 0 0	.....
Vaccine Establishments	450 8 5	0 18 6	451 6 11	.....		100 16 9	350 10 2
Lunatic Asylum, Tarban Creek	2,847 5 11	4,666 4 10	7,513 10 9	.....		608 19 2	6,904 11 7
Lunatic Asylum, Parramatta	8,322 13 3	6,957 0 0	10,279 13 3	.....		5 10 0	10,274 3 3
NAVAL AND MILITARY.								
Naval Allowance .. .. .	.....	3,866 12 6	3,866 12 6	.....	} 15,097 2 1	1,107 1 3	2,759 11 3
Military Allowance .. .. .	.....	7,219 9 2	7,219 9 2	.....		104 6 6	7,115 2 8
Royal Artillery .. .. .	.....	4,011 0 5	4,011 0 5	.....		266 2 10	3,744 17 7
VOLUNTEER CORPS .. .. .	.....	747 18 1	747 18 1	.....	747 18 1	.....	747 18 1
GRANTS IN AID OF PUBLIC INSTITUTIONS.								
Australian Museum Endowment .. .. .	.....	.....	.....	*1,033 6 8	} 5,648 14 7	.....	1,033 6 8
Salary of Curator for the Australian Museum .. .. .	.....	.....	.....	172 0 10		88 14 2	83 6 8
Scientific Works for the Australian Museum .. .. .	.....	.....	.....	500 0 0		500 0 0	.....
Sydney Mechanics' School of Arts .. .. .	.....	.....	.....	200 0 0		.....	200 0 0
Literary Institute, Braidwood .. .. .	.....	.....	.....	100 0 0		.....	100 0 0
In aid of the undermentioned institutions, equal sums having been raised by:								
Private Subscriptions, viz. :—								
Goulburn School of Arts	100 0 0		100 0 0
St. Leonard's School of Arts	200 0 0		200 0 0
Building Fund of the Sydney Mechanics' School of Arts	1,381 19 6		1,381 19 6
Building Fund of the Bahmain School of Arts .. .. .	.....	.....	.....	329 7 6	.....	.....	329 7 6
Building Fund of the Grafton School of Arts .. .. .	.....	.....	.....	200 0 0	.....	.....	200 0 0
Building Fund of the Grafton School of Arts .. .. .	.....	.....	.....	300 0 0	.....	.....	300 0 0
Building Fund of the East Maitland School of Arts .. .. .	.....	.....	.....	372 0 7	.....	372 0 7	.....
Building Fund of the Maitland School of Arts .. .. .	.....	.....	.....	500 0 0	.....	500 0 0	.....
Building Fund of the Newtown School of Arts .. .. .	.....	.....	.....	36 0 0	.....	36 0 0	.....
Building Fund of the Waverley School of Arts .. .. .	.....	.....	.....	123 19 6	.....	123 19 6	.....
Building Fund of the Bathurst School of Arts .. .. .	.....	.....	.....	100 0 0	.....	100 0 0	.....
Building Fund of the Maitland Mechanics' Institute .. .. .	.....	.....	.....	.....	.....	.....	.....
Carried forward	£ 154,128 3 10	81,604 16 6	235,733 0 4	57,831 17 1	291,564 17 5	81,824 14 10	259,740 2 7	

* £1,000 paid under 17 Victoria, No. 2.

STATEMENT OF DISBURSEMENTS, IN THE YEAR 1860.

STATEMENT OF DISBURSEMENTS, &c.—Continued.

HEAD OF SERVICE.	ESTABLISHMENTS.			OTHER SERVICES.	TOTAL PAYMENTS.	CHARGED ON APPROPRIATIONS OF		
	Salaries.	Contingencies.	TOTAL.			Previous Years.	Current Year.	
III.—The Principal Secretary—continued.								
Brought forward	£ 154,128 3 10	81,604 16 6	235,783 0 4	55,831 17 1	291,564 17 5	31,824 14 10	259,740 2 7	
CHARITABLE ALLOWANCES.								
For the support of Paupers in the Colonial Hospitals				3,003 10 2	23,064 3 9	708 10 2	2,300 0 0	
In support of the Establishment of the Benevolent Society, Sydney, on condition of £1,000 being raised by Voluntary Contributions				10,881 0 0		10,881 0 0		
In aid of the undermentioned Institutions, equal sums having been raised by Private Subscriptions, viz :—								
The Sydney Infirmary and Dispensary				2,753 11 3		1,026 11 3	1,727 0 0	
The Asylum for Destitute Children, Sydney				1,518 6 3		230 18 7	1,287 7 8	
The Benevolent Society, Parramatta				350 0 0		250 0 0	100 0 0	
The Benevolent Society, Singleton and Patrick's Plains				48 8 6		43 8 6		
Erection of a Benevolent Asylum, Patrick's Plains.. .. .				750 0 0			750 0 0	
Erection of an Hospital at Albury				765 11 1		765 11 1		
Erection of an Hospital at Kiandra				200 0 0			200 0 0	
Erection of Fever Wards and a Dead House at Maitland				65 10 0		65 10 0		
Outfit for the Hospital at Penrith				200 0 0		200 0 0		
{ Armidale and New England				200 0 0			200 0 0	
{ Bathurst				267 5 3		84 10 1	182 15 2	
{ Goulburn				298 17 0		72 7 0	226 10 0	
{ Maitland				372 15 8		96 1 0	276 14 8	
{ Mudgee*				200 0 0		200 0 0		
{ Newcastle				77 3 0		77 3 0		
{ Parramatta				386 9 9		129 8 0	257 6 9	
{ Port Macquarie				31 19 4			31 19 4	
{ Sofala				98 16 6		98 16 6		
{ Wagga Wagga				200 0 0	200 0 0			
{ Windsor				200 0 0	50 0 0	150 0 0		
{ Yass				200 0 0	200 0 0			
ABORIGINES				340 16 6	340 16 6	150 16 6	190 0 0	
MUNICIPAL INSTITUTIONS.								
City of Sydney—in aid of the City Funds.. .. .				10,000 0 0	18,649 3 6		10,000 0 0	
Preliminary Expenses of Municipal Institutions, 22 Victoria, No. 13				262 12 8			262 12 8	
Endowment of Municipal Institutions, 22 Victoria, No. 13				8,386 10 10			8,386 10 10	
Carried forward	£ 154,128 3 10	81,604 16 6	235,733 0 4	97,886 0 10	333,619 1 2	35,370 5 0	297,248 16 2	

OUT OF THE CONSOLIDATED REVENUE FUND.

STATEMENT OF DISBURSEMENTS, &c.—Continued.

HEAD OF SERVICE.	ESTABLISHMENTS.			OTHER SERVICES.	TOTAL PAYMENTS.	CHARGED ON APPROPRIATIONS OF	
	Salaries.	Contingencies.	TOTAL.			Previous Years.	Current Year.
III.—The Principal Secretary—continued.							
Brought forward	£ 154,128 3 10	81,604 16 6	235,733 0 4	97,886 0 10	333,619 1 2	36,370 5 0	297,248 16 2
MISCELLANEOUS.							
Expenses attending the preparation of the Electoral Lists .. .. .	.....	.....	.....	4,390 8 2	} 9,859 6 0	49 9 6	4,340 18 8
Expense of Election of Members to serve in the Legislative Assembly .. .. .	.....	.....	.....	2,530 17 8		98 18 5	2,431 19 3
Erecting Pounds, and Allowances to Poundkeepers .. .. .	.....	.....	.....	20 0 0		.....	20 0 0
Compensation for the loss of the addition to the Stipends of the Ministers of Religion, provided for under Schedule C .. .. .	.....	.....	.....	200 0 0		200 0 0	.....
Compensation for the loss of the addition to the Stipends of the Ministers of Religion, not provided for under Schedule C .. .. .	.....	.....	.....	201 15 8		201 15 8	.....
Allowance to the Chief Justice during leave of absence from the Colony .. .. .	.....	.....	.....	1,752 17 5		.....	1,752 17 5
Expenses in an Appeal to the Privy Council, by Mr. Robertson, late Commissioner of Crown Lands .. .. .	.....	.....	.....	163 12 0		163 12 0	.....
Costs and damages incurred by the Inspector General of Police, in the case of Neal v. M'Lerie .. .. .	.....	.....	.....	183 10 6		.....	183 10 6
Military and Naval Postage .. .. .	.....	.....	.....	117 2 6		117 2 6	.....
Establishment of Meteorological Stations .. .. .	.....	.....	.....	22 9 6		22 9 6	.....
Gratuity to the late Clerk of Petty Sessions at Condamine, being an amount equal to one month's pay for each year or portion of a year's service .. .. .	.....	.....	.....	98 8 9	.....	98 8 9	
Cost of certain Experiments made for the purification of Sydney Water from Lead .. .. .	.....	.....	.....	10 0 0	.....	10 0 0	
Expense of Firing the Noon Gun .. .. .	.....	.....	.....	68 11 4	68 11 4	.....
Expenses of the Commission of Inquiry into the state of the Gaol at Parramatta .. .. .	.....	.....	.....	99 12 6	.....	99 12 6	
Total, Principal Secretary	£ 154,128 3 10	81,604 16 6	235,733 0 4	107,745 6 10	343,478 7 2	37,292 3 11	306,186 3 3
IV.—Administration of Justice.							
LAW OFFICERS	3,994 2 5	1,021 4 2	5,015 6 7	.....	5,015 6 7	.....	5,015 6 7
SUPREME AND CIRCUIT COURTS	5,166 12 1	3,180 15 2	8,347 7 3	.....	8,347 7 3	.....	8,347 7 3
MORETON BAY COURT	50 0 0	10 10 6	60 10 6	.....	60 10 6	60 10 6	.....
SHERIFF	3,553 16 5	2,270 19 10	5,824 16 3	.....	5,824 16 3	34 9 0	5,790 7 3
INSOLVENT COURT	1,280 0 0	20 0 0	1,300 0 0	.....	1,300 0 0	.....	1,300 0 0
DISTRICT COURTS	12,392 19 3	2,903 18 2	15,296 17 5	.....	15,296 17 5	2,039 0 10	13,267 16 7
QUARTER SESSIONS	3,681 14 10	4,612 4 6	8,293 19 4	.....	8,293 19 4	219 0 8	8,074 18 8
COURTS OF REQUESTS .. .. .	.....	0 9 0	0 9 0	.....	0 9 0	0 9 0	.....
CORONERS	691 4 1	3,192 15 0	3,883 19 1	.....	3,883 19 1	1,049 13 8	2,834 5 5
COURT OF CLAIMS .. .. .	.....	.....	.....	74 18 0	74 18 0	.....	74 18 0
Total, Administration of Justice	£ 30,810 9 1	17,212 16 4	48,023 5 5	74 18 0	48,098 3 5	3,403 3 8	44,694 19 9

STATEMENT OF DISBURSEMENTS, IN THE YEAR 1860.

STATEMENT OF DISBURSEMENTS, &c.—Continued.

HEAD OF SERVICE.	ESTABLISHMENTS.			OTHER SERVICES.	TOTAL PAYMENTS.	CHARGED ON APPROPRIATIONS OF	
	Salaries.	Contingencies.	TOTAL.			Previous Years.	Current Year.
V.—Treasurer and Secretary for Finance and Trade.							
TREASURY	6,116 4 0	13 9 0	6,129 13 0	.....	6,129 13 0	52 3 5	6,077 9 7
CUSTOMS.							
Establishment	18,217 13 9	3,236 9 9	21,454 3 6	.....	43,724 6 6 {	653 19 3	20,800 4 3
Drawbacks and Refund of Duties .. .. .	.....	.....	.....	22,270 3 0		.....	22,270 3 0
DISTILLERIES	1,699 19 11	179 5 6	1,879 5 5	.....	1,879 5 5	20 0 0	1,859 5 5
MINT	9,202 10 0	2,763 17 1	11,966 7 1	.....	11,966 7 1	43 12 3	11,922 14 10
GOLD RECEIVERS	214 16 5	.....	214 16 5	.....	214 16 5	41 13 4	173 3 1
POSTAL ESTABLISHMENT AND SERVICES.							
Post Office	23,015 15 3	937 5 2	23,953 0 5	.....	75,719 5 3 {	1,992 1 9	21,960 18 8
Conveyance of Mails .. .. .	.....	.....	.....	51,162 1 6		16,078 3 9	33,083 17 9
Steam Postal Communication with Great Britain, 19 Vict., No. 29 .. .. .	.....	.....	.....	604 3 4		604 3 4	.....
COLONIAL STOREKEEPER	1,851 6 10	1,437 18 3	3,289 5 1	.....	3,289 5 1	174 12 5	3,114 12 8
PRINTING, BOOKBINDING, AND POSTAGE STAMP DEPARTMENT.							
Printing and Bookbinding	1,511 13 4	13,485 13 0	14,997 6 4	.....	15,506 15 2 {	790 7 11	14,206 18 5
Postage Stamps .. .. .	.....	.....	.....	509 8 10		61 0 10	448 8 0
GUNPOWDER MAGAZINE	225 7 0	245 15 2	471 2 2	.....	471 2 2	75 0 0	396 2 2
HEALTH OFFICERS	600 16 8	.....	600 16 8	.....	600 16 8	73 6 8	527 10 0
QUARANTINE	331 5 0	236 11 5	567 16 5	.....	567 16 5	17 12 6	550 3 11
SHIPPING MASTERS	1,058 0 0	.....	1,058 0 0	.....	1,058 0 0	4 3 4	1,053 16 8
HARBOURS, LIGHT HOUSES, AND PILOT DEPARTMENT.							
Steam Navigation Board, Sydney	1,270 14 0	272 18 6	1,543 12 6	.....	19,218 3 7 {	377 16 0	1,165 16 6
Steam Navigation Board, Brisbane	5 0 0	.....	5 0 0	.....		5 0 0	.....
Harbour Masters	1,295 16 8	.....	1,295 16 8	.....		.....	1,295 16 8
Light Houses	2,832 1 10	.....	2,832 1 10	.....		1,048 19 11	1,783 1 11
Sea and River Pilots	7,318 13 9	.....	7,318 13 9	.....		141 13 5	7,177 0 4
Boatmen	5,243 13 11	94 9 11	5,338 3 10	.....		164 3 4	5,174 0 6
Contingencies .. .. .	.....	884 15 0	884 15 0	.....		193 12 9	691 2 3
Carried forward	£ 82,011 8 4	23,788 7 9	105,799 16 1	74,545 16 8	180,345 12 9	22,613 6 2	157,732 6 7

OUT OF THE CONSOLIDATED REVENUE FUND.

STATEMENT OF DISBURSEMENTS, &c.—Continued.

HEAD OF SERVICE.	ESTABLISHMENTS.			OTHER SERVICES.	TOTAL PAYMENTS.	CHARGED ON APPROPRIATIONS OF		
	Salaries.	Contingencies.	TOTAL.			Previous Years.	Current Year.	
V.—Treasurer and Secretary for Finance and Trade—continued.								
Brought forward	£ 82,011 8 4	23,788 7 9	105,799 16 1	74,515 16 8	180,345 12 9	22,613 6 2	157,732 6 7	
MISCELLANEOUS.								
Stores and Stationery .. .. .	.....	.....	.....	41,530 15 8	} 50,556 7 3	19,021 6 6	22,509 9 2
Postage of the various Public Departments	2,541 8 0		2,541 8 0
Transmission of Telegraphic Messages	777 1 4		13 17 0	763 4 4
Re-Coppering of Light-ship "Prumble" and sundry Repairs	600 0 0		600 0 0
Provisions left on Booby Island for the Relief of Shipwrecked Persons	11 5 6		11 5 6
Reward (balance of the vote of £300) for the Rescue of two white Children from the Natives of Frazer's Island	200 0 0		200 0 0
Hire of the Schooner "Circassian," while in Search of the Crew of the British ship "Virginia," wrecked on the Island of New Kentneket	150 0 0		150 0 0
Gratuity to Lieut. Seaver, R.N., late Shipping Master, Newcastle	70 16 8		70 16 8
Relief of Sufferers by the recent Floods	3,883 16 4		3,383 16 4
Hire of the schooner "Coral Queen" as a Light-ship, and Towing charges	153 10 0		153 10 0
Expense of an Inquiry into certain charges against the Colonial Storekeeper Hire of the Steam Tug "Washington," while rendering assistance to the Hospital Ship "Harmony"	144 3 0		144 3 0
Premium on Bills of Exchange purchased for remittance to England	90 0 0		500 0 0
Postage and other Expenses on the transmission of Debentures to London	500 0 0		102 15 6
Commission and other Charges on the Payment of Debenture Dividends in London	102 15 6	
Advertising, Postage, and other Charges in England, connected with the Government Commercial Agency	133 3 4		4 11 9	128 11 7
Expense incurred on the occasion of the loss of the schooner "Iris," near Hannah Bay .. .. .	.....	.....	.....	3 14 11	.....	.....	3 14 11
Cost of Public Barometers .. .. .	.....	.....	.....	36 12 10	.....	.....	36 12 10
Miscellaneous Items .. .. .	.....	.....	.....	11 6 0	.....	11 6 0	.....
	.....	.....	.....	115 18 2	.....	37 9 10	78 8 4
Total, Treasurer and Secretary for Finance and Trade	£ 82,011 8 4	23,788 7 9	105,799 16 1	125,102 3 11	230,902 0 0	42,304 12 9	188,597 7 3	
VI.—Secretary for Lands.								
DEPARTMENT OF LANDS	8,685 0 4	79 14 7	8,764 14 11	.....	8,764 14 11	58 3 4	8,706 11 7
COMMISSION ON SALES OF LANDS AND ADVERTISING EXPENSES .. .. .	.....	.....	.....	5,752 0 8	5,752 0 8	1,603 13 8	4,148 7 5
MANAGEMENT OF ALPACAS	909 13 11	630 9 3	1,540 3 2	.....	1,540 3 2	324 5 7	1,215 17 7
SURVEY OF LANDS	24,969 16 11	22,133 15 10	47,103 12 9	.....	47,103 12 9	5,915 11 3	41,188 1 6
OCCUPATION OF LANDS	3,768 0 3	731 9 0	4,499 9 3	.....	4,499 9 3		4,499 9 3
Carried forward	£ 38,332 11 5	23,575 8 8	61,908 0 1	5,752 0 8	67,660 0 9	7,901 13 5	59,758 7 4	

STATEMENT OF DISBURSEMENTS IN THE YEAR 1860,

STATEMENT OF DISBURSEMENTS, &c.—Continued.

HEAD OF SERVICE.	ESTABLISHMENTS.			OTHER SERVICES.	TOTAL PAYMENTS.	CHARGED ON APPROPRIATIONS OF	
	Salaries.	Contingencies.	TOTAL.			Previous Years.	Current Year.
HE.—Secretary for Lands—continued.							
Brought forward	£ 38,332 11 5	23,575 8 8	61,908 0 1	5,752 0 8	67,660 0 9	7,901 13 5	59,758 7 4
IMMIGRATION.							
Establishment, Sydney	2,064 5 11	1,216 17 2	3,281 3 1	.....	} 27,961 6 4	554 0 4	2,727 2 9
Remittances to the Land and Emigration Commissioners, for the general purposes of Emigration from the United Kingdom, including Immigration Remittances .. .. .	.....	.....	.....	17,300 0 0		.....	17,300 0 0
Immigration Remittances refunded to Depositors .. .. .	.....	.....	.....	3,663 5 3		8 0 0	3,660 5 3
Gratuities to Surgeons Superintendent and others .. .. .	.....	.....	.....	3,573 18 0		427 4 0	3,148 14 0
Bounties on the Importation of Foreign Immigrants .. .. .	.....	.....	.....	138 0 0		138 0 0	.....
GOLD FIELDS	6,106 19 2	2,107 7 6	8,214 6 8	.....	8,214 6 8	836 18 4	7,377 8 4
EXAMINER OF COAL FIELDS	667 16 0	25 0 0	692 16 0	.....	692 16 0	65 0 0	627 16 0
BOTANIC GARDENS, SYDNEY	654 0 0	1,690 15 3	2,344 15 3	.....	2,344 15 3	91 5 4	2,253 9 11
BOTANIC GARDENS, BRISBANE	34 6 8	.....	33 6 8	.....	33 6 8	33 6 8	.....
GOVERNMENT DOMAINS AND HYDE PARK	253 0 0	1,070 8 8	1,323 8 8	.....	1,323 8 8	23 10 0	1,301 18 8
ROADS AND BRIDGES (For particulars see Appendix, page 39) .. .. .	.....	.....	.....	45,862 11 1	45,862 11 1	26,978 12 2	18,883 18 11
MISCELLANEOUS.							
Allowance to Mr. O. F. Gorton, formerly a Clerk in the Survey Office .. .. .	.....	.....	.....	61 5 0	} 2,102 2 6	.....	61 5 0
Compensation to Mr. J. Green, for Land for Road between Wodonga Place and River Murray, at Aibury .. .. .	.....	.....	.....	30 0 0		30 0 0	.....
Portion of the Debt due by the Commissioners of the Maitland Road Trust to the Bank of New South Wales .. .. .	.....	.....	.....	1,751 0 0		1,751 0 0	.....
Purchase of Land at Watson's Bay for a Site for Additional Buildings for Pilots .. .. .	.....	.....	.....	250 0 0		250 0 0	.....
Further Expenses consequent upon the Discovery of Gold upon the Fitz Roy River, Port Curtis .. .. .	.....	.....	.....	9 17 6		9 17 6	.....
Total, Secretary for Lands	£ 48,116 19 2	29,665 17 3	77,802 16 5	78,396 17 6	156,199 13 11	39,093 7 9	117,103 6 2
HEE.—Secretary for Public Works.							
DEPARTMENT OF PUBLIC WORKS	4,637 17 9	555 1 3	5,192 19 0	.....	5,192 19 0	109 0 1	5,083 18 11
INTERNAL COMMUNICATION.							
Railway Branch—					} 42,084 9 10		
General Establishment	3,510 6 1	371 6 5	3,881 12 6	.....		397 19 2	3,483 13 4
Existing Lines—Establishment	6,082 0 0	.....	6,082 0 0	.....		.....	6,082 0 0
Working Expenses of 51 miles of Railway .. .. .	.....	.....	.....	28,562 3 8		557 4 3	27,704 19 5
Working Expenses—Authorized Extensions .. .. .	.....	.....	.....	3,173 18 9		.....	3,172 18 9
Trial Surveys	385 14 11	.....	385 14 11	.....	385 14 11	.....
Carried forward	£ 14,615 18 9	926 7 8	15,542 6 5	31,735 2 6	47,277 8 10	1,749 18 5	46,527 10 5

OUT OF THE CONSOLIDATED REVENUE FUND.

STATEMENT OF DISBURSEMENTS, &c.—Continued.

HEAD OF SERVICE.	ESTABLISHMENTS.			OTHER SERVICES.	TOTAL PAYMENTS.	CHARGED ON APPROPRIATIONS OF	
	Salaries.	Contingencies.	TOTAL.			Previous Years.	Current Year.
VII.—Secretary for Public Works—continued.							
Brought forward	£ 14,615 18 9	926 7 8	15,542 6 5	31,735 2 5	47,277 8 10	1,749 18 5	45,527 10 5
INTERNAL COMMUNICATION—continued.							
Electric Telegraph Branch	6,778 6 1	1,765 8 8	8,543 14 9	896 1 11	9,439 16 8	230 1 1	9,209 15 7
Road Branch	2,020 17 10	1,690 11 11	3,711 9 9	.....	10,170 3 2	178 16 6	3,532 13 3
General Establishment	6,458 13 5				.....	6,458 13 5
Field Establishment .. .. .	.....	.....	.....	.....	.....	.....	.....
COLONIAL ARCHITECT	4,295 1 11	346 17 5	4,641 19 4	.....	4,641 19 4	40 13 1	4,601 6 3
HARBOURS AND RIVER NAVIGATION.							
Establishment	1,492 8 10	374 7 9	1,866 16 7	.....	10,984 14 10	22 16 3	1,844 0 4
Preliminary Harbour Surveys .. .. .	.....	.....	.....	1,600 14 1		215 14 2	1,384 19 11
Steam Dredge "Hunter"	2,063 18 2	2,236 0 10	4,349 19 0	.....		221 2 8	4,128 16 4
Steam Dredge "Hercules"	1,136 13 4	1,323 18 7	2,460 11 11	.....		583 3 4	1,877 8 7
Public Abattoirs, Globe Island	134 7 4	22 9 4	146 16 8	.....		.....	146 16 8
Globe Island Punt	207 4 10	393 11 9	559 16 7	.....		.....	559 16 7
FITZ ROY DOCK ESTABLISHMENT	2,433 3 7	4,439 14 0	6,872 17 7	.....	6,872 17 7	1,807 7 4	5,065 10 3
PUBLIC WORKS AND BUILDINGS (For particulars see Appendix, pages 38 & 9) .. .. .	.....	.....	.....	79,673 16 11	79,673 16 11	49,308 19 4	30,361 17 7
ROADS, BRIDGES, AND FERRIES (For particulars see Appendix, page 40) .. .. .	.....	.....	.....	109,302 18 6	109,302 18 6	53,101 0 6	56,201 18 0
MISCELLANEOUS.							
Expense of Advertising for Designs for New Houses of Parliament and Public Buildings .. .. .	.....	.....	.....	98 12 3	721 19 3	.....	98 12 3
Compensation to Mrs. De Courey, as recommended by Select Committee, for loss sustained by Railway Accident .. .. .	.....	.....	.....	172 0 0		.....	172 0 0
Further Compensation to Mrs. Want, for loss sustained by Railway Accident .. .. .	.....	.....	.....	250 0 0		.....	250 0 0
Relief to other Sufferers by Railway Accident .. .. .	.....	.....	.....	162 17 0		162 17 0	.....
Compensation to Mr. Malley, in accordance with Report of Select Committee .. .. .	.....	.....	.....	38 10 0		.....	38 10 0
Total, Secretary for Public Works	£ 35,168 0 8	13,528 7 11	48,696 8 7	230,389 6 6	279,085 15 1	107,622 9 8	171,463 5 5
VIII.—The Auditor General.							
The Auditor General's Department	4,846 17 11	5 4 2	4,852 2 1	.....	4,852 2 1	102 4 2	4,749 17 11

STATEMENT OF DISBURSEMENTS IN THE YEAR 1860.

STATEMENT OF DISBURSEMENTS, &c.—Continued.

125—G

HEAD OF SERVICE.	ESTABLISHMENTS.			OTHER SERVICES.	TOTAL PAYMENTS.	CHARGED ON APPROPRIATIONS OF		
	Salaries.	Contingencies.	TOTAL.			Previous Years.	Current Year.	
Unclassified Expenditure.								
INTEREST ON LOANS	165,758 12 2	165,758 12 2	.....	165,758 12 2	
CHARGES ON COLLECTIONS.								
Commission—								
On the Sale of Government Property	111 6 11	} 1,197 11 7	.....	111 6 11	
On the Collection of Intestate Estates	63 13 4		.....	63 13 4	
On the Collection of Murray River Customs by the Government of South Australia	150 13 2		.....	150 13 2	
Miscellaneous :—								
Expense of the conveyance of Gold Coin from the Mint to the Bank of New South Wales	26 17 6	} 4,641 8 4	.....	26 17 6	
Value of Gold Coins taken from the general circulation of the Colony for transmission to England	503 10 0		.....	503 10 0	
Expenses of Letters of Registration applied for or granted under the Act of Council, 16 Victoria, No. 24	181 8 0		.....	181 8 0	
Allowance to Country Postmasters for the transmission of Land Agents' Receipts to the Treasury	61 0 8		.....	61 0 8	
Allowance to the Punt-keeper at Blackman's Point Ferry	77 14 11		.....	77 14 11	
Other Miscellaneous Charges	21 7 1		.....	21 7 1	
REVENUE AND RECEIPTS RETURNED.								
Amount of Postage Stamps received in payment of Revenue	352 3 8		} 4,641 8 4	352 3 8
Fines and Forfeitures	381 6 8	.....		381 6 8	
Escheated Recognizances	46 0 0	.....		46 0 0	
Amount paid in excess for the purchase of Land	413 6 9	.....		413 6 9	
Rent of Land resumed by the Government	314 1 0	.....		314 1 0	
Pilotage	52 6 2	.....		52 6 2	
Assessment returned	1,763 1 4	.....		1,763 1 4	
Intestate Estates	350 0 0	.....		350 0 0	
Deposits under the Assisted Immigrants' Employment Act, 16 Victoria, No. 42	40 0 0	.....		40 0 0	
Allowance to the Lessees of the Circular Quay for space occupied for Repairs	730 15 11	.....		730 15 11	
Court of Requests Fees	76 2 0	.....		76 2 0	
Other Miscellaneous Receipts returned	122 4 10	.....	122 4 10		
ARREAR CHARGES against the Territorial Revenue Account, the Balance at its credit having been transferred to the Consolidated Revenue Fund in 1856	84 10 1	84 10 1	84 10 1	.....
Total, Unclassified Expenditure	171,682 2 2	171,682 2 2	84 10 1	171,597 12 1	
Gross Total	369,368 19 3	169,032 9 5	538,401 8 8	774,376 0 9	
				1,312,777 9 5	235,675 1 8	1,077,102 7 9		

OUT OF THE CONSOLIDATED REVENUE FUND.

37

Audit Office, Sydney, New South Wales,
30th April, 1861.

W. C. MAYNE,
Auditor General.

**APPENDIX TO THE STATEMENT OF DISBURSEMENTS OUT OF THE
CONSOLIDATED REVENUE FUND, FOR THE YEAR 1860.**

STATEMENT of the Expenses of the Erection and Repairs of COLONIAL PUBLIC BUILDINGS, and of the Construction and Repairs of ROADS and BRIDGES, and of other PUBLIC WORKS, defrayed from the Colonial Treasury of New South Wales, during the Year 1860.

PARTICULARS.	CHARGED ON APPROPRIATIONS OF		TOTAL.
	Previous Years.	Current Year.	
PUBLIC WORKS AND BUILDINGS.			
WORKS.			
Repairs to the Semi-Circular Quay	3,487 16 5	.....	3,487 16 5
Improvement of Hyde Park under the Superintendence of the Committee of Management	532 17 5	186 18 3	719 15 8
Repairs and Improvements to Botanic Gardens, Sydney	85 12 0	.....	85 12 0
Completing the Road to the Abattoirs, Glebe Island .. .. .	.....	78 12 0	78 12 0
Fortifications, Port Jackson	611 6 0	.....	611 6 0
Lighting the Government Lamps in the Streets of Sydney	106 15 0	320 5 0	427 0 0
Removal of the Sand Bank at the junction of the Rivers Brisbane and Bremer	113 16 10	.....	113 16 10
Repairs to the Tank Stream, from Hunter to Bridge Streets	2,773 16 6	.....	2,773 16 6
Grassing Sand Hills, near Sydney .. .. .	.....	299 18 1	299 18 1
Roadway and Dam, Cook's River	1 19 4	200 0 0	201 19 4
Wharf at Eden	1,000 0 0	.....	1,000 0 0
Fencing round the Reservoir, Brisbane	100 0 0	.....	100 0 0
Replacing a Boundary Wall at Dawsons Battery	50 0 0	.....	50 0 0
Improving the Navigation of the Rivers Murray and Murrumbidgee	1,995 0 0	.....	1,995 0 0
Improving the Navigation of the Shoalhaven River	189 12 6	.....	189 12 6
Planting and Enclosing the Sand Hills, Newcastle	29 13 6	.....	29 13 6
Fencing in the Necropolis, Sydney	305 3 0	.....	305 3 0
Erection of a Jetty at Bateman's Bay .. .. .	.....	7 0 0	7 0 0
Repairing the Liverpool Dam .. .. .	.....	570 11 11	570 11 11
Repairs to Dam at Tarban Creek .. .. .	.....	25 4 6	25 4 6
Moorings in the Harbour of Bellambi .. .. .	.....	408 0 0	408 0 0
Sea Wall, Botanical Gardens .. .. .	.....	410 16 0	410 16 0
Landing Silt from Dredge and forming Ground .. .. .	.....	685 4 2	685 4 2
Extension of Dyke on Flats, River Hunter .. .. .	.....	642 6 10	642 6 10
Deodorising Apparatus, Main Sewer, Sydney .. .. .	.....	42 0 0	42 0 0
Erecting Two Pillars and Gas Lamps on Circular Quay .. .. .	.....	16 0 0	16 0 0
Survey of the Harbours of Bellambi and Wollongong	294 9 3	.....	294 9 3
TOTAL, WORKS	£ 11,677 17 9	3,892 16 9	15,570 14 6
BUILDINGS.			
Additions and Repairs to the Lunatic Asylum, Parramatta	95 2 5	398 2 10	493 5 3
Additions and Repairs to the Lunatic Asylum, Tarban Creek	4,777 8 11	.....	4,777 8 11
Additions and Improvements to the Protestant Orphan School	18 17 0	403 19 8	422 16 8
Additions and Improvements to the Roman Catholic Orphan School	1,000 0 0	.....	1,000 0 0
Repairs to Military Barracks and other Buildings .. .. .	.....	1,462 12 11	1,462 12 11
Lighting Lamps, Sweeping Chimneys, &c., at the Victoria Barracks .. .. .	.....	159 3 0	159 3 0
Employment of Prisoners sentenced to Hard Labour:—			
Gaol, Darlinghurst	444 11 8	1,016 14 9	1,461 6 5
Gaol, Parramatta	492 4 10	1,276 11 4	1,768 16 2
Gaol, Goulburn	156 14 10	.....	156 14 10
Gaol, Maitland	313 4 7	67 10 9	380 15 4
Gaol, Bathurst	144 17 0	45 8 4	190 5 4
Additions to the Government Printing Office	746 11 0	850 0 0	1,596 11 0
Additions to the Surveyor General's Office	672 16 8	.....	672 16 8
Repairs and Alterations to the Commissariat Stores, Sydney	1,663 1 11	.....	1,663 1 11
Repairs and Alterations to the Parliamentary Buildings	2,074 10 4	2,000 0 0	4,074 10 4
Completion of the Observatory Buildings .. .. .	.....	49 1 2	49 1 2
Completion of the Abattoirs, Glebe Island .. .. .	.....	1,500 16 9	1,500 16 9
Erection of Court Houses and Gaols under the District Courts' Act	132 16 2	192 4 4	325 0 6
Erection of a Registry Office, Sydney, and Out-Buildings, &c.	2,551 1 5	1,142 13 6	3,693 14 11
Buildings for the Pilots' Crews at Watson's Bay .. .. .	.....	604 14 6	604 14 6
Accommodation for Pilots at Newcastle	660 9 3	.....	660 9 3
Bath House, Immigration Depôt, Sydney	5 17 3	.....	5 17 3
Out-Houses, &c., Hornby Light House .. .. .	.....	345 3 11	345 3 11
Quarters for the Gold Commissioner, Tumut	88 17 6	.....	88 17 6
Erection of a Gaol at Wollongong	726 6 3	.....	726 6 3
Alterations and Repairs to the Mint .. .. .	.....	747 1 4	747 1 4
Erection of a Chimney at the Mint .. .. .	.....	2 17 9	2 17 9
Converting the Immigration Barracks, Sydney, into Offices for the Public Works Department, District Court, and Volunteer Corps .. .. .	.....	73 14 8	73 14 8
Erection of an Aviary in the Botanic Gardens .. .. .	.....	355 11 8	355 11 8
Casual Repairs and Alterations to Public Buildings generally	1,488 19 3	8,555 14 8	10,144 13 11
Furniture and Fittings for Public Offices	375 13 8	2,592 14 0	2,968 7 8
Repairs and Alterations to the Police Magistrate's Residence, Port Macquarie	11 15 0	.....	11 15 0
Alterations to the Court House, Bathurst .. .. .	.....	81 8 0	81 8 0
Repairs to the Gaol at Berrima .. .. .	.....	76 19 3	76 19 3
Carried forward	£ 18,641 16 11	24,100 18 8	42,742 15 7

APPENDIX TO STATEMENT OF DISBURSEMENTS FOR 1860.

PARTICULARS.	CHARGED ON APPROPRIATIONS OF		TOTAL.
	Previous Years.	Current Year.	
PUBLIC WORKS AND BUILDINGS—Continued.			
Brought forward.. .. .	£ 18,641 16 11	24,100 18 8	42,742 15 7
BUILDINGS—Continued.			
Bendemeer	400 0 0	.....	400 0 0
Bingers .. .. .	.....	2 15 10	2 15 10
Burrows	1 2 6	.....	1 2 6
Clerkness	400 0 0	.....	400 0 0
Conlamine	400 0 0	.....	400 0 0
Coonabarabran	50 0 0	.....	50 0 0
Cowra	270 1 9	.....	270 1 9
Deniliquin	498 0 0	.....	498 0 0
Gunnedah	400 0 0	.....	400 0 0
Watch House at .. .. .	.....	2 2 0	2 2 0
Howlong, near Albury .. .. .	.....	2 12 6	2 12 6
Lake Macquarie Road .. .. .	.....	.....	.....
Muswellbrook	370 10 9	.....	370 10 9
Nelligan	450 0 0	.....	450 0 0
North Gundagai	293 3 0	.....	293 3 0
Penrith .. .. .	.....	0 15 0	0 15 0
Tamut	12 9 6	.....	12 9 6
Tenterfield .. .. .	.....	4 5 10	4 5 10
Three Rivers	325 7 3	.....	325 7 3
Walcha	399 8 0	.....	399 8 0
Albury	3,471 15 4	.....	3,471 15 4
Armidale	3,174 6 2	.....	3,174 6 2
Casino	500 0 0	.....	500 0 0
Condamine	400 0 0	.....	400 0 0
Coonabarabran	400 0 0	.....	400 0 0
Court House at.. .. .	1,000 0 0	.....	1,000 0 0
Gundagai	1,981 4 0	.....	1,981 4 0
Kiama	1,552 4 9	.....	1,552 4 9
Moama	80 0 0	.....	80 0 0
Rockhampton	8 18 0	.....	8 18 0
Tamworth	19 10 11	.....	19 10 11
Tenterfield	100 0 0	.....	100 0 0
Wellington	737 12 3	.....	737 12 3
Court and Watch House, Cassilis	125 0 0	.....	125 0 0
Court and Watch House, Wee Waa	250 0 0	.....	250 0 0
Court and Watch House at Hay (Lang's Crossing Place)	800 0 0	20 0 0	820 0 0
Lock-up at Condobolin	118 10 6	.....	118 10 6
Lock-up at West Bargo .. .. .	.....	304 16 6	304 16 6
Police Office and Watch House, Balranald .. .. .	.....	2 6 6	2 6 6
Adelong .. .. .	.....	3 7 6	3 7 6
Gunnedah .. .. .	.....	150 0 0	150 0 0
Police Office at .. .. .	.....	1 10 0	1 10 0
Lismore, Casino .. .. .	.....	2 2 6	2 2 6
Nowra .. .. .	.....	4 5 10	4 5 10
Timbarra .. .. .	.....	5 19 0	5 19 0
Ulladulla .. .. .	.....	124 9 0	124 9 0
Patrol Station at .. .. .	.....	128 0 0	128 0 0
Micalago .. .. .	.....	128 0 0	128 0 0
Queanbeyan .. .. .	.....	300 0 0	300 0 0
Patrol Barracks at Armidale .. .. .	.....	1,183 14 2	1,183 14 2
Police Buildings at the Snowy River Gold Fields .. .. .	.....	.....	.....
TOTAL, BUILDINGS	£ 37,631 1 7	26,472 0 10	64,103 2 5
TOTAL, WORKS AND BUILDINGS	£ 49,308 19 4	30,364 17 7	79,673 16 11
ROADS, BRIDGES, AND FERRIES.			
<i>Ac. VE.—Secretary for Lands.</i>			
Construction, Maintenance, and Repair of Public Roads and Bridges, viz.:—			
Subordinate Roads:—			
Metropolitan	2,474 15 10	200 19 6	2,684 15 4
Northern	8,775 13 2	2,486 8 8	11,262 1 10
Western	5,198 13 1	3,648 14 7	8,847 7 8
Southern	3,959 5 0	3,615 8 10	7,574 13 10
Moreton Bay	2 13 4	.....	2 13 4
Special Grants to Minor Bridges and Roads not classified	2,327 8 6	2,752 2 3	5,079 10 9
Repairing Roads and Bridges damaged by Floods	1,370 0 0	2,793 3 6	4,163 3 6
Road from the Dapto Road to the Cordcaux River	400 0 0	.....	400 0 0
Road from Morpeth to Hinton	1,500 0 0	.....	1,500 0 0
Road from Braidwood to the River Clyde	37 13 9	.....	37 13 9
Roads and Bridges in the Kiandra District .. .. .	.....	3,277 1 7	3,277 1 7
Making Approaches to the Bridge at Paterson .. .. .	.....	101 0 0	101 0 0
Continuation of George's River Road to Bulli	292 10 0	.....	292 10 0
Bridge over the Paterson, at Clark's Crossing-place	299 3 0	.....	299 3 0
Bridge over a Creek between Carcoar and Bathurst	200 0 0	.....	200 0 0
Repairs to the Tocal Bridge	140 16 6	.....	140 16 6
TOTAL, SECRETARY FOR LANDS	£ 26,978 12 2	18,883 18 11	45,862 11 1

No. 3.

STATEMENT

OF

RECEIPTS AND DISBURSEMENTS

IN THE YEAR 1860,

ON ACCOUNT OF PUBLIC WORKS PROVIDED FOR BY LOANS SECURED
ON THE CONSOLIDATED REVENUE FUND.

STATEMENT of RECEIPTS and DISBURSEMENTS on Account of PUBLIC WORKS,

RECEIPTS.	TOTAL.
BALANCE at the Credit of the Loans' Account, on the 31st December, 1859	133,423 2 5
LOANS NEGOTIATED THROUGH THE AGENCY OF THE ORIENTAL BANK CORPORATION, LONDON.	
22 VICTORIA, No. 22. Proceeds of Railway and Public Works Debentures to the amount of £544,500, bearing Interest at the rate of 5 per cent. per annum	544,336 15 0
23 VICTORIA, No. 5. Proceeds of Debentures, issued under this Act to pay off certain Debentures, to the amount of £16,400, bearing Interest at the rate of 5 per cent. per annum ...	16,318 0 0
SURCHARGES RECOVERED	74 7 2
	694,152 4 7
ISSUES ON ACCOUNT.	
Balance of Adjustments over Advances to the Oriental Bank Cor- poration, London	£26,300 0 0
Balance of Adjustments over Advances to Public Officers	4,927 4 0
	31,227 4 0
Carried forward	£ 725,379 8 7

provided for by LOANS secured on the CONSOLIDATED REVENUE FUND, in the Year 1860.

DISBURSEMENTS.	AMOUNT.	TOTAL.
18 VICTORIA, No. 35.		
Public Abattoir, Glebe Island	434 4 5	
Police Station, Newcastle	1,771 3 6	
Court and Watch House, Queanbeyan	1,200 0 0	
Bridge, Gunning	1 13 3	
		3,407 1 2
18 VICTORIA, No. 40; 19 VICTORIA, No 40; 20 VICTORIA, No. 1; 20 VICTORIA, No. 34; 22 VICTORIA, No. 22; AND 23 VICTORIA, No. 10.		
Works in progress—		
Salaries	7,433 8 11	
Contingencies	647 17 8	
	8,081 6 7	
Trial Surveys—		
Salaries	5,282 12 4	
Wages	2,114 11 7	
Contingencies	5,187 8 1	
	12,584 12 0	
Valuation of Land—		
Salaries and Contingencies	1,282 0 0	
New Works—		
Rolling Stock	105 15 6	
Unforeseen and Contingent Expenses... ..	466 15 11	
	572 11 5	
Extension of Existing Lines of Railway	235,179 3 10	
		257,699 13 10
19 VICTORIA, No. 40.		
Improving the Navigation of the River Hunter and Port of Newcastle		
	632 16 6	
Gaol, Brisbane	3 1 9	
Court House, Deniliquin... ..	600 0 0	
Clearing the Channel of the River Murray	721 3 10	
Clearing the Channel of the River Murrumbidgee	1,000 0 0	
Steam Dredge and Punt for the River Brisbane	66 19 0	
Surveys, Experiments, and Preparation for the Extension of Railways	124 14 10	
		3,148 15 11
20 VICTORIA, No. 33.		
Constructing Electric Telegraph between Sydney and Albury... ..	8,510 13 9	
Light Houses on the Australian Coast	238 8 0	
Court House, East Maitland	2,687 11 0	
Construction of the Electric Telegraph, Brisbane	31 4 0	
Court and Watch House, Nanaugo, Wide Bay	400 0 0	
Court and Watch House, Tarrome, Wide Bay	500 0 0	
Erection of an Hospital, Ipswich	1,500 0 0	
Roads between the Upper Dawson and Fitz Roy Rivers	200 0 0	
Bridge over Norman Creek	69 15 9	
		14,137 12 6
22 VICTORIA, No. 22.		
Constructing Electric Telegraph between Sydney and Bathurst	2,514 15 1	
Constructing Electric Telegraph between Sydney and Newcastle	8,601 0 0	
Bridge over the River Murray at Albury	369 17 5	
Additional Powder Magazine, Goat Island	491 13 10	
		11,977 6 4
Carried forward	£	290,370 9 9

STATEMENT of RECEIPTS and DISBURSEMENTS

RECEIPTS.	TOTAL.
Brought forward	£ 725,379 8 7
BALANCE at the Debit of the Loans' Account on the 31st December, 1860	17,117 4 4
TOTAL	£ 742,496 12 11

on Account of PUBLIC WORKS, &c.—Continued.

DISBURSEMENTS.		AMOUNT.	TOTAL.
Brought forward... .. £		.....	290,870 9 9
22 VICTORIA, No. 26.			
Erection of a Light House, Cape St. George .. ..		.....	3,233 0 8
23 VICTORIA, No. 5.—Repayment of Debentures.			
Railway		262,740 0 0	
Public Works		21,000 0 0	
Sydney Sewerage		43,300 0 0	
Sydney Water Works		18,000 0 0	
			345,040 0 0
23 VICTORIA, No. 10.			
Construction of Coal Wharf, Newcastle		2,081 11 5	
Steam Crane		66 9 8	
Glebe Island Punts		1,882 0 0	
Harbour Defences		1,834 8 8	
Additions to Works, Fort Macquarie		4,382 8 2	
Construction of a Bridge to connect the Abattoirs, Glebe Island, with the Main Land		3,806 13 4	
Electric Telegraph Extensions—			
Gundagai <i>via</i> Wagga Wagga to Deniliquin		254 13 11	
West Maitland to the boundary of Queensland <i>via</i> Singleton, Scone, Murrurundi, Tamworth, Bendemeer, and Armidale		3,990 1 0	
Extension of Western Line to Mudgee		168 18 0	
Extension to Orange		1,523 8 1	
Line from Gundagai to Kiandra <i>via</i> Adelong and Tumut ..		5,230 9 4	
Erection of a Light House on Gabo Island... ..		105 0 0	
Renewal of Circular Quay		1,225 6 1	
Construction of a Pier at extension of Dowling-street ..		10 16 0	
Extension of Wharf Accommodation, Newcastle		2,322 10 1	
Improvements to Wollongong Harbour		141 10 3	
Improvements to Kiama Harbour		87 19 8	
Construction of Wharf at Eden		417 19 4	
Improvements to the Navigation of the Shoalhaven and Crookhaven Rivers		31 6 8	
Improvements to the Navigation of the Rivers Murray and Mar- rumbidgee		883 2 11	
Erection of a Light House at Port Stephens		45 0 0	
			30,991 12 7
Land and Immigration Debentures paid off in 1860			53,000 0 0
CHARGES on the Sale of Debentures negotiated through the Agency of the Oriental Bank Corporation, London			3,595 14 11
			726,230 17 11
ISSUES ON ACCOUNT.			
Advances to the Government Commercial Agents to purchase Railway Materials in England			16,265 15 0
TOTAL		£	742,496 12 11

NOTE.—The amount of Loans contracted by the Colony to the 31st December, 1860, on the security of the Consolidated Revenue Fund, was £3,850,330, of which the particulars are given in a separate Statement.

W. C. MAYNE,
Auditor General.

**APPENDIX TO THE ACCOMPANYING STATEMENTS OF DISBURSEMENTS
IN THE YEAR 1860.**

SCHEDULE OF ADVANCES UNADJUSTED.

STATEMENT, shewing the Amount of Advances to Public Officers, Benches of Magistrates, Road Trusts, and others, which remained Unadjusted on the 31st December, 1860, either from want of the requisite Vouchers, or from objections to Accounts rendered not having been answered prior to closing the Accounts of the Year.

PARTIES.	SERVICE.	AMOUNT.
Adams, Snape, and Geddes	Road Repairs	85 10 6
Airey G. B., Astronomer Royal, London	Astronomical Instruments	90 13 9
Bank of New South Wales—London Branch	Interest on Debentures	161 6 11
Barclay George, Returning Officer, Eden	Election Expenses	100 0 0
Barclay, Hibburt, Murray, and others	Road Repairs	661 14 1
Barney George, late Surveyor General	Departmental Expenses	433 1 8
Beames, Perry, and Lord	Road Repairs	12 5 0
Beames, Perry, and Mackenzie	Ditto	19 19 3
Berrins	Ditto	14 0 0
Binalong	Ditto and Police Buildings	809 0 0
Bombala	Ditto	56 2 4
Braidwood	Ditto	107 11 11
Burrows	Court and Watch House	590 0 0
Carcoar	Road Repairs	12 15 4
Drayton	Tank and Roadway	375 0 0
Eden	Road Repairs	503 6 2
Gayndah	Ditto	10 0 0
Goulburn	Ditto and Watch House, Binda	609 4 0
Bench of Magistrates. {	Ditto	8 6 8
Kiama	Ditto	884 9 2
Macleay River	Court and Watch House	300 0 0
Moulamein	Road Repairs	10 6 10
Picton	Court and Watch House	440 0 0
Singleton	Road Repairs	118 16 8
Stroud	Ditto and Police Buildings	850 0 0
Wagga Wagga	Ditto	250 0 0
Warwick	Ditto	1,631 5 10
West Kompsy	Ditto	136 19 11
Wollombi	Ditto	210 10 0
Yass	Ditto	100 0 0
Bennett and Dixon	Ditto	0 10 0
Blossome and Lord	Gaol Expenses	106 7 0
Brennan J. O'Neil, Sheriff	Departmental Expenses	47 0 0
Browne H. H., Immigration Agent	Road Repairs	25 0 0
Brown, Dight, and Parnell	Ditto	15 1 8
Brown, Murphy, Staines, and others	Stores, and Departmental Expenses	1,371 19 0
Buchanan John, Colonial Storekeeper	Road Repairs	149 19 11
Burton, M'Innes, and Mooney	Departmental Expenses	851 9 1
Campbell F., Medical Superintendent, Lunatic Asylum, Tarban } Creek	Road Repairs	30 0 0
Caswell W. S., Police Magistrate, Moruya	Ditto	190 0 0
Chaulder and Tompson	Ditto	100 0 0
Chaulder, Collins, Hambley, and others	Ditto	200 0 0
Chaulder and Bradridge	Education	2,872 9 7
Chairman of the Denominational School Board	Road Repairs	21 0 0
Chisholm, Atkinson, and Whittaker	Departmental Expenses	23 11 11
Christie W. H., Postmaster General	Police Buildings, Roads and Bridges, &c.	8,316 0 6
Cloete P. L., Gold Commissioner, Southern Districts	Road Repairs	200 0 0
Close, Bolton, and Inches	Ditto	140 0 0
Close, Wislom, and O'Keefe	Stores and Stationery	318 18 0
Colonial Storekeeper, Acting	Road Repairs	300 0 0
Commissioners, South Head Road Trust	Ditto	120 17 11
Committee of the Bombala and Eden Road	Jetty, Cleveland Point	162 8 5
Committee of the Jetty, Cleveland Point	Road Repairs	11 4 0
Cox, Riley, and Magarraty	Departmental Expenses	0 4 0
Crook John, Harbour Master	Road Repairs	1 9 6
Carrol, Moore, and Clarke	Departmental Expenses	9 17 7
Darvall F. O., late Superintendent, Protestant Orphan School, ...	Ditto and Public Works	5,685 9 6
Dawson Alexander, Colonial Architect	Circuit Court Expenses, &c.	436 12 4
Day E. D., Police Magistrate, Maitland	Bridge, Lawes-street, Maitland	10 0 0
Day and Chambers	Road Repairs	64 6 0
Downes, Oxley, and Perry	Ditto	0 3 9
Ealos, Bolton, and Inches	Ditto	100 0 0
Faithfull, Cooper, and Gibson	Departmental Expenses	906 5 6
Ferguson M. D., Accountant, Government Printing Office	Road Repairs	70 0 0
File J.	Ditto	420 11 4
Fisher E.	Departmental Expenses	3 0 0
Fitzpatrick Michael, Under Secretary for Lands	Ditto	115 4 3
Forbes David, late Police Magistrate, Sydney	Road Repairs	17 0 0
Fraser, Moxon, and Clarke	Purchase of Stores, Stationery, and } Railway Materials	33,960 12 0
Galton Douglas, late Acting Government Commercial Agent. {		
Carried forward		£ 67,426 18 9

APPENDIX TO ACCOMPANYING STATEMENTS OF DISBURSEMENTS IN THE YEAR 1860.

PARTIES.	SERVICE.	AMOUNT.
Brought forward.....	£	67,426 18 9
Gibbes J. G. N., late Collector of Customs	Departmental Expenses	51 5 8
Gray C. G., late Police Magistrate, Ipswich	Public Works, &c.	475 5 0
Greenup Richard, Medical Superintendent, Lunatic Asylum, } Parramatta	Departmental Expenses	344 7 10
Griffin J. H., Assistant Gold Commissioner	Contingent Expenses	88 18 9
Hall Henry	Road Repairs	15 0 0
Hanson William, late Government Printer	Departmental Expenses	1 0 0
Harris, Hambley, and Walker	Road Repairs	16 0 0
Hewdon, Heflerman, and Coonan	Ditto	173 0 0
Hyde Park Committee of Management	Hyde Park Improvements	813 1 9
Kennedy and Crawford	Road Repairs	50 0 0
King, Darcy, and Gowiz	Ditto	150 0 0
King, Lethbridge, and Macdonald	Ditto	100 0 0
Kirkwood, King, and Wron	Ditto	250 0 0
Lardner, Chauvel, Chapman, and others	Road Repairs	163 4 10
Lloyd, Beilby, and Co., late Government Commercial Agents, ...	Balance of Advances	93 19 7
Lockhart C. G. N., Commissioner of Crown Lands	Contingent Expenses	392 19 7
Lodge, Gannon, and McKeon	Road Repairs	77 0 0
Lovell C. N., Officer Commanding Royal Artillery Force, New } South Wales	Royal Artillery	1,030 11 8
Macleon Harold, Gold Commissioner, Western Districts	Gold Fields' Contingencies	3 5 0
Maon G. K., Civil Engineer	Dry Dock Establishment	13 17 3
Mandelson, Paul, and Carter	Road Repairs	40 0 0
Manning, Wren, Hibbard, and others	Ditto	357 0 0
Marsden, Rossi, Frackner, and others	Ditto	398 14 0
Martindale B. H., Commissioner of Railways	Railways, Telegraphs, and Roads	19,897 5 11
Master of the Royal Mint, London	Mint Stores, &c.	1,297 1 0
Maxwell A. C., Registrar, Sydney District Court	Refund of Court Fees	0 5 0
McDougall, Lumsden, and Markwell	Road Repairs	225 0 0
McLean A. G., Acting Surveyor General	Departmental Expenses	659 10 8
McLerie John, Inspector General of Police	Police Expenses	6,220 0 9
M'Phillamy, Steel, and Smith	Road Repairs	5 10 0
Mitchell, Jones, Smith, and Middleton	Ditto	131 0 0
Moriarty E. O., Engineer-in-Chief for Harbours and River } Navigation	Public Works	148 6 8
Moore Charles, Director, Botanic Gardens	Departmental Expenses	128 9 5
Municipal Council, Wollongong	Fairy Meadow Bridge	82 10 0
Municipal Council, Albury	Road Repairs	165 0 0
Murray, Grealley, Carragher, and others	Ditto	95 16 0
Naper W. D., late Aid-de-Camp	Governor General's Establishment	0 12 0
Newman, Portus, Pierce, and Sadler	Road Repairs	360 0 0
North S., Water Police Magistrate	Departmental Expenses	8 11 7
Oakes, Bright, and Nobbs	Road Repairs	155 0 0
Olivey W. R., Paymaster, 12th Regiment	Military Expenses	140 13 3
Oriental Bank Corporation, London	Miscellaneous Expenses	2,423 12 7
Pahaer W. H., Police Magistrate, Bathurst	Circuit Court Expenses, &c.	1,228 6 8
Palmer, Suttor, and Wallford	Road Repairs	372 2 0
Palmer, Webb, and M'Phillamy	Ditto	25 19 0
Pearce, Gardner, and Newman	Road Repairs	100 0 0
Plunkett W. E., Secretary to the Law Officers	Departmental Expenses	70 5 0
Poile, Macaulay, and Manning	Road Repairs	196 18 4
Public Works Committee, Maryborough	Public Works	146 13 8
Pye, Pearce, Staff, and Brien	Road Repairs	77 0 0
{ Botany	Ditto	40 0 0
{ Cook's River	Ditto	67 1 2
{ Liverpool	Ditto	154 6 3
{ Maitland	Ditto	941 12 0
{ Sydney	Ditto	762 10 0
Radd and Abercrombie	Road Repairs	1 11 6
Rogers Edward, Clerk of the Peace	Departmental Expenses	1,201 16 9
Rolleston C., Registrar General	Ditto	5 0 0
Ronald Rowan	Election Expenses	84 16 0
Rose, Wanson, and Byrne	Road Repairs	30 0 0
Sealey R., late C.P.S., Tarome	Advance on Account of Salary	18 5 0
Serocold, Gregory, and Scott	Road Repairs	86 16 9
Shepherd, Blaxland, Devlin, and Parnell	Ditto	105 0 0
Smith, Armstrong, and Cawley	Ditto	400 0 0
Solomons, Windeyer, Baddeley, and Hubbard	Ditto	240 8 9
Templar, Lane, and Dale	Ditto	47 5 0
{ Bathurst	Road Repairs	264 5 0
{ Gosford	Ditto	16 0 0
{ Newcastle	Ditto	78 10 6
Warden and District Council, Maitland	Ditto	50 0 0
Watts, Critchley, Mansfield, and others	Ditto	88 2 5
Weber A., Road Surveyor	Ditto	3 12 7
West, Fulton, Nowlan, and Mackie	Ditto	100 0 0
Wickham J. C., late Government Resident, Moreton Bay	Native Police and Public Works	4,021 2 3
Williams John, Crown Solicitor	Law Expenses	11 13 6
Willis, Merry and Co., Government Commercial Agents	Purchase of Stores, Stationery, and } Railway Materials	20,840 9 10
Wren and Manning	Road Repairs	150 0 0
TOTAL.....	£	*136,612 10 5

* A considerable portion of this amount has been adjusted since the 31st December, 1860.

Audit Office, Sydney, New South Wales,
30th April, 1861.

W. C. MAYNE,
Auditor General.

NEW SOUTH WALES.

ACCOUNT

OF

GOVERNMENT DEBENTURES

NEGOTIATED IN ENGLAND THROUGH THE

ORIENTAL BANK CORPORATION, LONDON,

FROM THE

13TH OCTOBER, 1859, TO 26TH OCTOBER,

1860.

STATEMENT showing the RESULT OF SALES OF DEBENTURES placed in the hands of the ORIENTAL BANK CORPORATION, LONDON, for Negotiation in England; from the 13th October, 1859, to the 26th October, 1860.

DESCRIPTION OF DEBENTURES.	No. of Years' Currency.	Amount of Principal.		Date from which Interest accrues.	Rate $\frac{3}{4}$ cent. at which sold inclusive of dividend.	CHARGES.			NET PROCEEDS.						
		£	s. d.			Gross Proceeds.	Broker's Commission @ $\frac{1}{4}$ & $\frac{1}{2}$ cent. on Principal.	Bank Commission @ $\frac{1}{4}$ & $\frac{3}{4}$ cent. on Proceeds.		Total.					
Railway and Public Works, 22 Victoria, No. 22	30	37,100	0 0	1 January, 1859.	98	36,358	0 0	92	15 0	181	6 2	274	1 2	36,083	18 10
		103,700	0 0		99 $\frac{1}{2}$	103,171	10 0	264	5 0	524	10 9	788	15 9	104,382	14 3
		104,800	0 0		99 $\frac{3}{4}$	104,536	0 0	262	0 0	521	7 6	783	7 6	103,754	12 6
		66,600	0 0		100	66,600	0 0	166	10 0	332	3 8	498	13 8	66,101	6 4
		71,500	0 0		100 $\frac{1}{4}$	71,678	15 0	178	15 0	357	10 0	536	5 0	71,142	10 0
		81,900	0 0		100 $\frac{1}{2}$	82,309	10 0	204	15 0	410	10 7	615	5 7	81,694	4 5
		16,000	0 0		100 $\frac{3}{4}$	16,120	0 0	40	0 0	80	8 0	120	8 0	15,999	12 0
		55,700	0 0		101	56,257	0 0	139	5 0	280	11 10	419	16 10	55,837	3 2
		5,200	0 0		102	5,304	0 0	13	0 0	26	9 2	39	9 2	5,264	10 10
		544,500	0 0		.....	544,336	15 0	1,361	5 0	2,714	17 8	4,075	2 8	540,260	12 4
To pay off Debentures, 23 Victoria, No. 5	30	16,400	0 0	1 January, 1859	99 $\frac{1}{2}$	16,318	0 0	41	0 0	81	7 9	122	7 9	16,195	12 3
TOTALS	£	560,900	0 0		.....	560,651	15 0	1,402	5 0	2,796	5 5	4,198	10 5	556,456	4 7

Audit Office, Sydney, New South Wales,
11th February, 1861.

W. C. MAYNE,
Auditor General.

NEW SOUTH WALES.

STATEMENT

OF THE

PARTICULARS OF LOANS

WHICH REMAINED UNPAID ON THE

31st DECEMBER, 1860.

STATEMENT OF THE PARTICULARS OF LOANS (SECURED PRINCIPAL AND INTEREST UPON UNPAID ON THE

SERVICES FOR WHICH LOANS HAVE BEEN CONTRACTED.	YEAR OF REPAYMENT.		PARTICULARS	
	At the option of the Government.	At the option of the Lender.	PRINCIPAL AMOUNT OF DEBENTURES ISSUED.	
			Amount of each Issue.	Total Issues for each Service.
16 VICTORIA, No. 39. Loans to the Sydney Railway Com- pany	12 months' notice	1873	20,000	} 200,000
		1861	30,000	
		1862	138,500	
		1862	11,500	
18 VICTORIA, No. 40. Purchase of the Sydney Railway Company's property	Permanent		2,700	} 2,700
		1861	38,100	
18 VICTORIA, No. 40; AND 20 VICTORIA, No. 34. Railway Works		1866	139,000	} 709,400
		1871	100,000	
		1876	100,000	
		1876	33,300	
		1888	265,000	
20 VICTORIA, No. 1. Railway Works		1889	34,000	} 203,000
		1876	203,000	
		1876	70,500	
To pay off Land and Immigration Debentures		1888	3,200	} 73,700
		1888		
20 VICTORIA, No. 16. To pay off Land and Immigration Debentures		1877	132,300	} 132,300
		1877		
22 VICTORIA, Nos. 5 AND 26. To pay off Land and Immigration Debentures		1889	125,000	} 145,000
		1889		
Sydney Sewerage		1889	10,000	} 10,000
		1889	10,000	
Sydney Water		1866	12,800	} 150,000
		1876	150,000	
18 VICTORIA, No. 35; 19 VICTORIA, Nos. 38 AND 40; AND 20 VICTORIA, No. 33. Permanent Public Works.....		1876	116,400	} 598,800
		1882	70,800	
		1873	100,000	} 598,800
		1888	500	
		1888	111,300	
		1888	25,000	
		1889	10,000	
22 VICTORIA, No. 22. For Railway Extension and other Public Works		1889	2,000	} 712,000
		1889	167,500	
		1889	544,500	} 712,000
		1889		
23 VICTORIA, No. 5. To pay off Railway Debentures.....		1890	16,400	} 365,600
		1890	*265,300	
		1890	*21,000	
		1890	*44,900	
" Public Works do. ...		1890	*18,000	} 365,600
		1890		
" Sydney Sewerage do. ...		1890		} 348,200
		1890		
" Sydney Water Works do. ...		1890		} 348,200
		1890		
23 VICTORIA, No. 10. For Public Works.....		1890	*295,200	} 348,200
		1890	*53,000	
To pay off Land and Immigration Debentures		1890		} 5,000
		1890		
23 VICTORIA, No. 26. For Public Works.. ..		1890	*5,000	} 5,000
		1890		
17 VICTORIA, No. 34; AND 18 VICTORIA, No. 30. Sydney Sewerage.....		1866	97,500	} 154,130
		1876	25,900	
		1888	24,000	
		1882	6,730	
		1866	50,700	} 180,400
		1876	36,700	
		1877	31,000	
		1862	1,000	
		1888	5,900	
17 VICTORIA, No. 35; AND 18 VICTORIA, No. 30. Water Supply		1888	55,100	} 180,400
		1888		
				£ 3,830,230

* No Report of the Sale of these Debentures had reached the Colony at the close of the Year.

THE CONSOLIDATED REVENUE FUND OF THE COLONY OF NEW SOUTH WALES) WHICH REMAINED
31ST DECEMBER, 1860.

OF LOANS.		PARTICULARS OF INTEREST.		
PROCEEDS.		RATE.	ANNUAL AMOUNT.	
Proceeds of each Issue of Debentures.	Total Proceeds of Loans for each Service.		On each Loan.	On Total Loan for each Service.
} 53,431 13 4 } 153,933 10 0	} 207,365 3 4	3½d. per diem per cent.	988 10 10	} 9,797 19 4½
		3½d. do.	1,482 16 3	
		3½d. do.	6,845 13 0½	
		2½d. do.	480 19 3½	
2,700 0 0	2,700 0 0	5 per cent. per annum	135 0 0	135 0 0
38,100 0 0	} 684,315 5 5	3½ per diem per cent.	1,883 3 5½	} 35,448 3 5¼
314,472 8 6		5 per cent. per annum	6,950 0 0	
30,847 4 5		5 do.	5,000 0 0	
267,724 7 6		5 do.	5,000 0 0	
33,171 5 0		5 do.	1,665 0 0	
		5 do.	13,250 0 0	
199,997 10 0	199,997 10 0	5 do.	1,700 0 0	
} 67,100 6 2 } 3,200 10 0	} 70,300 16 2	5 do.	10,150 0 0	10,150 0 0
		5 do.	3,525 0 0	3,685 0 0
		5 do.	160 0 0	
130,311 0 0	130,311 0 0	5 do.	6,615 0 0	6,615 0 0
		5 do.	6,250 0 0	6,250 0 0
144,310 10 0	144,310 10 0	5 do.	500 0 0	500 0 0
		5 do.	500 0 0	500 0 0
} 150,977 16 4 } 107,481 2 6 } 70,330 10 0 } 95,640 5 0 } 497 10 0 } 111,514 10 0 } 25,170 0 0 } 12,147 10 0	} 573,709 3 10	5 per cent. per annum	640 0 0	} 29,940 0 0
		5 do.	7,500 0 0	
		5 do.	5,820 0 0	
		5 do.	3,540 0 0	
		5 do.	5,000 0 0	
		5 do.	25 0 0	
		5 do.	5,565 0 0	
		5 do.	1,250 0 0	
		5 do.	500 0 0	
		5 do.	100 0 0	
} 164,567 0 0 } 544,336 15 0	} 708,903 15 0	5 per cent. per annum	8,375 0 0	} 35,600 0 0
		5 do.	27,225 0 0	
16,318 0 0	16,318 0 0	5 do.	820 0 0	} 18,280 0 0
.....	.....	5 do.	13,265 0 0
.....	.....	5 do.	1,050 0 0
.....	.....	5 do.	2,245 0 0
.....	5 do.	900 0 0	
.....	5 do.	14,760 0 0	} 17,410 0 0
.....	.....	5 do.	2,650 0 0
.....	5 do.	250 0 0	250 0 0
} 93,936 19 3 } 23,666 2 6 } 23,837 10 0 } 6,729 0 0	} 148,169 11 9	5 do.	4,875 0 0	} 7,706 10 0
		5 do.	1,295 0 0	
		5 do.	1,200 0 0	
		5 do.	336 10 0	
48,000 5 11	} 173,884 13 5	5 do.	2,535 0 0	} 9,020 0 0
33,534 12 6		5 do.	1,835 0 0	
30,534 0 0		5 do.	1,550 0 0	
80,534 0 0		5 do.	50 0 0	
980 0 0		5 do.	295 0 0	
5,862 15 0		5 do.	2,755 0 0	
54,973 0 0				
3,060,285 8 11	3,060,285 8 11	191,287 12 9¼	191,287 12 9¼

NEW SOUTH WALES.

NEWCASTLE TONNAGE DUTY.—19 VICTORIA, No. 25, and 20 VICTORIA, No. 12.

STATEMENT of RECEIPTS for Tonnage Dues, and of DISBURSEMENTS on account of Improving the Navigation of the River Hunter and Ports of Newcastle and Morpeth, under the Act 19 Victoria, No. 40, to the 31st December, 1860.

RECEIPTS.	AMOUNT.	TOTAL.	DISBURSEMENTS.	AMOUNT.	TOTAL.
To Amount of Collections for Tonnage Dues at the Port of Newcastle, viz. :—			By Expenditure on account of Improving the Navigation of the River Hunter and Ports of Newcastle and Morpeth, viz. :—		
In the year 1858... ..	1,446 1 0		In the year 1856... ..	5,141 4 1	
In the year 1859... ..	2,198 14 6		In the year 1857... ..	7,780 12 7	
In the year 1860... ..	2,891 18 6	6,536 14 0	In the year 1858	18,002 2 9	
			In the year 1859... ..	4,622 6 11	
			In the year 1860... ..	632 16 6	36,179 2 10
			By Interest on the above Expenditure to 31st December, 1860, calculated from the dates of the several payments, at the rate 5 per cent. per annum, viz. :—		
To Balance due to the Consolidated Revenue Fund, on 31st December, 1860, for amount advanced from the proceeds of Debentures, to carry on the Works		34,735 4 11	Interest on £5,141 4s. 1d.	1,094 15 11	
			Interest on £7,780 12s. 7d.	1,349 11 0	
			Interest on £18,002 2s. 9d.	2,227 19 5	
			Interest on £4,622 6s. 11d.	407 11 4	
			Interest on £632 16s. 6d.	12 18 5	5,092 16 1
TOTAL	£	41,271 18 11	TOTAL	£	41,271 18 11

55

Audit Office, Sydney, New South Wales,
30th April, 1861.

W. C. MAYNE,
Auditor General.

NEW SOUTH WALES.

ORIENTAL BANK CORPORATION, LONDON.

STATEMENT

OF

RECEIPTS AND EXPENDITURE,

FROM 20TH DECEMBER, 1859, TO 26TH OCTOBER,

1860.

STATEMENT of RECEIPTS and EXPENDITURE by the ORIENTAL BANK CORPORATION, London, on Account

Dr.

RECEIPTS.	TOTAL.
Balance in hand on 19th December, 1859	16,235 15 5
Amount of sums remitted from the Colony	412,094 15 2
TOTAL	£ 428,330 10 7

*Audit Office, Sydney, New South Wales,
20th February, 1861.*

of the Colony of New South Wales, for the period from 20th December, 1859, to 26th October, 1860.

Cr.

EXPENDITURE.	AMOUNT.	TOTAL.
Pension to R. Therry, Esq., late Puisne Judge, from 22nd November, 1859, to 21st October, 1860 ... ..	.....	962 10 0
Pension to Rev. F. Wilkinson, late Colonial Chaplain, from 1st October, 1859, to 30th September, 1860	188 11 8	
Mrs. Eliza Smith, late Mrs. Bent, from 1st July, 1859, to 3rd March, 1860	134 10 5	
F. Gosling, late Clerk in the General Post Office, from 1st July, 1859, to 30th September, 1860	65 0 0	
T. S. Townsend, late Surveyor, from 1st October, 1859, to 30th September, 1860	137 11 4	
T. Bevan, late Trooper in the Mounted Police, from 1st October, 1859, to 30th September, 1860	9 3 0	
O. Homersham, late Clerk in the Customs, from 1st October, 1859, to 30th September, 1860	40 2 4	
William Shone, late Surveyor, from 1st October, 1859, to 30th September, 1860	113 7 4	
T. H. B. Venour, late Shipping Master, from 1st April, 1859, to 30th September, 1860	123 4 6	
Thomas O'Reilly, late Orderly, from 1st January to 30th September, 1860	25 16 10	
		837 7 5
Lady Dowling, Widow of Sir James Dowling, late Chief Justice, from 1st October, 1859, to 30th September, 1860	200 0 0	
Mrs. Anne Kinchela, Widow of the late Mr. Justice Kinchela, from 1st October, 1859, to 30th September, 1860	100 0 0	
Mrs. Anne Petrie, Daughter of the late Captain Flinders, R.N., from 1st July, 1859, to 30th September, 1860	125 0 0	
		425 0 0
Richardson Brothers, Cornhill, London, for Books supplied to the Parliamentary Library, from 1st July, 1857, to 31st December, 1859 ... ..	.....	1,164 1 1
Scientific Works for the Australian Museum... ..	.....	500 0 0
Automaton Balances and Stores for the Sydney Branch of the Royal Mint ... ..	.....	627 7 2
Debentures paid off, viz. :—		
Railway	201,460 0 0	
Land and Immigration	51,500 0 0	
Sewerage	36,000 0 0	
Water Supply	18,000 0 0	
Public Works	10,000 0 0	
		316,960 0 0
Interest on Debentures, from 1st July, 1859, to 30th June, 1860 ... ..	.....	105,003 2 0
Advertising, Postage, and other Petty Expenses .. ..	.....	54 17 6
TOTAL EXPENDITURE	£	426,534 5 2
BALANCE IN HAND ON 26TH OCTOBER, 1860		1,796 5 5
TOTAL	£	428,330 10 7

W. C. MAYNE,
Auditor General.

NEW SOUTH WALES.

STATEMENT

OF

RECEIPTS AND EXPENDITURE

BY

CAPTAIN GALTON, R.E.,
ACTING GOVERNMENT COMMERCIAL AGENT,

FROM 18TH NOVEMBER, 1859, TO 13TH JULY,

1860.

STATEMENT of RECEIPTS AND EXPENDITURE by CAPTAIN GALTON, R.E., ACTING

Dr.

RECEIPTS.	AMOUNT.		
	£	s.	d.
Amount of Sums drawn against Letters of Credit on the Oriental Bank Corporation London	45,712	1	8
TOTAL	£	45,712	1 8

*Audit Office, Sydney, New South Wales,
23th March, 1861.*

GOVERNMENT COMMERCIAL AGENT, from 18th November, 1859, to 13th July, 1860.

Cr.

EXPENDITURE.	AMOUNT.			TOTAL.		
	£	s.	d.	£	s.	d.
RAILWAY MATERIALS.						
Rails	16,799	1	6			
Chairs and Keys	6,170	5	5			
Spikes, Bolts, and Nuts	1,064	19	7			
Fish Plates	783	3	10			
Pipes	681	4	9			
Machinery	216	14	10			
Railway Stores	220	8	6			
				25,935	18	5
CHARGES.						
Inspecting Rails	280	3	2			
Freight on Rails, paid in England	106	16	8			
Freight on Chairs, paid in England... ..	965	19	6			
Inspecting Spikes, Bolts, and Nuts	30	0	0			
Inspecting Machinery	37	10	0			
Examining Contracts, &c.	15	15	0			
				1,386	4	4
				27,322	2	9
STATIONERY AND STORES.						
Stationery	4,304	12	11			
Convict Shoes	691	13	4			
Letter-Scales and Weights	380	18	6			
Boring Heads and Cutters, for the Fitz Roy Dry Dock	316	0	0			
Rifles	7,015	2	8			
Accoutrements	2,222	15	6			
Ammunition	503	14	5			
				15,434	17	4
Clerical Assistance				20	0	0
GENERAL CHARGES.						
Insurance, Packing, Shipping, and other Miscellaneous Charges, for which complete accounts have not yet been furnished... ..				2,935	1	7
TOTAL				45,712	1	8

W. C. MAYNE,
Auditor General.

NEW SOUTH WALES.

GOVERNMENT COMMERCIAL AGENTS,

STATEMENT

OF

RECEIPTS AND EXPENDITURE

FROM 1st JANUARY, to 26th OCTOBER,

1860.

STATEMENT of RECEIPTS and EXPENDITURE by the GOVERNMENT COMMERCIAL AGENTS, Messrs.

Dr.

RECEIPTS.	TOTAL.
	£ s. d.
Amount of Advances for the purchase in England of Railway Materials	13,767 10 0
Amount of Advances for the purchase in England of Stores and Stationery, and other Miscellaneous Articles	15,504 10 9
Carried forward	£ 29,272 0 9

Willis, Merry, and Co., from their Appointment on the 1st January to the 26th October, 1860.

Cr.

EXPENDITURE.								AMOUNT.			TOTAL.		
RAILWAY MATERIALS.								£	s.	d.	£	s.	d.
4 Locomotive Engines	...	...	...	...	...	...	9,200	0	0			
Insurance	...	...	...	...	...	...	271	12	0			
										9,471	12	0	
Rails	...	...	...	...	...	...	1,474	9	6			
Insurance and Freight	...	...	...	...	...	...	374	4	8			
										1,848	14	2	
Oil	...	...	...	...	...	...	1,408	1	8			
Insurance	...	...	...	...	...	...	37	6	9			
										1,445	8	5	
Drysaltery Goods	...	...	...	...	...	...	659	11	3			
Insurance	...	...	...	...	...	...	18	10	0			
Shipping Charges	...	...	...	...	...	...	14	12	6			
										692	13	9	
Railway Grease	...	...	...	...	...	...	215	17	1			
Insurance	...	...	...	...	...	...	8	15	0			
Shipping Charges	...	...	...	...	...	...	5	13	1			
										230	5	2	
Canvas	...	...	...	...	...	...	295	14	0			
Insurance	...	...	...	...	...	...	8	11	6			
Shipping Charges	...	...	...	...	...	...	1	8	3			
										305	13	9	
Cement (400 casks)	...	...	...	...	...	...	180	10	0			
Insurance	...	...	...	...	...	...	5	5	0			
Shipping Charges	...	...	...	...	...	...	9	9	0			
										195	4	0	
Teak Wood	...	...	...	...	...	...	38	14	5			
Insurance	...	...	...	...	...	...	1	3	9			
Shipping Charges	...	...	...	...	...	...	1	9	0			
										41	7	2	
Cotton Waste	...	...	...	...	...	...	.....
Insurance	...	...	...	...	...	...	5	5	0			
Shipping Charges	...	...	...	...	...	...	3	10	0			
										8	15	0	
STORES, STATIONERY, AND OTHER MISCELLANEOUS PURCHASES.										14,239	13	5	
Police Clothing	...	...	...	...	...	...	6,285	19	4			
Insurance	...	...	...	...	...	...	104	18	0			
Freight	...	...	...	...	...	...	12	3	2			
Shipping Charges	...	...	...	...	...	...	5	6	10			
										6,408	7	4	
Boots and Shoes	...	...	...	...	...	...	4,481	16	6			
Insurance	...	...	...	...	...	...	193	5	6			
Freight	...	...	...	...	...	...	118	2	3			
Shipping and Packing Charges	...	...	...	...	...	...	65	9	0			
										4,858	13	3	
Blankets and Barrack Rugs	...	...	...	...	...	...	2,159	17	8			
Insurance	...	...	...	...	...	...	82	14	0			
Commission for forwarding	...	...	...	...	...	...	13	15	0			
Examining	...	...	...	...	...	...	5	5	0			
Shipping Charges	...	...	...	...	...	...	13	5	5			
										2,274	17	1	
Stationery	...	...	...	...	...	...	7	14	6			
Insurance and Shipping Charges	...	...	...	...	...	...	0	6	6			
										8	1	0	
Printing Machine	...	...	...	...	...	...	454	11	9			
Insurance	...	...	...	...	...	...	12	17	0			
Freight	...	...	...	...	...	...	20	4	0			
Shipping Charges	...	...	...	...	...	...	3	0	1			
										499	12	10	
Carried forward								£		28,289	4	11	

STATEMENT of RECEIPTS and EXPENDITURE by

Dr.

RECEIPTS.						TOTAL.		
Brought forward	...	...	...	...	£	£	s.	d.
						29,272	0	9
TOTAL RECEIPTS						£	29,272	0 9
BALANCE DUE TO THE GOVERNMENT COMMERCIAL AGENTS, 26TH OCTOBER, 1860						...	121	5 1
TOTAL						£	29,393	5 10

*Audit Office, Sydney, New South Wales,
9th February, 1861.*

the GOVERNMENT COMMERCIAL AGENTS, &c.—Continued.

Cr.

EXPENDITURE.	AMOUNT.	TOTAL.
	£ s. d.	£ s. d.
Brought forward ... .. £	.....	28,280 4 11
STATIONERY, STORES, AND OTHER MISCELLANEOUS PURCHASES—Continued.		
Hydraulic Machine	173 9 10	
Insurance	4 3 0	
Shipping Charges... ..	4 19 3	
		182 12 1
Bookbinders' Cutting Machine	41 7 2	
Insurance	1 9 6	
Freight	2 5 8	
Shipping Charges... ..	0 6 8	
		45 9 0
Bookbinding Materials	242 0 0	
Insurance	6 12 0	
Shipping Charges... ..	0 19 9	
		249 11 9
Fugitive Ink for Postage Stamps	99 4 0	
Insurance	2 18 9	
Shipping Charges... ..	0 4 0	
		102 6 9
Die and Paper for Postage Stamps	106 17 8	
Insurance	8 3 3	
Shipping Charges... ..	0 17 1	
		110 18 0
Siebe's Diving Apparatus	159 1 0	
Insurance	4 8 0	
Freight	2 13 5	
Shipping Charges... ..	0 11 7	
		166 14 0
India Rubber Valves... ..	37 5 0	
Insurance	1 1 6	
Freight	0 13 2	
Shipping Charges... ..	0 5 8	
		39 5 4
Parliamentary Papers, 1859-60	16 7 0	
Insurance and Freight by Mail Steamers	11 1 0	
		27 8 0
Advertising for Plans for New Houses of Parliament		95 13 6
Advertising in the <i>London Gazette</i>		24 0 0
Coast and Island Charts... ..		45 4 0
Postages and other Petty Charges		23 18 6
TOTAL EXPENDITURE £		29,393 5 10

W. C. MAYNE,
Auditor General.

NEW SOUTH WALES.

CLERGY AND SCHOOL LANDS' REVENUE.

ACCOUNT

OF

RECEIPTS AND DISBURSEMENTS

IN THE YEAR

1860.

LANDS' REVENUE.

DISBURSEMENTS IN THE YEAR 1860.

Cr.

DISBURSEMENTS.	AMOUNT.	TOTAL.
	£ s. d.	£ s. d.
EXPENSES OF MANAGEMENT.		
Expense of destroying Thistles on Lands near Pieton ... ..	.....	10 0 0
ISSUES FOR CHURCH PURPOSES.		
<i>Church of England.</i>		
Balance of proportion of Surplus Revenue for 1859	1,998 8 4	
On account of Revenue for 1860	422 8 4	
Amount transferred to the Credit of the Church of England, Schedule C, to meet the charge for House Rent in 1859	127 10 0	
		2,548 6 8
<i>Church of Scotland.</i>		
Towards the erection of a Church at Woolloomooloo ... ..	.....	409 1 4
<i>Wesleyan Methodist Church.</i>		
Proportion of the Surplus Revenue for 1859 ... ..	.....	225 9 8
<i>Roman Catholic Church.</i>		
Towards the erection of Churches at the following places, viz. :—		
Singleton	1,000 0 0	
Braidwood	753 17 3	
Scone	50 0 0	
Muswellbrook	50 0 0	
Maitland	81 19 2	
	1,935 16 5	
Balance of the proportion of Surplus Revenue for 1859	100 0 0	
		2,035 16 5
ISSUES FOR SCHOOL PURPOSES.		
<i>Denominational Schools.</i>		
Church of England	151 5 0	
Church of Scotland	129 10 0	
Wesleyan Methodist Church	178 12 1	
Roman Catholic Church	334 11 7	
	793 18 8	
		793 18 8
Balance of Advances over Adjustments, during the year 1860... ..	.....	569 4 8
BALANCE IN THE TREASURY ON 31ST DECEMBER, 1860 ... ..	.....	9,039 19 7
TOTAL	£	15,631 17 0

The Balance of Cash in the Treasury, as above shewn £9,039 19 7
 Was liable for outstanding Charges to the amount of 3,113 18 0

Leaving a net Balance of..... 5,926 1 7

Applicable to Church Purposes 4,232 18 3
 School Purposes 1,693 3 4

W. C. MAYNE,
 Auditor General.

NEW SOUTH WALES.

ASSESSMENT ON SHEEP ACCOUNT.

18 VICTORIA, No. 26, 19 VICTORIA, No. 27, AND 22 VICTORIA, No. 10.

STATEMENT OF DISBURSEMENTS BY THE COLONIAL TREASURER, IN THE YEAR 1860.

RECEIPTS.	AMOUNT.	DISBURSEMENTS.			
		SALARIES OF INSPECTORS.		TOTAL.	
		Name.	District.	Amount.	
Balance in the Treasury, on 31st December, 1859	£ 9,426 9 3	Donald Gunn.....	Deniliquin.....	68 17 4	
		Thomas Stalley	Ditto	33 6 8	
		Richard Popham	Maneroo	8 6 8	
		George Appel.....	Brisbane.....	4 3 4	
		Balance in the Treasury, on 31st December, 1860.....			114 14 0
TOTAL	£ 9,426 9 3	TOTAL.....		£	9,426 9 8

Audit Office, Sydney, New South Wales,
2nd February, 1861.

W. C. MAYNE,
Auditor General.

NEW SOUTH WALES.

POLICE REWARD FUND.

16 VICTORIA, No. 33.

ACCOUNT of Sums received by the Colonial Treasurer, for and in respect of the POLICE REWARD FUND, and of the Appropriation of the same, to the 31st December, 1860.

PARTICULARS.	COLONIAL TREASURER.	
	Dr.	Cr.
To Balance on 31st December, 1859:—		
Cash in the Treasury	£687 19 7	
Public Works' Loan Debentures	4,000 0 0	
Railway Debentures	4,000 0 0	
Water Supply Debentures	1,500 0 0	
Bank Deposit Receipts	4,572 17 1	
		14,760 16 8
To Sums received in 1860	1,678 18 4	
Interest on Investments	784 10 8	
Bank Deposit Receipts lodged in 1860	5,090 14 6	
By Amount paid—		
As Gratuities on leaving the Police Force:—		
Sergeant Major Darley		158 12 11
Constable John Heatt		83 5 7
Constable Adam Stout		76 15 6
As Pensions, and Gratuities to Widows of deceased Constables, viz:—		
Susan M'Gee, widow of Inspector M'Gee, of the Sydney Police		26 4 2
Margaret Wood, widow of Chief Constable Wood, of the Maitland Police		62 10 0
Ann Kendall, widow of Chief Constable Kendall, of the Penrith Police		40 0 0
Elizabeth Webber, widow of Chief Constable Webber, of the Queanbeyan Police		22 18 4
Elizabeth Murphy, widow of Chief Constable Murphy, of the Port Macquarie Police		50 0 0
Louisa Codrington, widow of Trooper Codrington, of the Western Gold Escort		18 5 0
Margaret Harthill, widow of Constable Harthill, of the Bathurst Police		15 0 0
Faithful Hastings, widow of Constable Hastings, of the Burnett Police		18 6 0
Ann Whatham, widow of Constable Whatham, of the Casino Police		39 0 0
Jane Greedy, widow of Constable Greedy, of the Queanbeyan Police		50 0 0
Mary Adams, widow of Constable Adams, of the Tamworth Police		50 0 0
Hannah Fitzgerald, widow of Constable Fitzgerald, of the Wellington Police		70 0 0
Julia Ledgerwood, widow of Constable Ledgerwood, of the Newcastle Police		38 18 5
As Reward for Meritorious Services in the apprehension of Prisoners:—		
Charles Warren, Sergeant, Penrith Police		10 0 0
By Overpayments Refunded		3 0 0
By Public Works' Loan Debentures Re-issued for the purpose of being paid off, proceeds of which were lodged at Interest in the Bank of New South Wales, as an Investment on account of the Police Reward Fund		832 15 11
By Additional Amount lodged at Interest in the Bank of New South Wales, as an Investment on account of the Police Reward Fund		4,000 0 0
By Repayment of Advances made in 1859, by the Inspector General of Police, on account of the Police Reward Fund		1,090 14 6
By Repayment of Advances made in 1859, by the Inspector General of Police, on account of the Police Reward Fund		656 7 11
By Balance on 31st December:—		
Cash in the Treasury	571 10 3	
Railway Debentures	4,000 0 0	
Water Supply Debentures	1,500 0 0	
Bank Deposit Receipts	9,663 11 7	
		15,735 1 10
TOTALS	£ 22,315 0 2	22,315 0 2

Audit Office, Sydney, New South Wales,
1st February, 1861.

W. C. MAYNE,
Auditor General.

NEW SOUTH WALES.

POLICE SUPERANNUATION FUND.

16 VICTORIA, No. 33.

ACCOUNT of Sums received by the Colonial Treasurer, for and in respect of the POLICE SUPERANNUATION FUND, and of the Appropriation of the same, to the 31st December, 1860.

PARTICULARS.	COLONIAL TREASURER.	
	Dr.	Cr.
To Balance on 31st December, 1859 :—		
Cash in the Treasury	£104 0 1	
Railway Debentures	3,500 0 0	
Public Works' Loan Debentures	2,000 0 0	
Water Supply Debentures	1,500 0 0	
Bank Deposit Receipt	2,427 2 11	
		9,531 3 0
To Sums received in 1860	1,953 18 6	
Interest on Investments	499 19 2	
Bank Deposit Receipts, lodged in 1860	2,578 16 4	
By Amount of Pensions paid :—		
Chief Inspector John Wearin		38 5 3
Sergeant-Major Edward Giles		140 6 0
Inspector Thomas J. Powell		34 6 3
Inspector William Holmes		69 4 2
Inspector Patrick Connor		86 10 10
Chief Constable Thomas M'Gee		48 15 0
Chief Constable John M'Alister		55 0 0
Chief Constable James Sheppard		89 19 6
Chief Constable Robert M'Jannett		123 6 8
Chief Constable Benjamin Moore		116 0 0
Sergeant Michael Cassidy		82 7 0
Constable Charles Hotham		24 0 2
Constable John Marsh		36 12 0
Constable James Shanahan		68 12 6
Constable John Harris		52 6 7
Constable Alexander Ross		52 6 7
Constable Matthew Carroll		62 16 3
Constable Charles Lucas		60 0 5
Constable James Smith		50 5 0
Constable James Gallagher		65 11 6
Constable James Eagan		50 6 8
Constable Peter Thomson		55 16 8
Constable Patrick Conway		67 2 0
Constable Michael Murphy		51 12 11
Constable Michael Reilly		58 9 2
Constable Timothy Geary		80 1 3
Constable William Kershaw		25 6 0
Constable Thomas Handcock		14 19 0
Constable Thomas M'Evoy		56 5 3
Constable Bartholomew Banister		100 12 2
Trooper James Perry		60 0 5
		1,977 3 0
By Public Works Loan Debentures Re-issued for the purpose of being paid off, proceeds of which were lodged in the Bank of New South Wales, as an Investment on account of the Police Superannuation Fund		2,000 0 0
By Additional Amount lodged at Interest in the Bank of New South Wales, as an Investment on account of the Police Superannuation Fund		578 15 4
By Repayment of Advances made in 1859, by the Inspector General of Police, on account of the Police Superannuation Fund		1 19 5
By Balances on the 31st December, 1860 :—		
Railway Debentures	3,500 0 0	
Water Supply Debentures	1,500 0 0	
Bank Deposit Receipts	5,005 18 3	
		10,005 18 3
TOTALS.. .. .	£ 14,563 16 0	14,563 16 0

Audit Office, Sydney, New South Wales,
1st February, 1861.W. C. MAYNE,
Auditor General.

NEW SOUTH WALES.

SPECIAL RECEIPTS' ACCOUNT.

ACCOUNT of SPECIAL RECEIPTS, and of the RE-ISSUES therefrom, by the COLONIAL TREASURER, in the Year 1860.

PARTICULARS.	RECEIPTS.			RE-ISSUES IN THE YEAR 1860.	BALANCES IN THE TREASURY ON THE 31ST DECEMBER, 1860.
	Balances in the Treasury on the 31st December, 1859.	Receipts in the Year 1860.	TOTAL.		
Savings' Bank Deposits	60,000 0 0	10,000 0 0	70,000 0 0	10,000 0 0	60,000 0 0
Imperial Postage... ..	1,603 17 2	1,427 13 7	3,031 10 9	1,489 4 10	1,542 5 11
Shipping Master, Sydney—Seamen's Wages	270 10 2	657 11 10	928 2 0	525 1 8	403 0 4
Poundage... ..	17,813 3 3	5,215 17 7	23,029 0 10	6,414 13 2	16,614 7 8
Revenue Suspense—Old Account	781 8 6	.....	781 8 6	.....	781 8 6
Ditto New Account	12,280 5 9	25,744 3 8	38,024 9 5	30,351 18 1	7,672 11 4
Surry Hills Church Fund ... ..	.....	174 2 8	174 2 8	174 2 8	.....
Contractors for Public Works—Securities	1,000 0 0	1,231 0 0	2,231 0 0	950 0 0	1,281 0 0
Amount subscribed by the Inhabitants of Bathurst, towards the erection of a Bridge in Russell-street	300 0 0	.....	300 0 0	300 0 0	.....
Balance of the Gold Seizure on board the "Ethereal" and "Mary Nicholson," held in trust for the persons to whom it belongs	2 0 0	.....	2 0 0	.....	2 0 0
Maitland Road Trust's Share of the Debt due to the Bank of South Wales, on their overdrawn Account ... ..	.....	649 0 0	649 0 0	649 0 0	.....
TOTALS... .. £	94,051 4 10	45,099 9 4	139,150 14 2	50,854 0 5	88,296 13 9

Audit Office, Sydney, New South Wales,
2nd February, 1861.

W. C. MAYNE,
Auditor General.

NEW SOUTH WALES.

TRUST MONEYS' DEPOSIT ACCOUNT.

STATEMENT of TRUST MONEYS deposited in the COLONIAL TREASURY, and of RE-ISSUES therefrom, under the Act 20 Victoria, No. 11, in the Year 1860.

OFFICER DEPOSITING.	RECEIPTS.			RE-ISSUES IN THE YEAR 1860.	BALANCES IN THE TREASURY ON THE 31ST DECEMBER, 1860.
	Balances in the Treasury on the 31st December, 1859.	Deposits in the year 1860.	TOTAL.		
Master in Equity	16,531 10 7	41,244 17 4	57,776 7 11	15,028 18 8	42,747 9 3
Curator of Intestate Estates	20,036 1 8	2,416 8 9	22,452 10 5	6,921 19 6	15,530 10 11
Prothonotary of the Supreme Court	545 16 1	.....	545 16 1	545 16 1	.....
	827 0 0	772 5 3	1,599 5 3	575 2 0	1,024 3 3
Official Assignees in Insolvency	5,691 3 6	37,410 9 6	43,101 13 0	38,346 11 11	4,755 1 1
	6,336 16 1	17,823 6 10	24,160 2 11	16,374 0 9	7,786 2 2
	7,618 3 4	7,157 17 1	14,776 0 5	12,668 0 4	2,108 0 1
	3,279 3 2	679 9 10	3,958 13 0	598 3 9	3,360 9 3
	.....	2,956 17 7	2,956 17 7	841 5 3	2,115 12 4
.....	273 18 4	15 7 10	289 6 2	289 6 2	.....
TOTALS	61,139 12 9	110,477 0 0	171,616 12 9	92,189 4 5	79,427 8 4

Audit Office, Sydney, New South Wales,
4th February, 1861.

W. C. MAYNE,
Auditor General.

NEW SOUTH WALES.

MINT BULLION ACCOUNT.

STATEMENT of Issues and Re-Issues to the Deputy Master of the Royal Mint, from the Balance of Deposits in the Colonial Treasury, at the credit of the Savings' Bank of New South Wales, for the purchase of Gold Bullion imported into the Mint for Coinage, for the Year 1860.

PARTICULARS.	COLONIAL TREASURER.	
	Dr.	Cr.
JANUARY, 1860.		
To Repayments of Coin by the Deputy Master...	144,000 0 0	
By Re-Issues		144,000 0 0
FEBRUARY.		
To Repayments	145,000 0 0	
By Re-Issues		145,000 0 0
MARCH.		
To Repayments	118,000 0 0	
By Amount transferred to the Savings' Bank Deposit Account.....		10,000 0 0
By Re-Issues		108,000 0 0
APRIL.		
To Repayments	108,000 0 0	
By Re-Issues		108,000 0 0
MAY.		
To Repayments	141,000 0 0	
By Re-Issues		141,000 0 0
JUNE.		
To Repayments	182,500 0 0	
By Re-Issues		182,500 0 0
JULY.		
To Repayments	204,000 0 0	
By Re-Issues		204,000 0 0
AUGUST.		
To Repayments	142,000 0 0	
By Re-Issues		142,000 0 0
SEPTEMBER.		
To Repayments	139,500 0 0	
By Re-Issues		139,500 0 0
OCTOBER.		
To Repayments	108,000 0 0	
By Re-Issues		108,000 0 0
NOVEMBER.		
To Amount transferred from the Savings' Bank Deposit Account	10,000 0 0	
To Repayments	91,000 0 0	
By Re-Issues		101,000 0 0
DECEMBER.		
To Repayments	128,500 0 0	
By Re-Issues		128,500 0 0
TOTALS.....£	1,661,500 0 0	1,661,500 0 0

Audit Office, Sydney, New South Wales,
31st January, 1861.

W. C. MAYNE,
Auditor General.

1861.

Legislative Assembly.
NEW SOUTH WALES.

BANK LIABILITIES AND ASSETS.

Ordered by the Legislative Assembly to be Printed, 15 January, 1861.

GENERAL ABSTRACT of the Sworn RETURNS, rendered pursuant to the ACT of COUNCIL, 4th Victoria, No. 13, of the Average ASSETS and LIABILITIES, and of the CAPITAL and PROFITS, of the undermentioned BANKS of the COLONY of NEW SOUTH WALES, for the QUARTER ended 30 SEPTEMBER, 1860.

BANKS.	LIABILITIES.					ASSETS.							CAPITAL AND PROFITS.			
	Notes in Circulation.	Bills in Circulation.	Balances due to other Banks, and from Branches.	Deposits.	Total Liabilities.	Coins.	Bullion.	Landed Property.	Notes & Bills of other Banks.	Balances due from other Banks, and from Branches.	Notes and Bills Discounted, and all other Debts due to the Banks.	Total Assets.	Capital paid up.	Rate per Annum of last Dividend.	Amount of Dividend.	Amount of Reserve Profit at the close of the declaring Dividend.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	per cent.	£ s. d.	£ s. d.
New South Wales	294,286 0 0	3,989 13 8	38,892 7 2	1,501,561 10 0	1,838,709 10 10	521,095 2 0	8,558 7 6	32,683 1 0	21,423 14 1	756,037 0 1	1,511,091 15 0*	2,850,838 19 8	750,000 0 0	15 ½ cent.	47,256 0 0	208,649 15 9
Commercial	178,748 2 4	2,891 19 5	3,918 18 2	912,048 12 8	1,097,607 12 7	241,699 19 4	4,280 9 4	22,708 2 9	15,122 15 9	64,554 8 2	1,162,836 6 9	1,501,192 2 1	320,000 0 0	15 ½ cent.	24,000 0 0	61,533 4 8
Australasia.....	79,064 7 9	7,822 16 11	.....	569,563 16 8	647,731 1 4	231,672 18 11	.....	43,000 0 0	6,406 17 7	.....	457,617 9 0	742,297 5 6	900,000 0 0	15 ½ cent. †	67,500 0 0	315,043 3 3
Union of Australia	67,578 16 8	12,746 3 1	72 18 0	563,905 3 4	644,303 1 1	153,187 14 7	1,076 11 6	13,870 7 6	4,485 4 8	238 13 1	486,263 10 11	653,102 2 3	1,000,000 0 0	14 ½ cent.	70,000 0 0	273,540 2 4
Australian Joint Stock ...	179,396 1 8	3,618 6 7	36,850 17 4	704,291 1 9	921,151 7 4	262,126 11 11	1,218 1 6	38,784 16 6	16,206 15 0	90,907 7 3	936,621 12 8	1,338,914 4 10	371,920 0 0	10 ½ cent.	18,508 8 6	57,403 3 3
London Chartered of Australia	14,936 13 10	378 3 6	.....	84,126 4 2	99,441 1 6	38,150 12 3	.....	26,081 19 4	818 7 8	.....	220,296 1 9	285,350 1 0	700,000 0 0	7 ½ cent.	24,500 0 0	66,151 19 3
English, Scottish, and Australian Chartered	30,906 16 11	3,095 0 3	.....	260,003 5 4	294,006 2 6	71,342 14 4	.....	31,065 19 5	2,028 0 0	.....	538,178 3 11	662,614 17 8	500,000 0 0	5 ½ cent.	12,500 0 0	19,635 16 1
Oriental Chartered.....	103,823 0 0	6,507 5 5	275,125 16 5	629,421 7 7	1,014,879 9 5	209,159 0 4	20,408 6 8	27,643 11 11	10,997 3 1	360,001 12 7	524,079 19 10	1,102,389 14 5	1,260,000 0 0	10 ½ cent. †	151,200 0 0	252,000 0 0
TOTALS.....	948,741 19 2	41,021 8 10	354,860 17 1	5,216,221 1 6	6,560,848 6 7	1,731,434 13 8	35,541 16 6	236,320 18 5	70,567 17 10	1,210,869 1 2	5,851,574 19 10	9,136,648 7 5	5,561,960 0 0		415,464 8 6	1,247,917 5 7

* Including £38 10s. 3d. Government Securities.

† 6 ½ cent. ½ annum, and Bonus of 36s. per share.

‡ And Bonus of 7 ½ cent.

The Treasury, New South Wales,
Sydney, 29th October, 1860.

[Price, ½d.]

19—

E. C. WEEKES,
Treasurer.

1861.

Legislative Assembly.
NEW SOUTH WALES.

BANK LIABILITIES AND ASSETS.

Ordered by the Legislative Assembly to be Printed, 13 February, 1861.

GENERAL ABSTRACT of the Sworn Returns, rendered pursuant to the Act of Council, 4th Victoria, No. 13, of the Average ASSETS and LIABILITIES, and of the CAPITAL and PROFITS, of the undermentioned BANKS of the Colony of New South Wales, for the Quarter ended 31st December, 1860.

BANKS.	LIABILITIES.					ASSETS.							CAPITAL AND PROFITS.			
	Notes in Circulation.	Bills in Circulation.	Balances due to other Banks, and from Branches.	Deposits.	Total Liabilities.	Coin.	Bullion.	Landed Property.	Notes & Bills of other Banks.	Balances due from other Banks, and from Branches.	Notes and Bills Discounted, and all other Debts due to the Banks.	Total Assets.	Capital paid up.	Rate per Annum of last Dividend.	Amount of Dividend.	Amount of Reserved Profits at the time of declaring Dividend.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
New South Wales	297,784 19 3	2,986 3 2	28,080 19 7	1,485,300 17 10	1,814,161 19 10	459,103 18 9	38,717 11 1	24,305 18 11	15,811 5 3	748,312 9 10	1,526,829 17 11	2,821,107 1 9	750,000 0 0	15 1/2 cent.	55,594 15 0	207,934 7 10
Commercial	178,261 16 6	1,089 11 0	7,778 1 3	907,492 6 4	1,091,723 13 1	235,508 19 8	22,705 10 3	23,077 8 1	14,794 7 3	33,799 3 9	1,179,292 19 7	1,502,298 8 7	320,000 0 0	15 1/2 cent.	21,000 0 0	61,533 4 8
Australasia	77,150 4 3	11,157 13 2	.....	522,795 17 1	611,053 14 6	125,346 15 0	.....	42,857 2 10	5,278 15 6	.....	437,839 13 2	611,422 5 6	900,000 0 0	12 1/2 cent.	56,250 0 0	315,043 3 3
Union of Australia	66,152 17 1	31,626 7 3	249 10 0	550,181 0 1	648,210 0 5	117,738 17 0	10,256 3 7	13,479 16 4	3,904 6 10	119 12 10	418,251 7 6	594,841 4 7	1,000,000 0 0	14 1/2 cent.	70,000 0 0	284,540 2 4
Australian Joint Stock	165,552 2 6	6,067 2 2	8,996 0 6	657,616 1 1	839,131 6 3	291,323 5 4	1,147 2 1	40,096 5 5	10,865 5 2	85,280 9 6	829,411 6 7	1,268,063 11 1	374,000 0 0	10 1/2 cent.	18,508 8 0	57,403 3 3
London Chartered of Australia	15,346 14 4	804 13 1	.....	77,184 4 10	93,335 12 3	39,800 19 10	.....	26,084 19 4	815 5 9	.....	200,810 19 1	273,512 4 0	700,000 0 0	7 1/2 cent.	21,500 0 0	60,161 19 3
English, Scottish, and Australian Chartered	28,876 12 4	2,851 10 6	.....	301,377 5 5	333,105 8 3	68,830 8 7	.....	30,921 14 10	1,945 12 4	.....	626,162 18 6	727,864 14 3	500,000 0 0	5 1/2 cent.	12,500 0 0	19,625 1 0
Oriental Chartered	120,723 15 5	5,041 12 2	259,171 7 0	662,054 8 1	1,016,991 2 8	210,710 16 8	16,165 0 4	27,732 13 9	7,601 7 8	314,373 11 6	563,107 13 5	1,139,921 3 4	1,260,000 0 0	10 1/2 cent.	151,200 0 0	252,000 0 0
TOTALS.....	949,849 1 8	62,504 12 6	301,977 2 4	5,164,011 0 9	6,480,641 17 3	1,578,424 1 4	90,052 7 4	239,049 19 6	60,960 5 9	1,179,911 7 5	5,780,692 14 9	8,929,100 18 1	5,804,600 0 0		412,562 3 0	1,258,201 1 7

* 5 1/2 cent., and Bonus of 26s. per share.

† And Bonus of 7 1/2 cent.

*The Treasury, New South Wales,
Sydney, 5th February, 1861.*

[Price, 1/2d.]

79—

E. C. WEEKES,
Treasurer.

1861.

Legislative Assembly.
NEW SOUTH WALES.

BANK LIABILITIES AND ASSETS.

Ordered by the Legislative Assembly to be Printed, 9 May, 1861.

GENERAL ABSTRACT of the Sworn Returns, rendered pursuant to the Act of Council, 4th Victoria, No. 13, of the Average ASSETS and LIABILITIES, and of the CAPITAL and PROFITS, of the undermentioned BANKS of the Colony of New South Wales, for the Quarter ended 30th March, 1861.

BANKS.	LIABILITIES.					ASSETS.							CAPITAL AND PROFITS.			
	Notes in Circulation.	Bills in Circulation.	Balances due to other Banks and Branches.	Deposits.	Total Liabilities.	Coin.	Bullion.	Landed Property.	Notes & Bills of other Banks.	Balances due from other Banks, and Branches.	Notes and Bills Discounted, and all other Debts due to the Banks.	Total Assets.	Capital paid up.	Rate per Annum of last Dividend.	Amount of Dividend.	Amount of Reserved Profits at the time of declaring Dividend.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
New South Wales	268,283 8 4	679 9 7	40,918 11 2	1,410,771 14 10	1,720,653 3 11	248,187 10 6	27,942 10 10	38,796 17 9	13,069 6 3	900,056 14 6	*1,500,880 5 1	2,729,933 4 11	750,000 0 0	15 3/4 cent.	50,594 15 0	207,934 7 10
Commercial	173,429 6 8	728 13 1	,076 19 5	979,583 12 10	1,155,817 12 0	364,036 13 0	33,245 3 3	22,447 10 11	15,672 10 5	52,083 5 2	1,071,034 12 2	1,558,520 3 11	320,000 0 0	15 3/4 cent.	24,000 0 0	65,334 17 3
Australasia.....	78,731 3 4	9,477 8 11	.....	530,655 2 6	637,863 14 9	97,298 10 10	7,043 8 4	42,850 0 0	6,666 7 10	.....	428,905 11 1	583,051 18 1	900,000 0 0	†12 1/2 3/4 cent.	67,500 0 0	315,043 3 3
Union of Australia	68,914 5 0	8,403 9 1	35 6 11	581,405 13 1	637,947 14 1	137,488 14 9	17,154 4 8	13,870 16 4	5,722 0 9	267 14 1	362,897 1 8	537,400 12 3	1,000,000 0 0	12 3/4 cent.	60,000 0 0	273,847 5 0
Australian Joint Stock ...	169,272 1 8	6,638 7 7	5,766 4 9	660,677 18 0	842,354 12 0	240,886 14 2	1,107 4 8	40,508 0 4	12,724 13 3	107,716 0 8	841,987 7 1	1,244,330 0 2	375,000 0 0	10 3/4 cent.	18,730 0	29,114 13 8
London Chartered of Australia	14,840 6 8	621 9 6	.....	82,625 11 1	97,987 7 3	37,700 0 7	.....	26,084 19 4	1,377 4 2	.....	208,171 0 1	273,333 4 2	700,000 0 0	7 3/4 cent.	24,500 0 0	72,887 2 7
English, Scottish, and Australian Chartered	26,927 18 4	1,778 11 8	.....	319,388 8 7	348,094 16 7	123,499 8 6	.....	30,024 14 10	2,208 6 8	.....	573,282 18 4	720,915 8 4	500,000 0 0	6 4/8 cent.	15,000 0 0	22,487 5 3
Oriental Chartered	127,855 0 0	3,922 7 6	252,930 17 1	704,856 7 5	1,080,264 12 0	211,155 0 1	19,379 0 1	27,188 19 3	6,988 12 8	334,850 14 10	580,532 0 5	1,179,094 6 11	1,260,000 0 0	†10 3/4 cent.	88,200 0 0	252,000 0 0
TOTALS.....	927,083 10 0	32,208 16 11	301,726 19 4	5,278,964 6 4	6,539,983 12 7	1,461,250 12 5	165,871 11 10	242,672 7 9	3,629 1 7	1,304,974 9 3	5,567,780 15 11	8,836,178 18 9	5,805,000 0 0		353,524 15 0	1,238,648 14 5

* Including £1,100, Government Securities.

† 6 3/4 cent. per annum, and Bonus of 26s. per share.

‡ And Bonus of 4 3/4 cent.

The Treasury, New South Wales,
Sydney, 6th May, 1861.

E. C. WEEKES,
Treasurer.

[Price, 1d.]

284—

1861.

Legislative Assembly.

NEW SOUTH WALES.

 COLONIAL BANK OF AUSTRALASIA INCORPORATION BILL.

REPORT FROM THE SELECT COMMITTEE

ON THE

 COLONIAL BANK OF AUSTRALASIA
 INCORPORATION BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

 ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
 8 February, 1861.

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1861.

1861.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 7. FRIDAY, 18 JANUARY, 1861.

3. Colonial Bank of Australasia Incorporation Bill:—Mr. Parkes moved, pursuant to notice, That the Bill to Incorporate the Colonial Bank of Australasia be referred to a Select Committee, consisting of Mr. Blake, Mr. Hay, Mr. Smart, Mr. Morris, Mr. Egan, and the Mover.
Question put and passed.

VOTES No. 18. FRIDAY, 8 FEBRUARY, 1861.

5. Colonial Bank of Australasia Incorporation Bill:—Mr. Blake, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report this Bill was referred on the 18th January last.
Ordered to be printed.

* * * * *

CONTENTS.

	PAGE.
Extracts from the Votes and Proceedings	2
Report	3
Proceedings of the Committee	4
Schedule of Amendments	5
List of Witnesses	6
Minutes of Evidence	7

1861.

COLONIAL BANK OF AUSTRALASIA INCORPORATION BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, to whom, on the 18th January last, was referred the "*Colonial Bank of Australasia Incorporation Bill*," beg leave to report to your Honorable House :—

That they have carefully perused the said Bill, and examined the Agent for the Company,* together with their local Solicitor;† and that the Preamble thereof having been proved by those gentlemen to the satisfaction of your Committee, they proceeded with the several clauses, in the consideration of which they deemed it necessary to make certain amendments,‡ and to introduce the further provisions,|| also stated in the accompanying Schedule (of Amendments).

*Mr. W. A. T. Lee.

†Mr. E. G. Ellis.

‡Vide "Schedule

of Amend-

ments," page 5.

||New Clauses - 8,

19, 20, and 27.

And your Committee now beg to lay before your Honorable House, the Bill, so amended by them.

ISIDORE J. BLAKE,

Chairman.

Legislative Assembly Chamber,

Sydney, 8 February, 1861.

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 30 JANUARY, 1861.

The meeting of the Committee called for this day postponed, on request of the Mover, till Tuesday, 5th February, at 11 o'clock.

TUESDAY, 5 FEBRUARY, 1861.

MEMBERS PRESENT:—

Mr. Blake,	|	Mr. Parkes,
Mr. Morris,		Mr. Smart.

I. J. Blake, Esquire, called to the Chair.

Solicitor for the Bill, Mr. Eyre G. Ellis.

Agent representing the Company, Mr. W. A. Tolmie.

Mr. W. A. Tolmie, *Manager of Company's Branch Bank, Geelong*, examined.

Witness produced an attested copy of the Company's original Deed of Settlement.

Examination concluded.

Mr. E. G. Ellis, *Solicitor*, examined.

Room cleared.

Preamble read.

Parties recalled, and,—

Mr. W. A. Tolmie further examined.

Room again cleared.

Motion made (*Chairman*) and Question—That this Preamble stand part of the Bill—*agreed to*.

Parties admitted and informed to that effect.

[Adjourned till Thursday, 7th instant, at Eleven o'clock.]

THURSDAY, 7 FEBRUARY, 1861.

MEMBERS PRESENT:—

I. J. Blake, Esquire, in the Chair.		
Mr. Morris,	|	Mr. Parkes,
		Mr. Smart.

Present:—

Mr. E. G. Ellis, *Solicitor for the Bill*.

Committee met to consider the several clauses.

Clauses 1 and 2 respectively read and agreed to without amendment.

Clause 3 read.

Motion made to amend same by omitting the last proviso (lines 8 to 22).

Solicitor for Bill heard thereupon.

Committee deliberated.

Clause amended. (*Vide "Schedule of Amendments."*)

Clause, as amended, agreed to.

Clause 4 read and agreed to without amendment.

Clauses 5 and 6 successively read, and Amendments having been offered, and the *Solicitor* heard thereupon—postponed.

Clause 7 read and agreed to without amendment.

A new Clause proposed to stand Clause 8 having been offered on behalf of the parties,—

Committee considered same.

Read and agreed to without amendment. (*Vide Schedule*.)

Remaining Clauses, originally numbered 8 to 23, then read and agreed to, *seriatim*, without amendment.

The *Solicitor* for the Bill intimated that, at the next sitting, he would be prepared with copies of certain proposed new Clauses to follow present Clause 18 (originally 17).

[Adjourned till Friday (to-morrow) at half-past Nine o'clock.]

FRIDAY, 8 FEBRUARY, 1861.

MEMBERS PRESENT:—

I. J. Black, Esq., in the Chair.		
Mr. Morris,	|	Mr. Parkes.

Present:—

Mr. E. G. Ellis, *Solicitor for the Bill*.

Committee met to consider the Clauses postponed yesterday, together with those about to be offered by *Solicitor* for Bill.

Clause 5 read, amended (*Vide Schedule*), and agreed to.

Clause 6 read, amended (*Vide Schedule*), and agreed to.

Two new Clauses proposed to follow present Clause 18 (formerly 17) severally read and agreed to without amendment (*Vide Schedule*).

New Clause proposed to follow present Clause 26 (formerly 23), read and agreed to (*Vide Schedule*) without amendment.

Chairman requested to report the amended Bill to the House.

SCHEDULE

SCHEDULE OF AMENDMENTS.

Page 4, Clause 3, lines 8 to 22. *Omit* " And provided also that it shall be lawful for the said Corporation to make any advance of money to any proprietor of sheep in the said Colony on condition of receiving in payment or as security only for such money the wool of the next ensuing clip of such proprietor and also take and accept mortgages of sheep cattle and horses without delivery to the said Corporation in like manner as any person is now by law allowed to do in the said Colony by virtue of the provisions of the Act eleventh Victoria number four the Act eleventh Victoria number fifty-eight the second and third sections of the Act fourteenth Victoria number twenty-four and the Act twenty-third Victoria number nine and the provisions of the said Act and of every Act to be hereafter passed with a similar object shall be deemed and taken to extend to the said Corporation in regard to the said liens and mortgages in like manner to all intents and purposes as if the said Corporation had been included by name therein respectively."

Page 4, Clause 5, line 44. *After* " establishment " ; *insert* " s " final.

Page 4, Clause 5, line 45. *Omit* " Corporation " ; *insert* " **Company.**"
After " Sydney " ; *insert* " **and Melbourne.**"

Page 4, Clause 5, line 49 to 51. *Omit* " nor shall the proportion of coin be less than one-fourth part of the amount of the coin bullion and public securities so held by the said Corporation within the said Colony."

Page 4, Clause 6, line 52. *Omit* " Corporation " ; *insert* " **Company.**"

Page 4, Clause 6, line 53. *After* " the " ; *insert* " **said.**"
After " establishment " ; *insert* " s " final.

Page 5. *After* Clause 7, *insert* the following Clause :—

" 8. The total amount of all the new shares to be so from time to time created shall not together with the original capital exceed one million of pounds sterling and no such extension or increase of capital of the said Corporation shall be made or take place without the previous sanction and approbation in writing of the Governor and Executive Council of the said Colony from time to time and for that purpose first had and obtained and at least half the amount of the increased capital shall be actually paid up before any extension of the dealings of the said Corporation in respect of such new capital shall be commenced and until half of such new capital shall be so paid up the dealings and affairs of the said Corporation shall be carried on in the same manner in all respects as if such extension of Capital had not taken place."

Page 6. *After* Clause 17 (now 18) *insert* the two following Clauses :—

" 19. That on the first Wednesday in the month of October in every year two auditors shall be appointed or elected by the manager or directors of the Corporation for the time being to be auditors of the accounts of the Corporation for the year next ensuing and within three weeks next before the first Wednesday in the respective months of April and October in each year the auditors for the time being shall fully examine into the state of the accounts and affairs of the Corporation and shall make a just true and faithful report thereon which shall be submitted by them to the manager or directors of the Corporation and which shall be by such manager or directors submitted to the proprietors and the said auditors shall and they are hereby required to make a declaration before a Justice of the Peace that such report is to the best of their several and respective knowledge and belief a just true and faithful report and statement of the accounts and affairs of the Company and that the same is made by them after diligent and careful examination into the state of such accounts and affairs and a duplicate copy of such report signed by such auditors and
" of

“ of every other report (if any) which shall be made to the
 “ proprietors at any general annual half-yearly or other
 “ general meeting by such auditors or by any other auditors
 “ specially appointed to inquire into the state of the accounts
 “ and affairs of the Corporation shall be transmitted to the
 “ Office of the Colonial Secretary at Sydney for inspection
 “ within thirty days from the making of such report.

“ 20. If such examination into or report on the state of
 “ the accounts or affairs of the Corporation as hereinbefore
 “ required to be made by auditors shall be neglected to be
 “ made or if a duplicate copy of any such report shall be
 “ omitted to be transmitted to the Office of the Colonial
 “ Secretary as hereinbefore required the said Corporation
 “ shall for every such offence forfeit and pay to Her Majesty
 “ for the public uses of the Colony the sum of one hundred
 “ pounds to be recovered by action of debt in the Supreme
 “ Court and if any such auditor shall at any time knowingly
 “ make or concur in a false or deceptive report on the state
 “ of the accounts or affairs of the Corporation such auditor
 “ shall for every such offence forfeit and pay to Her Majesty
 “ for the public uses of the Colony the sum of two hundred
 “ pounds to be recovered in the said Supreme Court and if
 “ any such auditor shall make a declaration to any such false
 “ or deceptive report knowing the same to be false and
 “ deceptive he shall be deemed guilty of perjury and shall be
 “ liable to all the pains and penalties provided by the law
 “ for such offence.”

Page 8. After Clause 23 (now 26) insert the following Clause:—

“ 27. This Act shall be styled and may be cited as the
 “ ‘Colonial Bank of Australasia Act of 1861.’ ”

LIST OF WITNESSES.

	PAGE.
<i>Tuesday, 5 February, 1861.</i>	
W. A. Tolmie, Esquire, <i>Manager, Geelong Branch, Colonial Bank of Australasia</i>	7
E. G. Ellis, Esquire, <i>Solicitor</i>	9
W. A. Tolmie, Esquire (further)	9

1861.

Legislative Assembly.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

COLONIAL BANK OF AUSTRALASIA
INCORPORATION BILL.

TUESDAY, 5 FEBRUARY, 1861.

Present:—

Mr. BLAKE,	|	MR. PARKES,
Mr. MORRIS,		MR. SMART.

ISIDORE J. BLAKE, Esq., IN THE CHAIR.

William Alexander Tolmie, Esq., called in and examined:—

1. *By the Chairman*: You reside at Geelong? Yes.
2. You are connected with the Colonial Bank of Australasia, a Bill to incorporate which in this Colony, is now before this Committee? I am Manager of the branch at Geelong.
3. Do you produce the Deed of Settlement? I produce an attested copy of the original Deed of Settlement. (*Witness produced the same.*)
4. What is the date of it? 4th February, 1856.
5. By whom is it signed? On this attested copy there are copies of the signatures of the following gentlemen, as the first Board of Directors,—John O'Shannassy, Donald Kennedy, William Abercrombie, William Kerr, Samuel Magnus, Patrick Phelan.
6. Do you produce also a copy of the Act of Incorporation of the Company? This is a copy of the Victorian Act of Incorporation. (*Witness produced the same.*)
7. Will you give the title? It is "An Act to Incorporate the Proprietors of a certain Banking Company to be called the Colonial Bank of Australasia, and for other purposes." (*Assented to 19th March, 1856.*)
8. Is there a Board of Directors in Melbourne, in pursuance of the Deed? Yes.
9. Is the Bank carrying on business in Victoria? Yes.
10. In what parts of Victoria are there offices? There is a head office in Melbourne, and branches at Geelong, Ballarat, Sandhurst, Castlemaine, Kyneton, and Kilmore.
11. *By Mr. Parkes*: Is there any other branch besides those you have named? No.
12. None out of the Colony of Victoria? None out of Victoria.
13. There is not one in South Australia? No.
14. You have established agencies out of the Colony? Correspondents simply.
15. You are in full trade as a Banking Company? Yes.
16. *By the Chairman*: Do you know that it is the intention of the Directors to establish branches in this Colony? It is their intention to do so.
17. Has there been any resolution of the Directors to that purport? There was a resolution passed on or about the 24th or 26th of October, a copy of which I have not got; I was present at the Board at the time.

W. A. Tolmie,
Esq.

5 Feb., 1861.

W. A. Tolmie, Esq. 18. Can you state what the general effect of the resolution was? The general effect of the resolution was that it was desirable to open branches in New South Wales, leaving for future consideration, after we should have obtained the Act now before the Committee, the localities where it was desirable to fix them; there was no discussion at all as to localities.

5 Feb., 1861.

19. I suppose it was settled there was to be a main branch in Sydney? I should think, if a branch were opened at all it would be in Sydney, but there was no resolution passed as to any particular branch.

20. *By Mr. Smart*: Was there any resolution of the Board to apply to the Sydney Government for an Act of Incorporation? I have no copy of the resolution, but there was one passed.

21. Is the petition for the Bill signed by the Directors of the Company? It is.

22. I suppose you do considerable business on the Sydney side of the Murray with the squatters and other residents there? Yes, we do.

23. Does the Bank transact a large business in Victoria? Yes, it carries on a large business in Victoria. The following figures, taken from the Fourth Half-yearly Report, will give the Committee some idea of the amount of business done by the Bank:—

BALANCE SHEET OF THE COLONIAL BANK OF AUSTRALASIA,

Dr.	For the Half-Year ending 29th September, 1860.	Cr.	
To Capital Account	£312,500 0 0	By Coin and Bullion	£316,097 3 1
.. Notes in Circulation	112,158 0 0	.. Bills Receivable and other	954,948 14 2
.. Bills in Circulation	3,351 9 10	.. Advances	50,798 17 9
.. Deposits	866,568 17 11	.. Due from other Banks	42,589 2 9
.. Due to other Banks	5,906 17 8	.. Bank Premises	2,204 11 9
.. Reserve Fund	40,000 0 0	.. Policies of Insurance	3,208 0 1
.. Profit and Loss	29,358 4 2		
	£1,369,886 9 7		£1,369,846 9 7

Our present reserve is £42,500.

24. *By the Chairman*: I find this statement in the preamble of the Bill:—"And whereas it was by the said indenture or deed of settlement agreed that the capital of the Company should consist of One million pounds to be contributed in one hundred thousand shares of ten pounds each"—has that been carried out? It has not been all called up; we have a paid-up capital of £312,500.

25. *By Mr. Smart*: Is all the capital subscribed for? No.

26. What amount is subscribed for? There are 62,500 £10 shares, representing £625,000, subscribed for, of which £312,500 has been paid up.

27. Can you say what proportion of that capital is held in New South Wales? We have large investments in New South Wales.

28. *By the Chairman*: You have investments of capital in New South Wales? Yes; we discount the bills of residents in New South Wales, and consequently have investments of capital in it.

29. I presume one of the objects of this Bill is to enable you to invest in landed and other securities in New South Wales? We do not seek to invest in landed securities unless we are compelled, except for the purposes of our own business.

30. You cannot say how much of the capital is held in New South Wales? No, but a large proportion of it is invested there, I know.

31. *By Mr. Parkes*: Will you state the reasons which render it desirable for you to seek this enactment—why is it desirable, as is said in the preamble of the Bill, "that the said Company should have and enjoy the same rights and privileges within the said Colony of New South Wales as the said Company is entitled to under the said Act of the Parliament of Victoria"? The rights and privileges which we seek are nothing but what the other banks enjoy.

32. True, but there must be a reason for your seeking them? The reason is that it is our intention to carry on business in New South Wales, and we seek to carry it on on the same terms as other Banks.

33. It would facilitate your operations to obtain this Act? I believe it will; without it we cannot carry on our operations in New South Wales as we desire to do.

34. You are in fact placed at a disadvantage unless you get this Act? Yes.

35. *By the Chairman*: Banking business is so mixed up in the two Colonies that you are not placed in the same advantageous position for the transaction of business generally as you would be if your Bank had the same privileges in both Colonies? Just so.

36. *By Mr. Parkes*: If you get this Act you will establish a branch in this Colony immediately? I presume we shall; it is the intention of the Directors to do so.

37. As far as your knowledge extends, you feel every confidence that they will do that? Yes.

38. Can you state, of your own knowledge, that the establishment of this branch is delayed only for want of this Act, or, in other words, that the Bank is in a position at once to establish a branch here as soon as they get the Act? I am not in a position to state that exactly; I have merely the resolution of the Directors to go by, in which they state that it is desirable, and I presume they intend to do so.

39. Do you not know, from your intercourse with other officers of the Bank, whether there is any anxiety or settled decision to establish a branch here? A decision was arrived at long ago to establish a branch in New South Wales whenever an Act was obtained; we have sought it sometime.

Eyre G. Ellis, Esquire, examined:—

40. *By the Chairman*: You are solicitor in this Colony for the Colonial Bank of Australasia? Yes.
41. *By Mr. Parkes*: There was a petition presented to the Legislative Assembly for leave to introduce the Bill, a copy of which is before you? There was.
42. Do you know who signed that petition? I forwarded the petition to the Manager at Melbourne, with instructions to get it signed by three of the Directors.
43. Do you remember the names of the Directors who signed it? Mr. O'Shanassy was one, and from my knowledge of his hand-writing I have no doubt it was signed by him.
44. The other two signatures were those of Directors? So the Manager states in his letter to me.
45. You had some personal intercourse with Mr. O'Shanassy? He came up here, and instructed me in the first instance to take the necessary steps to proceed with the Bill.
46. He is the Governor of the Bank? Yes.
47. In the course of his intercourse with you did he ever state more than once, the anxiety and *bonâ fide* intention of the Directors of the Bank to establish a branch here? He appeared to be very anxious to do so. One object was to have the usual powers of suing and being sued.
48. How many days was Mr. O'Shanassy here? I think he was here a week or a fortnight; he was on his way to Morceton Bay, and he returned here afterwards.
49. Did you see him more than once? Several times; and by his directions I communicated with the Manager in Melbourne.
50. And you gathered, I think you say, from his intercourse with you, that they were very solicitous of obtaining this Act for the purpose of establishing a branch Bank here? Yes.

E. G. Ellis,
Esq.
5 Feb., 1861.

William Alexander Tolmie, Esquire, recalled and further examined:—

51. *By Mr. Smart*: Did I not understand you to say that a large amount of the stock of your Bank was held by proprietors in New South Wales? No; I think there is only one of our shareholders residing in New South Wales. I intended to say that we have investments in New South Wales.
52. *By Mr. Parkes*: What you mean is, that there are a large amount of the ordinary securities of the Bank held in New South Wales? Yes.
53. *By Mr. Smart*: Why is it desirable to establish a register of shareholders in New South Wales? The probability is that many persons in New South Wales will take up shares.
54. You anticipate that if you get this Bill there will be a considerable number of shareholders in New South Wales, and therefore it is desirable they should be registered? Yes.

W. A. Tolmie,
Esq.
5 Feb., 1861.

1861.

NEW SOUTH WALES.

SYDNEY BRANCH, ROYAL MINT.

(DESPATCH RESPECTING.)

Presented to both Houses of Parliament, by Command.

SECRETARY OF STATE to OFFICER ADMINISTERING THE GOVERNMENT.

NEW SOUTH WALES.

No. 7.

Downing-street,

13 January, 1861.

SIR,

I transmit to you for your information, a copy of a Report from the Master of the Mint, with copy of its enclosure, relative to the weight and fineness of the Gold Coins struck at the Sydney Branch of the Royal Mint, during the Quarters ended the 31st March and 30th June, 1860.

I have, &c.,

NEWCASTLE.

[Enclosure.]

Royal Mint,

8 November, 1860.

Sir,

I have the honor to acquaint you, for the information of the Lords Commissioners of Her Majesty's Treasury, that the following Returns have been duly received from the Deputy Master of the Sydney Branch of the Royal Mint, in conformity with the Order in Council of the 19th August, 1853:—

Six Monthly Returns, shewing the transactions in Bullion of the Sydney Branch of the Royal Mint, for January to June, 1860, both inclusive.

The coin issued to the public during these six months is as follows:—

	SOVEREIGNS.	HALF-SOVEREIGNS.	TOTAL.
	ozs.	ozs.	ozs.
In January	36,980-53		
February	37,247-85		
March	30,311-15		
April	7,701-96	20,024-65	27,726-61
May	35,206-28		
June	46,871-37		

Amount charged for Coinage—Nil.

Two Returns of Waste in Coinage of Gold at the Sydney Branch of the Royal Mint, for the Quarters ending 31st March and 30th June, 1860.

Two Duplicate Returns made by the Board of Verification to the Colonial Secretary, reporting on the state of the Bullion in the Mint on the 2nd April and 2nd July, 1860.

I have also to request you to submit to their Lordships my Report, enclosed (being the Fifteenth), on the weight and fineness of the Coins produced at the Sydney Branch of the Royal Mint, during the six months, January to June, 1860, inclusive, and transmitted by the Deputy Master for examination, in accordance with the provisions of Her Majesty's Order in Council above referred to.

A copy of the aforesaid Report will be forwarded to the Deputy Master at Sydney for his information.

G. A. Hamilton, Esq.

I have, &c.,
THO. GRAHAM.

[Sub-Enclosure.]

FIFTEENTH REPORT, addressed to the Lords Commissioners of Her Majesty's Treasury by the Master of the Mint, on the Weight and Fineness of Gold Coins struck at the Sydney Branch of the Royal Mint, and transmitted by the Deputy Master for examination, in accordance with the provisions of Her Majesty's Order in Council of the 19th August, 1853.

Pieces taken without preference by the Colonial Secretary, at the deliveries of the Sydney Mint.

During the Quarter ending 31st March, 1860 :—

Denomination of Coin.	No. of Pieces.	Total Weight. Ounces.	Average Weight of a Piece in Ounces.	Average Proportion of Gold in 1,000 parts.
Sovereigns	117	30.056	0.25688	916.83

During the Quarter ending 30th June, 1860 :—

Denomination of Coin.	No. of Pieces.	Total Weight. Ounces.	Average Weight of a Piece in Ounces.	Average Proportion of Gold in 1,000 parts.
Half-Sovereigns	33	4.237	0.12839	916.60
Sovereigns	77	19.776	0.25683	916.68

The standard weight of the Sovereign being 0.25682 oz. Troy, and the standard fineness, 916.67 in 1,000 parts.

THO. GRAHAM.

Royal Mint,
8 November, 1860.

1861.

NEW SOUTH WALES.

TIMBER OF NEW SOUTH WALES AND QUEENSLAND.
(ITS ELASTICITY AND STRENGTH.)

Presented to both Houses of Parliament, by Command.

*REPORT of further Experiments conducted at the Sydney Branch of the Royal Mint, to determine the Strength and Elasticity of Colonial Timber.**Royal Mint, Sydney,
6 February, 1861.*

HAVING concluded a series of experiments undertaken with a view of testing the strength and elasticity of the Timber of New South Wales, including the district now known as Queensland, I submit, in the following paper, the results obtained, with some particulars in explanation.

The experiments were undertaken at the request of His Excellency Sir William Denison, R. E., Governor General of the Colony, and a sum set apart from the Parliamentary vote for Railway purposes to meet expenses. The District Road Surveyors in the Colony and others who were likely to give assistance, were requested to procure and transmit suitable specimens to the Royal Mint, Sydney, where the experiments were conducted under the superintendence, as to details, of Mr. Trickett, an officer of the Mint Staff.

The object proposed was to determine the power of each description of timber to bear a transverse strain, and, for this purpose, the weights it could bear, firstly, without destruction of its elasticity, and secondly, without breaking, were severally noticed. From these results, the constants S and E, representing the strength and elasticity of each kind of timber, have been determined on the principles laid down in Barlow's work on "Materials and Construction." Whenever possible, four specimens of each kind of timber were tested, and the mean of the four results used in determining the value of the constants.

The experiments were conducted as follows:—The timber, which usually consisted of a beam 2' × 2' in scantling, and five feet in length, was placed horizontally on supports four feet apart, and consisting of iron trestle-heads firmly fixed, and secured from collapsing by stays. The ends of the beam were left free. The weights were applied to the centre by means of a scale suspended from an iron staple adjusted half way between the supports. Commencing with a weight of 6 cwt., an addition of half a cwt. was made at the end of every half hour until 9 cwt. had been applied, when the interval between each successive application was extended to one hour. At the end of each interval, the beam was relieved of its weight by means of a screw-jack, which raised the scale in which the weights rested, and after the addition of half a cwt., the weight was brought to bear, by gently lowering the scale, by the means by which it had been raised. As soon as it was noticed that the beam on being relieved did not return to its horizontal position, the weight in the scale, and the deflection

of the beam at that weight*, were recorded as those at which the elasticity had become impaired, and used as the necessary factors for determining the value of *E*. After this, successive additions were made of half a cwt. at the intervals and in the manner already mentioned, until the beam broke; the breaking weight, or that less by half a cwt. if the beam broke within one minute of the weight being applied, being taken to determine the value of the constant *S*.

The screw-jack employed was found convenient for many purposes. Being fitted on the top with a horizontal table, it served to raise and lower the scale containing the weights, and thus to apply to the beam the desired pressure without jerk; it admitted of such an adjustment of the table as to prevent (on the fracture of the beam) the fall of the scale through unnecessary space, and the damage to the scale often so occasioned; and it allowed the scale to be attached to a fresh beam without removing the whole of the weights.

Eighty-seven specimens of wood have been thus tested, the results being given in the table attached to this paper. Of these twenty-six are from the south, comprising nineteen collected by Mr. Moggridge, near Berrima, and seven by Mr. Adams, near Albury. Eight have been collected by Mr. Dawson from the Western Districts, near Bowenfels; eleven by Mr. Collett and Mr. Wood, from the Northern Districts of Singleton, Murrurundi, and Armidale; four are specimens of timber used in the construction of Mudgee Bridge; and thirty-eight are from the Colony of Queensland, collected by Mr. Burrowes and Mr. Hill.

The Queensland specimens transmitted to me, besides being the most numerous, were accompanied by the flower and fruit, and a block of wood cut from the heart of each description of tree. This has permitted of the addition to each variety of its botanical name, kindly furnished by Mr. Charles Moore, Director of the Botanic Gardens. It has also admitted of slabs sufficient to shew the character of the wood being cut from each block, and deposited with the leaf and fruit of each variety in the Australian Museum.

The other specimens have attached to them the names usually given to them by the sawyers of each district, and such botanical names as an examination of their structure, and their local designations, appear to justify. In many cases these may be incorrect, as the data for this determination were insufficient.

The circumstances under which these experiments have been conducted suggest, that the resultant values of *E* and *S*, given in the accompanying table, are less than those which would have been obtained from similar experiments in England. The specimens tested here had the disadvantage of being fresh cut, whereas most of those tested in England, as shewn in Barlow's work, were of seasoned material. Here also, each specimen has been submitted to a more severe trial than is usual, by having been kept under strain for many consecutive half-hours. Therefore, while the strength and elasticity of many of the woods shew them, in these particulars to be superior to the Ash, the Oak, and the best woods of Great Britain, the constants representing these qualities may be safely relied on in calculating, by Barlow's formula, the dimensions of timber for any purpose to which wood is applicable.

E. W. WARD,
Deputy Master.

* The deflection at any particular weight was indicated on a dial fixed above the beam, and having a pointer connected by a simple arrangement with the iron staple to which the scale was attached.

RESULTS OF EXPERIMENTS ON THE ELASTICITY AND STRENGTH OF TIMBER OF NEW SOUTH WALES AND QUEENSLAND, CONDUCTED AT THE SYDNEY BRANCH OF THE ROYAL MINT.

Number of Experiments.	NAMES OF THE WOODS.	Locality from whence obtained.	DIMENSIONS OF TREE.		Dimensions of piece submitted to Experiment.	Specific Gravity.	Greatest weight and deflection while the elasticity remained perfect.		Breaking weight in lbs.	Ultimate deflection in inches.	Value of E, from the Formula, $E = \frac{1}{16} \frac{W}{ad^3}$	Value of S, from the Formula, $S = \frac{1}{4} \frac{W}{ad^2}$	REMARKS.	
			Average Height.	Average Diameter.			Weight in lbs.	Deflection in inches.						
			SPECIMENS COLLECTED BY MR. MOGGRIDGE, DISTRICT SURVEYOR.											
1 2 3 4	RED IRON BARK. (Eucalyptus.)	Berrima.... (Specimen's marked A.)	30 feet to fork	30 inches	4 feet between bearings, and 2 inches square.		1,568	1.35	2,016	2.50			Timber hard, close-grained, of great strength and durability; and is valuable for ship-building, engineering works, &c. It is, however, readily attacked by the white ant.	
							1,680	1.25	2,128	2.50				
							1,568	1.40	1,960	2.35				
						Mean results		1.167	1,605	1.33	2,034	2.45		621,300	3,051
1 2 3 4	WHITE IRON BARK. (Eucalyptus species.)	Berrima....			4 feet between bearings, and 2 inches square.		1,512	1.1	2,128	1.85			Similar in properties to the red iron bark.	
							1,624	1.1	2,128	2.30				
							1,400	1.1	1,792	1.85				
						Mean results		1.111	1,456	1.07	1,904	1.87		587,800	2,856
1 2 3 4	WHITE STRINGY BARK. (Eucalyptus.)	Derrima....	36 feet to fork	26 inches	4 feet between bearings, and 2 inches square.		952	1.15	1,512	2.3			A straight-grained wood, and durable; one specimen only obtained for trial.	
						Mean results922	952	1.15	1,512	2.3		357,600	2,268
1 2 3 4	RED STRINGY BARK. (Eucalyptus species.)	Berrima....	36 feet to fork	24 inches	4 feet between bearings, and 2 inches square.		1,064	.95	1,400	2.2			A strong and durable timber; one specimen only obtained for trial.	
						Mean results		1.031	1,064	.95	1,400	2.2		483,800	2,100
1 2 3 4	MOUNTAIN ASH. (Eucalyptus sp.?)	Berrima....	30 feet to fork	15 inches	4 feet between bearings, and 2 inches square.		784	.75	932	1.0			Timber tough and durable, but splits on exposure to the sun. It is used for shafts and poles of vehicles, for which it is much prized.	
							1,064	1.20	1,456	2.95				
						Mean results964	924	.97	1,204	1.97		411,500	1,806

TIMBER OF NEW SOUTH WALES AND QUEENSLAND.

RESULTS OF EXPERIMENTS, &c.—Continued.

Number of Experiments.	NAMES OF THE WOODS.	Locality from whence obtained.	DIMENSIONS OF TREE.		Dimensions of piece submitted to Experiment.	Specific Gravity.	Greatest weight and deflection while the elasticity remained perfect.		Breaking weight in lbs.	Ultimate deflection in inches.	Value of E, from the Formula, $E = \frac{1}{16} \frac{W}{d^4}$	Value of S, from the Formula, $S = \frac{1}{4} \frac{W}{d^3}$	REMARKS.
			Average Height.	Average Diameter.			Weight in lbs.	Deflection in inches.					
New South Wales. SPECIMENS COLLECTED BY MR. MOGGIDGE, DISTRICT SURVEYOR—Continued.													
1 2 3 4	Box. (Eucalyptus rostrata.)	Berrima....	30 feet to fork	30 inches	4 feet between bearings, and 2 inches square.		1,344	1'	1,680	1.7			Timber of good quality, and valuable for engineering purposes.
						1,612	1.15	2,072	2.35				
							1,400	1.2	1,792	2.6			
							1,344	1'	1,624	1.3			
	Mean results .....	.....	.....	.....	.....	1.172	1,400	1.09	1,792	1.99	554,300	2,688	
1 2 3 4	GRAY BOX. (Eucalyptus species.)	Berrima....	40 feet to fork	22 inches	4 feet between bearings, and 2 inches square.		1,344	1'	1,848	2.9			Similar in property to box.
						1,120	1.1	1,612	2'				
	Mean results .....	.....	.....	.....	.....	.989	1,232	1.05	1,680	2.45	506,900	2,520	
1 2 3 4	YELLOW BOX. (Eucalyptus.)	Berrima....	40 feet to fork	24 inches	4 feet between bearings, and 2 inches square.		952	1.3	1,100	2.25			Similar property to the above.
						952	1.1	1,288	2.15				
	Mean results .....	.....	.....	.....	.....	.877	952	1.2	1,344	2.2	342,700	2,016	
1 2 3 4	BLUE GUM. (Eucalyptus punctata.)	Berrima....	35 feet to fork	30 inches	4 feet between bearings, and 2 inches square.		784	1.10	1,288	2.3			A valuable timber, hard and tough, with in-locked grain, and suitable for building and engineering works, ship-building, &c. Supposed to be durable.
						784	.80	1,120	1.55				
							728	1.05	1,064	2'			
							810	1.10	1,344	2.3			
	Mean results .....	.....	.....	.....	.....	1.080	784	1.01	1,204	2.03	335,300	1,806	
1 2 3 4	RED GUM. (Eucalyptus oblongo.)	Berrima....	25 feet to fork	20 inches	4 feet between bearings, and 2 inches square.		952	1'	1,512	2.65			Timber hard, and of great strength and toughness. It contains large gum veins, and consequently is not applied to useful purposes.
						952	1'	1,288	1.70				
	Mean results .....	.....	.....	.....	.....	1.116	952	1.0	1,400	2.17	411,300	2,100	
1 2 3 4	WHITE GUM. (Eucalyptus hemastoma.)	Berrima....	40 feet to fork	28 inches	4 feet between bearings, and 2 inches square.		784	.9	1,008	1.9			An ugly species, and the timber not valuable.
	Mean results .....	.....	.....	.....	.....	.866	784	.90	1,008	1.9	376,300	1,512	

1 2 3 4	SPOTTED GUM. (<i>Eucalyptus gomocalyx</i> .)	Berrima....	40 feet to fork	24 inches	4 feet between bearings, and 2 inches square.	1,176 1,120 1,064 1,064	1.15 1.2 1.15 1.15	1,512 1,344 1,288 1,344	2.5 2.15 1.70 2.			Tree with elongated trunk, timber very strong, durable, and considered suitable for ship building, &c.
		Mean results .....	.....	.....	.....	.....	.942	1,106	1.16	1,372	2.09		411,800	2,058
1 2 3 4	WHITE BUTT. (<i>Eucalyptus</i> species.)	Berrima....	30 feet to fork	21 inches	4 feet between bearings, and 2 inches square.	1,008 1,008	1.25 1.05	1,288 1,232	2.3 1.65			Timber close-grained, tough, and durable, suitable for building, and engineering purposes.
		Mean results .....	.....	.....	.....	.....	.990	1,008	1.15	1,260	1.97		378,600	1,890
1 2 3 4	BLACK BUTT. (<i>Eucalyptus</i> .)	Berrima....	35 feet	30 inches	4 feet between bearings, and 2 inches square.	932 1,064 932 932	1.35 1.25 1.65 1.25	1,232 1,344 1,176 1,176	3.1 3.3 3.1 2.2			Very strong timber, resembling the White Butt. It warps and twists when exposed to the sun, and requires gradual seasoning off the ground.
		Mean results .....	.....	.....	.....	.....	.990	980	1.35	1,232	2.92		313,600	1,848
1 2 3 4	WOOLLY BUTT. (<i>Eucalyptus gomphoccephala</i> .)	Berrima....	20 feet to fork	24 inches	4 feet between bearings, and 2 inches square.	896 932	1.2 1.3	1,064 1,288	1.65 2.			Wood used for wheelwright's work and fencing.
		Mean results .....	.....	.....	.....	.....	1.078	924	1.25	1,176	1.82		311,300	1,764
1 2 3 4	HICKORY. (<i>Eugenia</i> species.)	Berrima....	30 feet to fork	14 inches	4 feet between bearings, and 2 inches square.	672 840 672 728	.7 .9 .7 .8	1,176 1,176 896 1,120	1.1 2.1 1. 1.65			Soft fine-grained wood used for tool handles and light furniture.
		Mean results .....	.....	.....	.....	.....	.680	728	.77	1,092	1.46		408,400	1,638
1 2 3 4	MYRTLE. (<i>Eugenia myrtifolia</i> .)	Berrima....	25 feet to fork	12 inches	4 feet between bearings, and 2 inches square.	728 784 784	1. 1. .9	1,064 1,008 1,120	2.9 2.4 3.0			A light and straight-grained wood, easily worked, but of not much value.
		Mean results .....	.....	.....	.....	.....	.731	765	.97	1,064	2.8		340,700	1,596
1 2 3 4	BERCH. (<i>Monotoca elliptica</i> .)	Berrima....	30 feet to fork	16 inches	4 feet between bearings, and 2 inches square.	672 672 672 672	1. 1. 1. 1.	784 784 672 672	2.8 2. 1.8 2.			A short-grained wood, of no value for building purposes, but suitable for some kinds of furniture.
		Mean results .....	.....	.....	.....	.....	.562	672	1.	728	2.15		290,300	1,092

RESULTS OF EXPERIMENTS, &c.—Continued.

Number of Experiments.	NAMES OF THE WOODS.	Locality from whence obtained.	DIMENSIONS OF TREE.		Dimensions of piece submitted to Experiment	Specific Gravity.	Greatest weight and deflection while the elasticity remained perfect.		Breaking weight in lbs.	Ultimate deflection in inches.	Value of E, from the Formula, $E = \frac{16 W^2}{4 d^2 \delta}$	Value of S, from the Formula, $S = \frac{16 W}{4 d^2}$	REMARKS.
			Average Height.	Average Diameter.			Weight in lbs.	Deflection in inches.					
New South Wales.													
SPECIMENS COLLECTED BY MR. MOGGHIDGE, DISTRICT SURVEYOR—Continued.													
1 } 2 } 3 } 4 }	SASSAFRAS. (Doryphora Sassafras.)	Berrima	35 feet to fork	14 inches	4 feet between bearings, and 2 inches square.		672 728 672 672	.8 1.1 .8 .9	840 896 728 952	1.5 1.85 1.25 2.90			Wood soft, and of little value.
	Mean results .....	.....	.....	.....	.....	.550	686	.9	854	1.87	329,300	1,281
B. SPECIMENS COLLECTED BY MR. F. ADAMS, DISTRICT SURVEYOR.													
1 } 2 } 3 } 4 }	IRON BARK. (Eucalyptus resinifera.)	Albury	40 feet to fork	3 feet 6 in.	4 feet between bearings, and 2 inches square.		1,288 1,288 1,170	1.2 1.2 1.2	1,736 1,736 1,624	2.9 2.5 1.1 2.7			Timber valuable for building and engineering purposes, especially for piles, beams, sleepers, &c.
	Mean results .....	.....	.....	.....	.....	1.146	1,251	1.2	1,526	2.3	450,300	2,289
1 } 2 } 3 } 4 }	STRINGY BARK. (Eucalyptus robusta.)	Albury	40 feet	30 inches	4 feet between bearings, and 2 inches square.		896 781 896 1,008	1.1 .9 1. 1.35	1,120 896 952 1,344	1.95 1.2 1.5 2.1			The most useful timber in the district; it is used for all kinds of engineering and building works.
	Mean results .....	.....	.....	.....	.....	1.085	896	1.09	1,078	1.60	355,100	1,617
1 } 2 } 3 } 4 }	BOX. (Eucalyptus.)	Albury	25 feet	30 inches	4 feet between bearings, and 2 inches square.		1,008 1,176 1,120 1,288	1. 1.35 1. 1.2	1,624 1,456 1,624 1,736	2.2 2.3 2.5 1.85			Timber crooked, and not inferior to stringy bark for scantling; but is very useful for purposes where it does not touch the earth.
	Mean results .....	.....	.....	.....	.....	1.210	1,148	1.14	1,610	2.21	435,000	2,415
1 } 2 } 3 } 4 }	FOREST GUM. (Eucalyptus.)	Albury	25 feet to fork	3 feet	4 feet between bearings, and 2 inches square.		896 784 840 810	1.25 1.2 1.25 1.2	1,252 952 1,064 1,005	2.7 1.9 2.2 1.8			Timber is useful and durable, and is extensively used for scantling, posts and rails, sleepers, &c.
	Mean results .....	.....	.....	.....	.....	1.095	810	1.22	1,054	2.15	297,100	1,596
1 } 2 } 3 } 4 }	OAK. (Casuarina.)	Albury	17 feet	15 inches	4 feet between bearings, and 2 inches square.		728 840	1.3 1.5	952 1,120	3.6 2.7			Timber is chiefly used for wheelwright's work, tool handles, &c. Very perishable in exposed situations.
	Mean results .....	.....	.....	.....	.....	.836	784	1.4	1,036	3.15	241,900	1,554

1 2 3 4	PINE, CYPRUS. (<i>Frenela</i> sp.?)	Albury	From 8 to 17 feet to fork.	30 inches	4 feet between bearings, and 2 inches square.	728	1.4	952	1.9			Wood is used for carpentry work, and makes good flooring boards, but is not suitable for joinery.	
						728	1.15	896	1.5				
									728	1.4			
		Mean results					634	738	1.24	859	1.6		247,600
1 2 3 4	APPLE TREE. (<i>Angophora lanceolata</i> .)	Albury	20 to 30 feet.	4 feet	4 feet between bearings, and 2 inches square.	728	1.2	896	1.8			The timber is not much used, being perishable, and of crooked growth. Bad specimen.	
						728	.9	896	1.4				
						672	.9	784	1.1				
									728	1.2			
Mean results					816	709	1.	826	1.4	306,200	1,239		
C. SPECIMENS COLLECTED BY MR. COLLETT, DISTRICT SURVEYOR.													
1 2 3 4	NARROW-LEAVED IRON BARK. (<i>Eucalyptus</i> .)	Singleton ..	20 to 70 feet to fork	3 feet max., 10 to 12 in. average, exclusive of bark.	4 feet between bearings, and 2 inches square.	1,400	1.2	1,792	2.15			Timber stated to be of excellent quality and very durable. Bad specimen.	
						1,400	1.	1,792	1.75				
						1,400	1.2	1,792	2.30				
		Mean results					1,119	1,400	1.13	1,792	2.07		534,300	2,688
1 2 3 4	FOREST SWAMP OAK. (<i>Casuarina</i> .)	Singleton ..	30 to 50 feet	9 inches	4 feet between bearings, and 2 inches square.	1,092	1.6	1,344	2.8			Bad specimens.—Of the pine or fir tribe, and does not fork. The timber is tolerably close grained, prettily marked, and is much used where lightness and toughness are required. It is not durable.	
		Mean results					837	1,092	1.6	1,344	2.8		294,800	2,016
1 2 3 4	GREEN WATTLE. (<i>Acacia decurrens</i> .)	Singleton	6 inches	4 feet between bearings, and 3 inches square.	1,064	1.25	1,288	1.9			Properly only a shrub, forks near the ground, maximum diameter 6 inches; timber close and tough, but of no value. Bad specimen.	
						1,232	1.5	1,512	2.5				
						1,512	1.45	1,848	2.65				
		Mean results					717	1,269	1.4	1,549	2.35		391,600	2,324
1 2 3 4	COACH WOOD. (<i>Eucalyptus</i> ?)	Singleton	4 feet between bearings, and 2 inches square.	672	.8	784	2.3			Only small trees in this district; larger in the Wollombi.	
						672	.8	784	2.4				
						672	.9	840	1.5				
		Mean results					608	672	.83	803	2.07		349,700	1,204
D. SPECIMENS COLLECTED BY MR. DAWSON, DISTRICT SURVEYOR.													
1 2 3 4	FOREST, OR SHINGLE OAK. (<i>Casuarina suberosa</i> .)	Bowenfels	20 to 40 feet	18 to 30 inches	4 feet between bearings, and 2 inches square.	1,064	.95	1,288	1.2			Timber of fine mottled silvery grain, and of great strength and durability. It is mostly used for shingles.	
						1,008	.85	1,232	1.3				
						1,624	1.4	2,296	2.6				
						1,120	1.	1,344	1.2				
Mean results					1,104	1,204	1.05	1,540	1.67	495,300	2,310		

RESULTS OF EXPERIMENTS, &c.—Continued.

Number of Experiments.	NAME OF THE WOODS.	Locality from whence obtained.	DIMENSIONS OF TREE.		Dimensions of piece submitted to Experiment.	Specific Gravity.	Greatest weight and deflection while the elasticity remained perfect.		Breaking weight in lbs.	Ultimate deflection in inches.	Value of E, from the Formula, $E = \frac{1}{16} \frac{W^2}{d^5}$	Value of S, from the Formula, $S = \frac{1}{4} \frac{W}{d^2}$	REMARKS.	
			Average Height.	Average Diameter.			Weight in lbs.	Deflection in inches.						
New South Wales.														
SPECIMENS COLLECTED BY MR. DAWSON, DISTRICT SURVEYOR—Continued.														
1 2 3 4	BLOOD WOOD. (Eucalyptus corymbosa.)	Bowenfels	30 to 50 feet	8 to 16 inches	4 feet between bearings, and 2 inches square.		1,176	1.15	1,512	1.5			Qualities not known.	
	Mean results .....	.....	.....	.....	.....	.853	1,176	1.17	1,540	2.02	434,200	2,310
1 2 3 4	GREY GUM. (Eucalyptus species?)	Bowenfels	35 feet to fork	30 inches	4 feet between bearings, and 2 inches square.		952 1,344 1,120 1,176	.8 1.45 1. 1.2	1,120 1,680 1,400 1,512	.95 2.6 1.8 2.1				Timber of great strength and durability.
	Mean results .....	.....	.....	.....	.....	1.132	1,148	1.11	1,428	1.86	446,800	2,142
1 2 3 4	FOREST MAHOGANY. (Eucalyptus mahogani.)	Bowenfels	80 to 100 feet	3 feet 6 inches	4 feet between bearings, and 2 inches square.		1,288 1,176 1,341 1,288	1.15 1.05 1.2 1.2	1,680 1,512 1,736 1,680	1.9 1.8 2.1 2.1			Strong timber, and said to be durable, and very suitable for house carpentry.	
	Mean results .....	.....	.....	.....	.....	1.036	1,274	1.15	1,652	1.97	478,500	2,478
1 2 3 4	WHITE, OR SILVER GUM. (Eucalyptus pulverulenta.)	Bowenfels	60 to 80 feet	30 inches	4 feet between bearings, and 2 inches square.		1,064 1,064 896 784	.95 .95 1. .9	1,288 1,288 1,064 840	1.8 1.25 1.4 1.1			A very ugly species.	
	Mean results .....	.....	.....	.....	.....	.988	952	.95	1,120	1.39	432,800	1,680
1 2 3 4	PEPPERMENT WOOD. (Eucalyptus piperita.)	Bowenfels	4 feet between bearings, and 2 inches square.		672 672 896	1.1 1.2 1.55	728 728 1,061	1.8 1.7 2.			Timber fine and close-grained, strong and durable. It is apt to rend if exposed to the weather, and is difficult to burn.	
	Mean results .....	.....	.....	.....	.....	.897	747	1.28	840	1.83	232,100	1,260
1 2 3 4	TURPENTINE TREE. (Syncarpia albens.)	Bowenfels	120 to 200 feet	50 to 100 inches	4 feet between bearings, and 2 inches square.		1,120 1,061 1,008 1,064	1.15 1.1 1.05 1.15	1,400 1,341 1,232 1,344	1.9 2. 1.6 1.5				
	Mean results .....	.....	.....	.....	.....	.903	1,064	1.11	1,330	1.75	414,100	1,995

1	APPLE TREE GUM. (<i>Angophora lanceolata</i> .)	Bowenfels	40 to 80 feet	36 inches	4 feet between bearings, and 2 inches square.	896	1.55	1,064	2.7		A strong close-grained timber, and suitable for wheelwright's work.	
2						672	.8	725	1.			
3						840	1.4	1,005	1.9			
4												
	Mean results					913	803	1.25	933	1.87	277,400	1,399
						E. SPECIMENS COLLECTED BY MR. COLLET, DISTRICT SURVEYOR.						
1	BASTARD BOX. (<i>Eucalyptus</i> species.)	Murrurundi	10 to 20 feet to fork.	12 inches max.	4 feet between bearings, and 2 inches square.	1,176	1.1	1,456	1.6		Short stunted timber of great strength, and in high repute for poles and shafts of vehicles, and for the spokes of wheels.	
2						1,120	.95	1,400	1.4			
3						1,120	.9	1,344	1.3			
4												
	Mean results					1,131	1,139	.98	1,400	1.43	502,100	2,100
1	RED GUM. (<i>Eucalyptus oblongo</i> .)	Murrurundi	10 to 60 feet to fork.	10 to 12 inches	4 feet between bearings, and 2 inches square.	896	1.65	1,064	2.6		Timber generally unsound.	
2						952	1.3	1,120	2.05			
3												
4												
	Mean results					1,004	924	1.47	1,092	2.32	271,500	1,638
1	APPLE TREE. (<i>Angophora lanceolata</i> .)	Murrurundi	10 to 20 feet	6 to 24 inches	4 feet between bearings, and 2 inches square.	1,008	.95	1,176	1.3		Timber used for naves of wheels, &c.	
2						784	.95	896	1.2			
3						784	.95	896	1.2			
4												
	Mean results					899	859	.95	939	1.23	390,600	1,481
1	WHITE PINE. (<i>Frenclia glauca</i> .)	Murrurundi	30 to 40 feet.	6 to 9 inches	4 feet between bearings, and 2 inches square.	672	1.4	784	1.9		Tree does not fork.	
2						672	1.25	784	2.			
3						784	1.3	1,008	2.			
4												
	Mean results					624	709	1.32	869	1.97	232,000	1,289
						SPECIMENS COLLECTED BY MR. WOODS, DISTRICT SURVEYOR.						
1	RED CEDAR. (<i>Cedrela Australis</i> .)	Armidale ..			4 feet between bearings, and 2 inches square.	560	1.15	672	1.8		Inferior timber, but much used in the district for building.	
2						560	1.15	672	1.8			
3						560	1.10	728	2.			
4						560	1.15	840	2.3			
	Mean results					444	560	1.14	728	1.97	212,200	1,092
1	SPRINGY BARK. (<i>Eucalyptus robusta</i> .)	Armidale ..			4 feet between bearings, and 2 inches square.	896	.75	1,064	.95		Inferior timber of its kind, but used in the district for building.	
2						1,008	1.25	1,332	1.65			
3						1,176	1.25	1,512	2.2			
4						1,008	1.20	1,248	2.			
	Mean results					962	1,023	1.11	1,274	1.7	397,800	1,911

RESULTS OF EXPERIMENTS, &c.—Continued.

Number of Experiments.	NAMES OF THE WOODS.	Locality from whence obtained.	DIMENSION OF TREE.		Diameter of piece submitted to Experiment.	Specific Gravity.	Greatest weight and deflection while the elasticity remained perfect.		Breaking weight in lbs.	Ultimate deflection in inches.	Value of E, from the Formula, $E = \frac{1.3 W^2}{16 ad^3}$	Value of S, from the Formula, $S = \frac{1.7 W}{4 ad^2}$	REMARKS.
			Average Height.	Average Diameter.			Weight in lbs.	Deflection in inches.					
New South Wales.													
SPECIMENS COLLECTED BY MR. WOODS, DISTRICT SURVEYOR—Continued.													
1 2 3 4	GREEN WATTLE. (Acacia sp.)	Armidale ..	40 feet	12 inches	4 feet between bearings, and 2 inches square.		952 | 1.15 952 | 1.40	1,120 1,176	2.1 2.9				Strong timber, exceedingly difficult to obtain in a perfect state; of no value for useful purposes. Bad specimens.
	Mean results .....	.....	.....	.....	.....	.729	952 | 1.27	1,148	2.5	323,900	1,723		
SPECIMENS COLLECTED BY THE COMMISSIONER FOR RAILWAYS.													
1 2 3 4	SLATY GUM. (Eucalyptus species.)	Mudgee ....	.....	.....	4 feet between bearings, and 2 inches square.		1,176 | 1.45 1,064 | 1.50 952 | 1.25 1,008 | 1.30	1,456 1,288 1,120 1,232	2.75 2.0 1.90 1.90				Timber used in the construction of Mudgee Bridge. Considered valuable in the district.
	Mean results .....	.....	.....	.....	.....	1.101	1,050 | 1.37	1,274	2.14	331,100	1,911		
1 2 3 4	STRINGY BARK. (Eucalyptus robusta.)	Mudgee ....	.....	.....	4 feet between bearings, and 2 inches square.		1,064 | 1.15 1,064 | 1.2 1,064 | 1.2	1,344 1,314 1,288	1.9 2.2 1.9				Ditto ditto.
	Mean results .....	.....	.....	.....	.....	.885	1,064 | 1.18	1,325	2.	389,500	1,987		
1 2 3 4	YELLOW BOX. (Eucalyptus species.)	Mudgee ....	.....	.....	4 feet between bearings, and 2 inches square.		1,064 | 1.35 1,008 | 1.20 1,068 | 1.35 1,064 | 1.30	1,344 1,232 1,232 1,344	2.3 1.85 2.5 3.4				Ditto ditto.
	Mean results .....	.....	.....	.....	.....	1.053	1,036 | 1.30	1,288	2.51	344,300	1,932		
1 2 3 4	WHITE BOX. (Eucalyptus ?)	Mudgee .....	.....	.....	4 feet between bearings, and 2 inches square.		1,120 | 1.25 1,120 | 1.25 1,008 | 1.20 952 | .90	1,400 1,400 1,176 1,120	2. 2. 1. 1.3				Ditto ditto.
	Mean results .....	.....	.....	.....	.....	1.180	1,050 | 1.15	1,274	1.57	394,400	1,911		

Queensland, F.		SPECIMENS COLLECTED BY MR. BURROWS AND MR. JOHN HILL.																	
1 2 3 4	SMOOTH-BARKED IRON BARK. (Eucalyptus species.)	Brisbane ..	35 feet to fork	25 inches	4 feet between bearings, and 2 inches square.	1,456	1'	2,016	2-2										
						1,456	'9	1,960	1-8										
						1,456	1-1	1,904	1-65										
						1,456	1-13	1,848	2'										
						Mean results	1-176	1,456	1-04			1,932	1-91	604,800	2,898				
1 2 3 4	ROUGH-BARKED IRON BARK. (Eucalyptus resinifera.)	Brisbane ..	35 feet	30 inches	4 feet between bearings, and 2 inches square.	1,568	1-1	2,072	2-1										
						1,624	1-15	2,128	2-3										
						1,456	1'	1,792	2-3										
						1,568	'95	1,904	1-7										
						Mean results	1-15	1,554	1-05			1,974	2-1	639,400	2,962				
1 2 3 4	STRINGY BARK. (Eucalyptus robusta.)	Brisbane ..	30 feet	21 inches	4 feet between bearings, and 2 inches square.	1,064	'9	1,288	1-55										
						840	1'	1,008	1-35										
						896	1-1	1,064	1-3										
						Mean results	'977	933	1'			1,120	1-4	403,000	1,680				
						1 2 3 4	BLACK BOTT. (Eucalyptus persicifolia.)	Brisbane ..	45 feet to fork			30 inches	4 feet between bearings, and 2 inches square.	1,176	1'	1,512	1-25		
1,232	'9	1,512	2-1																
1,120	'9	1,400	1-3																
1,288	1'	1,512	1-3																
Mean results	'945	1,204	'95	1,484	1-49					547,500	2,226								
1 2 3 4	Box. (Lophostemon Australis.)	Brisbane ..	35 feet	25 inches	4 feet between bearings, and 2 inches square.	840	2-1	1,064	3'										
						Mean results	'977	840	2-1			1,064	3'	172,800	1,596				
						1 2 3 4	BADSTARD BOX. (Eucalyptus.)	Brisbane ..	25 feet			27 inches	4 feet between bearings, and 2 inches square.	1,512	1-35	1,848	2'		
														1,612	1-15	1,960	2-15		
														1,512	1-15	1,904	1-7		
1,288	1-15	1,624	1-8																
Mean results	'918	1,466	1-2	1,834	1-91					521,100	2,761								
1 2 3 4	ASH. (Eucalyptus resinatis.)	Brisbane ..	21 feet	18 inches	4 feet between bearings, and 2 inches square.	784	1-2	896	1-4										
						784	1-3	952	1-65										
						896	1-35	1,176	2-1										
						784	1-15	952	1-3										
						Mean results	1-116	812	1-25			994	1-66	280,600	1,491				

A strong and durable timber, and well adapted for building purposes, shingling, &c.

Timber is much prized for building and other purposes.

Timber is suitable for building and other purposes, for which it is most prized.

Used for posts and rails, piles, &c.; supposed to be not very durable.

Bad specimens.
Timber is not in much repute.

A strong and durable timber.

Timber considered worthless.



RESULTS OF EXPERIMENTS, &c. *Continued.*

Number of Experiments.	NAMES OF THE WOODS.	Locality from whence obtained.	DIMENSIONS OF TREE.		Dimensions of piece submitted to Experiment.	Specific Gravity.	Greatest weight and deflection while the elasticity remained perfect.		Breaking weight in lbs.	Ultimate deflection in inches.	Value of E, from the Formula, $\frac{L^3 W}{16 ad^3 \delta}$	Value of S, from the Formula, $\frac{L W}{S a d^2}$	REMARKS.						
			Average Height.	Average Diameter.			Weight in lbs.	Deflection in inches.											
Queensland.																			
SPECIMENS COLLECTED BY MR. BURROWS AND MR. JOHN HILL.— <i>Continued.</i>																			
1 2 3 4	SWAMP OAK. (Casuarina stricta.)	Brisbane ..	25 feet to fork	16 inches	4 feet between bearings, and 2 inches square.		896	1	1,064	2.1			Timber used for shingles and palings, and considered very durable for these purposes, but is not esteemed for other uses.						
							810	1.05	1,008	1.6									
							784	1	952	1.65									
							784	1.15	1,064	2.3									
						Mean results	900	826		1.07	1,022	1.91	339,800	1,533	
1 2 3 4	RIVER OAK. (Casuarina quadrivalis.)	Brisbane ..	30 feet to fork	18 inches	4 feet between bearings, and 2 inches square.		784	1.3	1,008	2.4			The wood is strong, light, and tough, and is used for shingles and palings. Bad specimen.						
							840	1.35	1,034	2.9									
							784	1.15	1,008	2.7									
						Mean results	852	803		1.37	1,027	2.7	253,200	1,540	
1 2 3 4						SILKY OAK. (Grevillea robusta.)	Brisbane ..	35 feet	21 inches	4 feet between bearings, and 2 inches square.					728				This wood was too weak to give the results of E. It is used for staves for casks and similar purposes.
				728															
				724															
				728															
	Mean results						664	728	1,092		
1 2 3 4	BLUE GUM. (Eucalyptus punctata.)	Brisbane ..	45 feet to fork	30 inches	4 feet between bearings, and 2 inches square.		1,344	1.2	1,680	1.8			Timber not very suitable for railway purposes.						
							1,512	1.4	1,792	2.1									
							1,288	1.5	1,568	2.9									
							1,288	1.2	1,680	2.6									
						Mean results	1,094	1,358		1.32	1,680	2.35	444,400	2,520	
1 2 3 4	FLOODED GUM. (Eucalyptus species.)	Brisbane ..	55 feet to fork	42 inches	4 feet between bearings, and 2 inches square.		840	.9	1,008	1.6			Timber much used for building purposes.						
							840	1.2	1,064	2.7									
						Mean results	752	840		1.05	1,036	2.15	345,600	1,551	
1 2 3 4						SPOTTED GUM. (Eucalyptus gonicalyx.)	Brisbane ..	25 feet to fork	30 inches	4 feet between bearings, and 2 inches square.		1,232		1	1,568	2.2			Timber of great strength and durability in dry situations, but not much prized.
												1,311		1	1,792	2.1			
		1,344	1	1,792	2														
		1,400	1	1,792	1.9														
	Mean results						1,170	1,330	1	1,736	2.05	574,500	2,604		

1	GREY GUM. (Eucalyptus species.)	Brisbane ..	25 feet to fork	30 inches	4 feet between bearings, and 2 inches square.	1,064	1.15	1,344	1.8			Strong timber of large growth, but not much appreciated.
2						1,064	1.2	1,400	2.			
3						1,064	1.05	1,314	1.7			
4						1,064	1.2	1,400	2.1			
	Mean results					1.148	1,064	1.15	1,372	1.97	399,700	2,058
1	LIGNUM VITÆ. (Acacia.)	Brisbane ..	9 feet to fork	15 inches	4 feet between bearings, and 2 inches square.	1,064	1.05	1,512	1.75			Timber used for cabinet work.
2						1,176	1.15	1,624	1.95			
3						1,008	1.1	1,252	1.5			
4						1,008	1.	1,288	1.5			
	Mean results892	1,064	1.07	1,414	1.67	129,500	2,121
1	BASTARD MAHOGANY. (Angophora.)	Brisbane ..	21 feet to fork	18 inches	4 feet between bearings, and 2 inches square.	672	1.1	840	1.7			Qualities not known, but believed to be of no great value.
2						672	1.25	784	1.85			
3						672	1.6	728	2.1			
4						672	1.4	896	2.9			
	Mean results					1.026	672	1.34	812	2.14	216,600	1,218
1	IRONWOOD. (Acrona.)	Brisbane ..	15 feet to fork	9 inches	4 feet between bearings, and 2 inches square.	840	1.2	1,064	2.6			Timber very hard.
2						952	1.6	1,232	3.1			
3						1,008	1.5	1,288	2.95			
4						896	1.35	1,064	2.1			
	Mean results					1.002	921	1.41	1,162	2.69	283,100	1,743
1	MYRTLE. (Backhousia myrtifolia.)	Brisbane ..	16 feet to fork	9 inches	4 feet between bearings, and 2 inches square.	728	1.85	896	3.6			A small sized tree of no great value. The wood is used for some kinds of furniture.
2						728	1.9	840	2.4			
3						784	1.45	1,008	3.			
4						840	1.25	1,120	3.2			
	Mean results839	770	1.61	966	3.05	206,600	1,419
1	ROSEWOOD. (Acacia species.)	Brisbane ..	21 feet	18 inches	4 feet between bearings, and 2 inches square.	952	1.1	1,120	1.75			The timber is durable and ornamental, and suitable for various useful purposes.
2						1,008	1.2	1,344	2.6			
3						1,008	1.25	1,232	2.4			
4						952	1.	1,176	1.95			
	Mean results712	980	1.14	1,218	2.17	371,300	1,827
1	PENACLEWOOD.	Brisbane ..	35 feet to fork	21 inches	4 feet between bearings, and 2 inches square.	1,120	1.05	1,512	2.			The timber of no recognized value.
2						840	1.1	1,064	1.6			
3						896	1.2	1,064	1.6			
4						1,064	1.1	1,456	2.			
	Mean results787	980	1.11	1,274	1.8	381,400	1,911

RESULTS OF EXPERIMENTS, &c.—Continued.

Number of Experiments.	NAMES OF THE WOODS.	Locality from whence obtained.	DIMENSIONS OF TREE.		Dimensions of piece submitted to Experiment.	Specific Gravity.	Greatest weight and deflection while the elasticity remained perfect.		Breaking weight in lbs.	Ultimate deflection in inches.	Value of E, from the Formula, $E = \frac{1}{10} \frac{W^2}{a d^3}$	Value of S, from the Formula $S = \frac{1}{4} \frac{W}{a d^2}$	REMARKS.										
			Average Height.	Average Diameter.			Weight in lbs.	Deflection in inches.															
Queensland. SPECIMENS COLLECTED BY MR. BIRROWES AND MR. JOHN HILL.—Continued.																							
1 2 3 4	BLOODWOOD. (Eucalyptus corymbosa.)	Brisbane ..	35 feet to fork	21 inches	4 feet between bearings, and 2 inches square.		1,232	1.1	1,568	1.6			Timber is used for fences, &c.										
840							1.35	1,120	2.1														
840							1.	952	1.3														
Mean results983	971	1.15	1,120	1.47	361,700	1,680			
1 2 3 4							RED CEDAR. (Cedrela Australis.)	Brisbane ..						4 feet between bearings, and 2 inches square.				500			This wood is extensively used for cabinet-maker's and joiner's work, but not for building purposes. The value of E could not be obtained with the specimens procured.		
Mean results500	840										
1 2 3 4	WHITE CEDAR. (Melia Australis.)	Brisbane ..	35 feet to fork	24 inches	4 feet between bearings, and 2 inches square.								616										Timber soft and considered of no value. The value of E could not be ascertained.
560																							
560																							
672																							
Mean results511	903			
1 2 3 4	BEECH. (Monotoca elliptica.)	Brisbane ..	55 feet to fork	30 inches	4 feet between bearings, and 2 inches square.					560	1.	616		1.4	A weak wood of no great value.								
560										1.	616	1.45											
560										1.	728	1.9											
560							1.			616	1.3												
Mean results611	560		1.	644	1.51	241,900	966			
1 2 3 4	YELLOW WOOD (LIGHT.) (Oxleya xanthoxyla.)	Brisbane ..	55 feet to fork	24 inches	4 feet between bearings, and 2 inches square.				784	1.	1,008	1.95	Properties of the timber not known, but considered of value for many purposes.										
896									1.	1,400	2.5												
840									.95	1,008	1.75												
952									1.	1,344	2.1												
Mean results794	863	.98	1,190	2.07	382,600	1,785			
1 2 3 4	YELLOW WOOD (DEEP.) (Rhus rhodoplina.)	Brisbane ..	25 feet to fork	21 inches	4 feet between bearings, and 2 inches square.				672	.9	784	1.8	Timber used for building and cabinet purposes.										
672									1.	784	1.8												
672									.95	784	1.7												
672									.95	896	2.15												
Mean results786	672	.95	812	1.86	305,500	1,218			

1 2 3 4	FLINDOSA. (Flindersia Australis.)	Brisbane ..	55 feet to fork	30 inches	4 feet between bearings, and 2 inches square.	1,064	1.1	1,400	3.4			The timber when recently cut is moderately soft and easily worked. It is also durable.				
						1,008	1.15	1,288	1.9							
						896	1.2	1,120	1.8							
						1,120	1.1	1,456	1.9							
						Mean results	936	1.022	1,316				2.25	387,300	1,974	
1 2 3 4	THE DEAL. (Podocarpus spinulosus.)	Brisbane ..	35 feet	24 inches	4 feet between bearings, and 2 inches square.	728	1.45	896	2.6			The timber is close-grained, free from knots, and easily worked.				
						728	1.7	896	2.6							
						672	1.3	840	2.4							
						728	1.6	896	2.6							
						Mean results	569	1.51	882				2.55	204,200	1,323	
1 2 3 4	CYPRESS PINE. (Frencela arnosa.)	Brisbane ..	25 feet to fork	21 inches	4 feet between bearings, and 2 inches square.	672	1.3	840	2.2			The wood is much valued for cabinet purposes.				
						728	1.3	896	2.1							
						672	1.	784	1.6							
						Mean results	659	691	1.2				840	1.97	248,700	1,260
						1 2 3 4	PINE. (Araucaria Cunninghami.)	Brisbane ..	45 feet to fork				30 inches	4 feet between bearings, and 2 inches square.	784	.8	952	1.6			Timber of little value.
784	.85	952	1.5													
784	.95	952	1.5													
784	.95	896	1.5													
Mean results	768	784	.89	938	1.52					380,500	1,407					
1 2 3 4	FOREST OAK. (Casuarina suberosa.)	Brisbane ..	15 feet to fork	15 inches	4 feet between bearings, and 2 inches square.	852	1.	1,288	2.1			The timber possesses considerable beauty for cabinet work. It is much used for shingles, &c.				
						1,008	.9	1,344	1.7							
						840	1.2	1,068	1.9							
						840	1.35	1,064	2.6							
						Mean results	1,494	910	1.11				1,176	2.1	354,100	1,764
1 2 3 4	PRICKLY-LEAVED TEA-TREE. (Melaleuca species.)	Brisbane ..	20 feet	21 inches	4 feet between bearings, and 2 inches square.	840	1.25	1,008	1.55			A hard close-grained wood.				
						896	1.4	1,120	2.35							
						840	1.1	1,064	1.9							
						896	1.4	1,120	2.9							
						Mean results	1.06	868	1.29				1,078	2.17	290,700	1,617
1 2 3 4	BROAD-LEAVED TEA-TREE. (Callistemon salignum.)	Brisbane ..	20 feet	20 inches	4 feet between bearings, and 2 inches square.	672	1.4	784	2.1			Timber hard and close-grained.				
						672	1.4	784	2.6							
						672	1.7	784	3.6							
						672	1.3	784	2.1							
						Mean results	706	672	1.45				784	2.6	200,200	1,176

RESULTS OF EXPERIMENTS, &c.—Continued.

[Price, 4d.]

Sydney: Thomas Richards, Government Printer—1861.

Number of Experiments.	NAMES OF THE WOODS.	Locality from whence obtained.	DIMENSIONS OF TREE.		Dimensions of piece submitted to Experiment.	Specific Gravity.	Greatest weight and deflection while the elasticity remained perfect.		Breaking weight in lbs.	Ultimate deflection in inches.	Value of E, from the Formula, $E = \frac{W}{16 \delta d^3}$	Value of S, from the Formula, $S = \frac{W}{4 \delta d^2}$	REMARKS.							
			Average Height.	Average Diameter.			Weight in lbs.	Deflection in inches.												
Queensland.																				
SPECIMENS COLLECTED BY MR. BURROWS AND MR. JOHN HILL.—Continued.																				
1 2 3 4	GREEN WATTLE. (Acacia affinis.)	Brisbane ...	15 feet	9 inches	4 feet between bearings, and 2 inches square.		728	1'	896	1.5			Soft timber, and not suitable for building.							
840							1.15	1,008	1.7											
840							1.25	1,064	1.85											
781							1'	952	1.9											
Mean results675	798	1.1	980	1.74	313,400	1,470
1 2 3 4	WHITE MAPLE.	Brisbane ...	20 feet to fork	21 inches	4 feet between bearings, and 2 inches square.		952	1.1	1,232	2.3			Strong wood, but of no value for building purposes.							
952							1'	1,232	2'											
1,008							1.1	1,232	2.4											
952							.95	1,176	2'											
Mean results792	966	1.04	1,218	2.17	401,200	1,827
1 2 3 4	APPLE TREE. (Angophora.)	Brisbane ...	20 feet	21 inches	4 feet between bearings, and 2 inches square.		448	1'	560	1.3			Bad specimens. Timber considered worthless.							
448							1'	672	2'											
Mean results903	448	1'	616	1.73	193,600	924
1 2 3 4	CUGERA.	Brisbane	4 feet between bearings, and 2 inches square.		840	.9	1,008	1.5			Description of tree and qualities of wood not known. Bad specimen.							
840							1'	1,008	1.5											
840							1.2	1,008	1.9											
Mean results610	810	1.03	1,008	1.63	352,300	1,512
1 2 3 4							CALLOPON.	Brisbane ...	25 feet to fork	21 inches				4 feet between bearings, and 2 inches square.		672	1.1	728	1.5			The wood is used for flooring boards, &c.
672	1.9	728	2.8																	
672	1.2	728	1.9																	
672	1.5	784	2.7																	
Mean results492	672					1.42	742	2.22			204,400	1,113			

1861.

Legislative Assembly.
NEW SOUTH WALES.

LOSS OF GOLD SENT BY ESCORT.

(PETITION FROM SAMUEL ROBINSON.)

Ordered by the Legislative Assembly to be Printed, 11 April, 1861.

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

The Humble Petition of the undersigned,—

RESPECTFULLY SHEWETH :—

That, on the seventeenth day of August, in the year of our Lord one thousand eight hundred and fifty-seven (17th August, 1857), Richard Hull, agent to your Petitioner, duly deposited with Whittingdale Johnson, Esq., the Gold Commissioner at Stony Creek, fifty-one ounces (51 ozs.) of Gold, for transmission to your Petitioner. And your Petitioner respectfully submits, that, through culpable neglect and inexcusable carelessness on the part of certain Public Servants, in whose charge the Gold was, your Petitioner has been put to serious inconvenience, and has also sustained a serious loss in the matter. Your Petitioner respectfully begs to state further circumstances in connection with the loss. On the arrival of the Escort at "Orange," the bag which had contained the Gold was found to be empty, and, after collecting all the Gold from the saddle-bags, it is shown that there were exactly *twenty-one* ounces short of the quantity that was deposited with the Commissioner, and that, on examining the saddle-bags, a hole was discovered in the compartment in which the small gold bag was conveyed from Stony Creek.

Your Petitioner, therefore, humbly prays that your Honorable House will take the premises into your favourable consideration. And your Petitioner, as in duty bound, will ever pray.

SAMUEL ROBINSON.

Sydney, 9 April, 1861.

1861.

Legislative Assembly.

NEW SOUTH WALES.

THE CHINESE.

(PETITION FOR PROTECTION TO, AT LAMBING FLAT.)

Ordered by the Legislative Assembly to be Printed, 14 March, 1861.

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

The humble Petition of the undersigned Inhabitants of Sydney,—

SHEWETH:—

That the Chinese have been induced, in common with others, at great personal expense and loss of time, to emigrate to New South Wales, and risk the exercise of their skill and labour at the Gold Fields of this Colony, in the hope that their honesty and persevering industry might be rewarded by a share of that success which has rendered the Gold Fields of this Colony so renowned all over the world.

That since their arrival they have given implicit obedience to the laws of the land, and have faithfully observed the regulations in force at the diggings, and in all other respects have submitted to and observed the laws of the country.

That in their dealings with every member of the community, the Chinese have been upright, and have honestly and faithfully performed all contracts and agreements entered into by them, and can safely say that, whilst contributing in an equal proportion to the revenue of the Colony, they have caused no trouble or expense to the legal tribunals of the country, in their civil or criminal jurisdiction.

That, under every hardship and privation in a foreign country, the Chinese have consoled themselves with the conviction that they might safely rely upon the good faith of the Government of this Colony, and have felt secure that the legal protection of the British Constitution and British power was guaranteed to their honest industry, and the enjoyment of the fruit of that industry.

That your Petitioners deeply regret to state to your Honorable House, that the sad experience of the past year has proved that such expectations, from whatever cause, have not been realized, but that, without provocation, or the shadow of offence of any kind, either of a public or of a private nature, the Chinese have been repeatedly subjected to the grossest violence and outrage; their persons insulted, their clothes torn off their backs, their tails ignominiously cut off (the greatest offence that can be offered to a Chinaman), their gold claims seized and violently forced from them, their personal property plundered and robbed, their tents burned, their stores forced, and they themselves forcibly driven (like cattle) off the diggings. This treatment your Petitioners felt to be the more unjustifiable, inasmuch as they, the Chinese, were the first who discovered Lambing Flat Diggings.

After the first outrage the Chinese one and all moved six miles further off, and found another diggings, at which they worked with equal success till they were again beset on all sides by an armed band of lawless diggers, and again the same acts of cruelty and oppression, but with more enormity than before, were perpetrated upon them.

That having felt bound, in common justice to the Chinese, humbly to state this much to your Honorable House, your Petitioners would beg to add, that the violence and outrage that have of late been perpetrated upon the Chinese they in no manner attribute to the Government, or those in public authority, because your Petitioners know and feel that such lawless acts were perpetrated in violation and open defiance both of the Government and the Laws of the Country.

Your Petitioners would also beg to state, that many of the Chinese, who have been thus subjected to persecution and outrage, are British subjects, from Hong Kong, and that on the successful labours of those men are now depending for subsistence their wives, families, and friends. That consequently those Chinese at the Lambing Flat, who are British subjects, are on an equality with Her Majesty's European subjects in this Colony, and their persons and property entitled to the like privileges and protection. And those Chinese in this Colony who are not British subjects are (your Petitioners respectfully submit) entitled by the laws of Nature, of Nations, and of Religion, to that protection of British law and British rule, which is the just pride and boast of Englishmen, wherever dawn the light and liberty of the British Constitution.

Your Petitioners therefore humbly pray, that your Honorable House will take the premises into your favourable consideration, and take such measures as will secure protection to their persons and property.

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

Sydney, the 4th day of March, 1861.

[Here follow 19 Signatures.]

1861.

Legislative Assembly.

NEW SOUTH WALES.

ALLEGED AGGRESSION ON A CHINESE GOLD
DIGGER AT LAMBING FLAT.

(PETITION OF SU SAN LING DOH.)

Ordered by the Legislative Assembly to be Printed, 26 March, 1861.

Sydney, 12th March, 1861.

To the Legislative Assembly.

On the 22nd day of December, 1860, I went on to Lambing Flat; I went to the Commissioner, and asked him if Chinamen would be allowed to dig on those diggings, and he said "Ycs." I had a Miner's Right from the Snowy River. I accordingly commenced work on the 25th January. The Europeans posted notices on the diggings, stating that, on the 27th, if the Chinamen would not clear out by that date, they would drive them away. I asked the Europeans for three days to remove my goods, bought at Walker's Store in Braidwood, and partly not paid for, which they would not grant me. I then asked for one day, and was refused. On the 27 I was drove off with the rest of my countrymen. I asked policemen to look after my goods. Early on the 28th I went on to the diggings again; I found about 20 or 30 Europeans and one woman by my tent, my goods all gone, and my tent burning; my goods amounted in value to £300 (three hundred pounds sterling). I have got a brother named Simons San Ling, who is a married man, and has a wife and three children still on Lambing Flat; they are totally unprovided for.

So I humbly beg the Legislative Assembly will take this Petition into your consideration, and you will oblige much

Your obedient servant,

SU SAN LING DOH.

1861.

Legislative Assembly.

NEW SOUTH WALES.

ALLEGED AGGRESSION ON A CHINESE GOLD DIGGER
AT LAMBING FLAT.

(PETITION OF MUN GAIM.)

Ordered by the Legislative Assembly to be Printed, 9 April, 1861.

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

The humble and respectful Petition of Mun Gaim, a Chinaman, now of Sydney, in the said Colony of New South Wales,—

SHEWETH:—

That your Petitioner was born at Hong Kong, in China, is unacquainted with the English language, and came over from San Francisco to this Colony in the ship "Europa," in the year one thousand eight hundred and fifty-eight, with the intention of working at the gold fields.

That your Petitioner, by great exertions and unwearied industry, saved a small sum of money, with which he purchased and forwarded goods to the diggings at Lambing Flat—erected his tent and established a store on the said diggings.

That, only five days after the establishment of the said store, the European diggers at Lambing Flat aforesaid, illegally, and by force, drove your Petitioner and other Chinese from the said diggings to a distance of five miles, and burnt the tent of your Petitioner, together with the goods therein, consisting of Chinese silks and crape, and other Chinese and European productions;—your Petitioner not being able to save anything.

That the property of your Petitioner, to the value of five hundred pounds, was so burnt and destroyed by the said diggers.

That your Petitioner, since his arrival here, has conducted himself peaceably, and has not committed any offence against the laws of the Colony.

Your Petitioner, therefore, humbly prays that your Honorable House may take the premises into your favourable consideration, and grant him such redress as, in the wisdom of your Honorable House, may seem meet.

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

MUN GAIM.

1861.

Legislative Assembly.

NEW SOUTH WALES.

ALLEGED AGGRESSIONS ON CHINAMEN AT LAMBING FLAT.

(CERTAIN CHINESE GOLD MINERS.)

Ordered by the Legislative Assembly to be Printed, 24 April, 1861.

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

The humble Petition of Hu Foo and Kylong, for themselves and the other sufferers named in the schedule written in the body of this Petition, and also of the undersigned Chinamen, now in Sydney,—

SH EWETH :—

That on the 19th day of February, 1861, your Petitioners, with several others of their countrymen, were residing at the Lambing Flat Diggings, in this Colony, and were peaceably and quietly prosecuting their various avocations as gold miners and store-keepers, in accordance with the Government licenses held respectively by them.

That on the said 19th day of February an armed band of European and other diggers did riotously and tumultuously assemble together at the said Lambing Flat Diggings, to the great disturbance of the public peace, and did then and there with force pull down, demolish, and maliciously destroy the tents, stores, fixtures, machinery, tools, goods, and other personal property and valuables belonging to the said Chinese; the destruction of which property was part of the same riotous transaction, and done at the same time and place.

The value of the said property thus destroyed your Petitioners beg to set opposite the names of the following sufferers :—

DATE OF LICENSE.		£	s.	d.	IN FORCE UNTIL
18 October, 1860	A Sue	134	10	0	18 October, 1861.
17 December, 1860	Charlo	82	10	0	17 December, 1861.
18 October, 1860	Fong	119	0	0	18 October, 1861.
18 October, 1860	Vo Bat	101	10	0	18 October, 1861.
19 October, 1860	Ah Foo	82	10	0	19 October, 1861.
19 October, 1860	Ah Chow	97	10	0	19 October, 1861.
18 October, 1860	Ah See	66	0	0	18 October, 1861.
17 December, 1860	John Asing	139	19	0	17 December, 1861.
1 December, 1860	Kylong and Keesing	800	0	0	1 December, 1861.
20 September, 1860	A Key	213	10	0	20 September, 1861.
21 January, 1861	Lin Tehong	132	10	0	21 January, 1862.
	Quong Wong	400	0	0	
17 December, 1860	As See	348	0	0	17 December, 1861.
17 December, 1860	At Ten and As Sen	500	0	0	17 December, 1861.
19 October, 1860	Ho So	600	0	0	19 October, 1861.
19 October, 1860	Au Yean	111	10	0	19 October, 1861.
19 October, 1860	Dim Fool	122	0	0	19 October, 1861.
1 December, 1860	At Ham	154	10	0	1 December, 1861.
19 October, 1860	As See	99	0	0	19 October, 1861.
1 December, 1860	Aquo, Achu, and Hu Foo	1,034	17	0	1 December, 1861.
	Total	5,339	6	0	

That your Petitioners are prepared to establish their interest in the said property ; that the offence was committed at the time and place as already stated ; your Petitioners are also prepared to submit themselves to the strictest examination for the purpose of enabling the Government to arrive at a just conclusion.

That the Government licenses issued to and paid for by your Petitioners, whether as miners or storekeepers, entitled them, your Petitioners respectfully submit, not only to the quiet enjoyment of personal security, personal liberty, and the right to the peaceable possession of personal property, but also (to some extent) to a temporary interest in the soil ; and that so great an imperfection cannot exist in the British law as not to provide for violence and outrage committed against such recognized rights, one of the principal maxims of the British Constitution being " that there is no injury without a remedy."

That the consequence of the late outrage of the 19th February last has been to place your Petitioners in a state of destitution, and to deprive them of their tools, implements, and machinery, so that they are now unable to go to work to procure subsistence and shelter.

Your Petitioners therefore humbly pray that your Honorable House will be graciously pleased to consider the premises, and take such steps as you may deem expedient and just.

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

[Here follow 43 Signatures.]

*Dated at Sydney, in the Colony of
New South Wales, this 19th
day of April, 1861.*

1861.

Legislative Assembly.

NEW SOUTH WALES.

ALLEGED AGGRESSION ON CHINESE AT LAMBING FLAT.
(PETITION FROM KEW LOONG POW.)

Ordered by the Legislative Assembly to be Printed, 6 May, 1861.

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

The humble Petition of Kew Loong Pow, Storekeeper,—

SHWETH:—

That, about December, 1860, I, the undersigned Kew Loong Pow, Tong Hap Store, was a licensed Storekeeper at the Lambing Flat Diggings, and I was peaceably and quietly prosecuting my business there as a storekeeper till the 27th of that month, when I was driven from the said diggings with the rest of my countrymen; my property, consisting of general provisions, &c., was destroyed, amounting in value to about (£350) eight hundred and fifty pounds.

I am, in consequence, left destitute, and without the means of providing a living either for myself or infant son.

I therefore humbly pray that your Honorable House will be graciously pleased to consider the premises, and take such steps as you may deem expedient and just.

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

KEW LOONG POW.

*Dated at Sydney, in the Colony of New South Wales,
this twenty-fifth day of April, 1861.*

1861.

Legislative Assembly.

NEW SOUTH WALES.

ALLEGED AGGRESSION ON CHINESE AT LAMBING FLAT.

(REPORT ON PETITION OF SU SAN LING DOH.)

Ordered by the Legislative Assembly to be Printed, 2 May, 1861.

COMMISSIONER IN CHARGE, SOUTHERN GOLD FIELDS, to SECRETARY FOR LANDS.

*Gold Commissioner's Office,**Goulburn, 21 April, 1861.*

SIR,

I do myself the honor to return herewith the Petition of Su Sang* Sing† Doh ^{* Or San.} ^{† Or Ling.} (a copy of which I have kept). I made inquiries for the Petitioner when at Lambing Flat, but he was not there. I therefore gave instructions to a detective officer, who has been for some time stationed at Lambing Flat, to make every inquiry into the matter. This officer reports:—"Simon Sang* Sing,† brother of complainant in this matter, gave me a list of stores " which were destroyed, and, upon inquiry, I have been credibly informed that they had not " Five pounds worth of any description of goods in the tent. My informant states that " these Chinese frequently purchased from him small quantities of sundry things of the same " nature as those which they say they had in their tent; and that he had seen them in as " indifferent circumstances as any of the other Chinese."

I return to Lambing Flat on Thursday, and shall still more thoroughly investigate this claim; and in the mean time I have written to Mr. Walker, of Braidwood, for a list of the goods stated to have been purchased at his store. I wish to be most particular in this, the first application, in order to prevent other Chinese from attempting to impose claims for which there may not be any foundation.

I have, &c.,

P. L. CLOETE,

Commissioner in charge, Southern Gold Fields.

1861.

Legislative Assembly.
NEW SOUTH WALES.

KIANDRA GOLD FIELDS.
(CORRESPONDENCE.)

Ordered by the Legislative Assembly to be Printed, 24 April, 1861.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 24 January, 1861, That there be laid upon the Table of this House,—

“ A Copy of all Correspondence which took place between the
“ Chief Commissioner of Gold Fields and the Secretary for
“ Lands, between the 1st January and 1st May, 1860, with
“ respect to the Kiandra Gold Fields; also, a Copy of all Corres-
“ pondence which took place between Commissioner Lynch and
“ the Chief Commissioner of Gold Fields, during the same period,
“ and having reference to the same subject.”

(Mr. C. Cowper, Jun.)

SCHEDULE.

NO.	PAGE.
1. Commissioner Cloete to the Secretary for Lands, reporting discovery of a new Gold Field, &c. 23 January, 1860	3
2. Under Secretary for Lands to Commissioner Cloete, in reply to above. 27 January, 1860 ..	3
3. Commissioner Cloete to Secretary for Lands, reporting the arrangements made for the Gibson's Plains Gold Fields. 27 January, 1860	3
4. Commissioner Cloete to Secretary for Lands, with reference to the Kiandra Gold Fields, with tracing enclosed. 5 February, 1860	4
5. Report of Acting Surveyor General on the above. 8 February, 1860	4
6. Proclamation (Kiandra) in <i>Government Gazette</i> . 10 February, 1860	4
7. Under Secretary for Lands to Mr. Commissioner Cloete, in reply to Mr. Cloete's letter of 5th February. 11 February, 1860	5
8. Commissioner Cloete to Secretary for Lands, communicating purport of Assistant Commissioner Lynch's report on Kiandra Gold Fields. 15 February, 1860	5
9. Under Secretary for Lands to Commissioner Cloete, in reply. 18 February, 1860	5
10. Under Secretary for Lands to Commissioner Cloete, intimating a cash credit to Mr. H. Hall, for repair of road to Snowy River. 3 March, 1860	6

NO.	PAGE.
11. Under Secretary for Lands to Mr. Cloete, transmitting plan of Mr. Joseph Carter, for keeping open the road to the Snowy River during the winter. 6 March, 1860	6
12. Under Secretary for Lands to Commissioner Cloete, desiring him to issue as many business licenses as he can on the road to Kiandra. 12 March, 1860	7
13. Telegram from Commissioner Cloete to Under Secretary for Lands, respecting Kiandra. 13 March, 1860	7
14. Under Secretary for Lands to Commissioner Cloete, intimating cash credits in favour of himself, in conjunction with the Benches at Tumut and Cooma, for £350 each respectively, for the repair of the roads between those places and Kiandra. 16 March, 1860.. .. .	8
15. Under Secretary for Lands to Bench, Cooma, intimating same. 16 March, 1860	8
16. Under Secretary for Lands to Bench, Tumut, intimating same. 16 March, 1860	8
17. Commissioner Cloete to Secretary for Lands, reporting on Kiandra. 24 March, 1860.. .. .	8
17a. Commissioner Cloete to Under Secretary for Lands, with voucher, for erection of bridge at Kiandra. 6 April, 1860	9
18. Under Secretary for Lands to Commissioner Cloete, respecting £46 10s. expended in the construction of a bridge at Kiandra. 11 April, 1860	10
19. Telegram from Commissioner Cloete to Secretary for Lands, intimating his starting with Captain Zouch for Kiandra. 14 April, 1860	10
20. Under Secretary for Lands to Commissioner Cloete, intimating that the sole responsibility of the management of the Kiandra Gold Fields has been cast upon him (Mr. Cloete). 18 April, 1860	10

(Part 2nd.—Correspondence between Commissioners Cloete and Lynch.)

1. Assistant Commissioner Lynch to Commissioner Cloete, reporting discovery of a new Gold Field at Kiandra. 18 January, 1860	10
2. Commissioner Cloete to Assistant Commissioner Lynch, respecting arrangements for the Kiandra Gold Field. 26 January, 1860	11
3. Assistant Commissioner Lynch to Commissioner Cloete, intimating necessity for proceeding to the new Gold Field. 26 January, 1860	11
4. Assistant Gold Commissioner Lynch to Commissioner Cloete, reporting increase of population, &c., of Kiandra Diggings. 29 January, 1860	11
5. Assistant Commissioner Lynch to Commissioner Cloete, reporting his arrival at Kiandra, with Sub-Commissioner Lynch, &c., and on the state of the diggings there. 5 February, 1860	12
6. (A memo., intimating that a break here occurs in the Correspondence, and stating the reasons for such.)	13
7. Assistant Commissioner Lynch to Commissioner Cloete, reporting his departure from Kiandra, with escort, and leaving Sub-Commissioner Lynch in charge; also, intimating disorderly state of Kiandra—Vigilance Committee, &c. 23 March, 1860	13
8. Assistant Commissioner Lynch to Commissioner Cloete, reporting condition of Kiandra Gold Field to 31st March, 1860. 7 April, 1860	14

KIANDRA GOLD FIELDS.

No. 1.

COMMISSIONER CLOETE to SECRETARY FOR LANDS.

*Gold Commissioner's Office,
23 January, 1860.*

SIR,

I do myself the honor to report to you that a new Gold Field has been discovered at "Kiandra," or "Gibson's Plains"; and that already between three hundred and four hundred miners are there at work. This field is situated about twenty miles from Meragle, and about fifty miles from "Tumberumba." Its proximity to the Victoria boundary is likely to cause a "rush" from the neighbouring Gold Fields in that Colony; and I would therefore again beg to bring under your notice the urgent necessity that exists for placing Mr. James Innes Lynch, Sub Gold Commissioner, in the Commission of the Peace, as, unless this is done, I shall be unable to provide that authority and protection so necessary on a newly opened Gold Field.

2. I would further state, that, independently of the official requirements of this case, I consider Mr. J. I. Lynch to be a gentleman in every way fitted for appointment to the Magistracy.

I have, &c.,
P. L. CLOETE,
Commissioner in charge, Southern Gold Fields.

No. 2.

UNDER SECRETARY FOR LANDS to COMMISSIONER CLOETE.

*Department of Lands,
Sydney, 27 January, 1860.*

SIR,

With reference to your letter of the 23rd instant, reporting the discovery of a new Gold Field at Kiandra, or Gibson's Plains, and that already large numbers of persons were congregated there, I am directed to inform you that the Inspector General of Police has telegraphed to-day to Mr. Zouch, with a view to the detaching thither of adequate police protection.

2. I am at the same time to state that the appointment of Mr. Sub-Commissioner Lynch to the Commission of the Peace has been recommended, and will, in all probability, be made next Monday.

I have, &c.,
MICHL. FITZPATRICK.

No. 3.

COMMISSIONER CLOETE to SECRETARY FOR LANDS.

*Gold Commissioner's Office,
Goulburn, 27 January, 1860.*

SIR,

With reference to the newly discovered Gold Field at Gibson's Plains, on the Snowy River, I do myself the honor to inform you that Assistant Gold Commissioner Lynch, from Adelong, proceeds there immediately. I have directed Mr. Lynch to take with him all the available Police from Adelong and Tumberumba, and I have arranged with the Superintendent of the Mounted Patrol for their temporary replacement.

2. I have requested Mr. Lynch to send me a full report as early as possible, especially describing the locality, in order that this Gold Field may be proclaimed. Should this officer's report be favourable I would myself proceed there, in order to make more permanent provision, and also to arrange for the establishment of a branch escort.

3. Sub Gold Commissioner Lynch could relieve the Assistant Commissioner (whose presence is required at Adelong) so soon as he shall have received magisterial powers.

I have, &c.,
P. L. CLOETE,
Commissioner in charge, Southern Gold Fields.

No. 4.

No. 4.

COMMISSIONER CLOETE to SECRETARY FOR LANDS.

*Gold Commissioner's Office,
Goulburn, 5 February, 1860.*

SIR,

A telegram was sent to me last night, from Mr. Lockhart, the Commissioner of Crown Lands at the Tumut, which informs me that he had received a despatch from Mr. Lynch, the Assistant Gold Commissioner, from Kiandra. The rush still continued, and was successful.

2. I have forwarded to Mr. Lynch (1,000) one thousand Miner's Rights, and would now recommend that this gold field be proclaimed; it may be described as Kiandra, or Gibson's Plains, together with all streams flowing therefrom. The Surveyor General will, doubtless, from the more accurate plans in his office, be able to furnish you with a true description of the locality; in the meantime I have the honor to forward a tracing of the locality which I have received from Mr. Assistant Commissioner Lynch. (*See Appendix.*)

3. I would advise that, in the gazetting of Sub-Commissioner Lynch to the Magistracy, a *Delinus Potestatem* might be issued to Robert Blossie Lynch, Assistant Gold Commissioner, in order that no time may be lost in the swearing in of Mr. J. Innes Lynch. I would further submit that this gentleman should not be made to bear the charge of this process, which the emergencies of the service alone renders so necessary.

I have, &c.,
P. L. CLOETE,
Commissioner in charge, Southern Gold Fields.

The Acting Surveyor General is requested to report. Blank Cover.
7 February, 1860.

No. 5.

Acting Surveyor General's Report.

"GIANDARA Plain," which is doubtless that called "Kiandra," is on the head of the Snowy, not the Murrumbidgee River, as shewn on Mr. Lynch's sketch.

As the sources of the Murrumbidgee River immediately adjoin those of the Snowy River, I have thought it advisable to embrace them in the description for proclamation.

It will be necessary to name the Gold Field; and I presume that the name of Giandara may be given to it.

Kiandra is no doubt a corruption of the original name.

A. G. McLEAN.
B. C., 8 Feby., 1860.

No. 6.

PROCLAMATION.

By His Excellency SIR WILLIAM THOMAS DENISON, Knight Commander of the Most Honorable Order of the Bath, Governor General in and over all Her Majesty's Colonies of New South Wales, Tasmania, Victoria, South Australia, and Western Australia, and Captain General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, &c., &c., &c.

IN pursuance of the power vested in me in this behalf, I, SIR WILLIAM THOMAS DENISON, Knight, the Governor General aforesaid, do hereby proclaim that the following shall be deemed a Gold Field, within the meaning and for the purposes of the Act of Council 20 Vic., No. 29, intituled, "*An Act to amend the Laws relating to the Gold Fields,*" that is to say,—The Gold Field on Crown Lands at and in the vicinity of Giandara, or Gibson's Plains, and on the sources of the Snowy and Murrumbidgee Rivers, to be called "The Kiandra Gold Field."

Given under my Hand and Seal, at Government House, Sydney, this tenth day of February, in the year of our Lord one thousand eight hundred and sixty, and in the twenty-third year of Her Majesty's Reign.

(L.S.) W. DENISON.

By His Excellency's Command,
J. BLACK.

GOD SAVE THE QUEEN!

No. 7.

UNDER SECRETARY FOR LANDS to COMMISSIONER CLOETE.

*Department of Lands,
Sydney, 11 February, 1860.*

SIR,

With reference to your letter of the 5th instant, No. 27, I am now directed to draw your attention to the proclamation, in the *Government Gazette* of the 10th instant, of the Kiandra Gold Field.

2. I am at the same time to inform you, that in accordance with the recommendation contained in the latter part of your communication, the Prothonotary of the Supreme Court has been written to respecting the issue, without delay, to Assistant Gold Commissioner Lynch, of a Writ of *Dedimus Potestatem*, for the purpose of enabling him to administer the usual oaths as a Magistrate to Sub-Commissioner Lynch, a notice of whose appointment to the magistracy appeared also in the *Government Gazette* of the 10th instant.

3. I am to add, that any expenses chargeable with respect to the issue of this Writ can be charged to your public account.

I have, &c.,
MICHL. FITZPATRICK.

No. 8.

COMMISSIONER CLOETE to UNDER SECRETARY FOR LANDS.

*Gold Commissioner's Office,
Goulburn, 15 February, 1860.*

SIR,

I do myself the honor to inform you that I have this day received a report from Assistant Gold Commissioner Lynch, dated Snowy River, February 5th, to the following effect:—

2. About fifteen hundred miners were there collected, chiefly on the eastern branch of the Snowy River; the claims were extremely rich, yielding in many instances from forty to fifty pounds per week per man, and in most cases not less than seven pounds per man for the six working days. Wages of hired men, of whom there were very few, as miners, about five pounds per week. The stripping was of a light character and the sinking shallow.

3. Mr. Lynch reports the mining population to be most orderly; and expected in a week to have settled all claims and permits. This officer further expresses his opinion that a very extensive Gold Field exists both in the eastern and western waters of the Great Dividing Range, viz., at the head of the Murrumbidgee River, Tantaagro Creek, Snowy River, and Eccambene.*

4. The present diggings can only be worked from the 1st December to the end of March; for the rest of the year the place is uninhabitable and unapproachable, owing to the heavy snow drifts.

5. With reference to the establishment of a permanent camp, on which I had requested to be informed, Mr. Lynch states that the nearest suitable spot for that purpose would be "Russell's Station," twelve miles from "Kiandra" on the way to Cooma. Taking also into consideration the advanced period of the season, I have not thought it necessary to make any provision, further than that already established, until the next spring.

6. Provisions and mining tools were as yet scarce, but large supplies are daily being sent from all parts. The price of meat of good quality was four-pence per pound; flour (which is very scarce) nine-pence per pound.

7. As the diggings at Kiandra will most probably cease, for the present, by the end of next month, I do not conceive that there is any necessity for my immediately proceeding there.

I have, &c.,
P. L. CLOETE,
Commissioner in charge, Southern Gold Fields.

No. 9.

UNDER SECRETARY FOR LANDS to COMMISSIONER CLOETE.

*Department of Lands,
Sydney, 18 February, 1860.*

SIR,

In reference to your letter of the 15th instant, reporting on the progress of the Kiandra Gold Field, I am directed to request, as it is not now your intention to proceed there, that you will have the goodness to state what temporary arrangement you contemplate making for the escort of the gold.

2.

* Capable of affording employment for about thirty thousand miners.

2. I am at the same time to inform you, that the Secretary for Lands concurs with you in opinion, that it will not be necessary to make any further provision as regards Quarters, &c., than that already established, until next spring.

I have, &c.,

MICHL. FITZPATRICK.

No. 10.

UNDER SECRETARY FOR LANDS to COMMISSIONER CLOETE.

*Department for Lands,
Sydney, 3 March, 1860.*

SIR,

It has been suggested to Government that it will be very desirable to keep up a line of communication for the return of diggers from the Snowy River Gold Fields; and I am directed by the Secretary for Lands to inform you, that, with this view, the sum of one hundred pounds has been placed to the credit of Mr. Henry Hall, for the repair of the road alluded to in the enclosed communication, which is a copy of the one addressed by him on the subject to the Chief Secretary.

£100.
24 February,
1860.

2. I am therefore to request, that you will turn your immediate attention to this question, and report what other steps you think necessary, in order to insure an available egress from these diggings during the winter.

3. I am further desired to invite your opinion as to the erection of a Punt, in the locality recommended by Mr. Hall, on the Murrumbidgee.

I have, &c.,

MICHL. FITZPATRICK.

(Enclosure in No. 10.)

*Charmwood, Gininderra,
24 February, 1860.*

Sir,

I have the honor to call the attention of Her Majesty's Government to the necessity of opening a road for the return of persons from the Kiandra Diggings, on the setting in of bad weather, as, from the number of persons who have gone up very ill provided, and the scarcity of supplies on the diggings, if a road is not opened for their return, there must be a fearful loss of life.

Having held the station of Yaouh, about twenty miles below the diggings, for above twenty-five years, I am well able to form a correct opinion as to the state of that part of the country in the winter season. I have seen the snow on Yaouh, in the month of April, two feet deep; and after heavy snow, the rivers are for some time flooded and impassable.

The Bredbow and Umeralla Rivers, on the Maneroo Road, and Lob's Hole, on the Tumut, prevent any person passing. About twenty-five years ago, after Mr. Ward lost three hundred head of the late Mr. Palmer's cattle (which were smothered in the snow), a few miles from Gibson's Plain, he made several unsuccessful attempts to get down the country for rations, by Maneroo, and failed; he then, with the assistance of the blacks, came down the Table Land and Long Plains, crossing near the source of the Coodradigbee, at Brindibulla, and following down the ridge, between the Cottar and Coodradigbee Rivers, to the Murrumbidgee, where the blacks brought them over in a canoe. This road, I am quite satisfied, can be used at any season of the year, provided a punt was placed on that river. Mr. Bushby and my stock-keeper came down the line immediately after the late heavy rains, and were only two days from the Gold Field to the river. This road would also be more than sixty miles nearer, either from Sydney, Goulburn, Yass, or Queanbeyan, than the one by Cooma; and the parties who came down it state a very passable dry road could be made for about £100. Mr. Murray (the Speaker) used this road for his drays for some years, as far as the Long Plain, after which, there is no difficulty. There is a very good place for a punt on the Murrumbidgee, near where the dividing line of the Yass and Queanbeyan police districts joins the river, with a dry road to the bank on either side.

If I can afford the Government any further information, it will give me pleasure to do so.

I have, &c.,

HENRY HALL.

The Honorable
The Colonial Secretary.

No. 11.

UNDER SECRETARY FOR LANDS to COMMISSIONER CLOETE.

*Department of Lands,
Sydney, 6 March, 1860.*

SIR,

I am directed to transmit, for your report, the accompanying letter from Mr. Joseph Carter, submitting a plan for keeping open the road leading to the Snowy River Gold Fields during the winter.

I have, &c.,

MICHL. FITZPATRICK.

[Enclosure

KIANDRA GOLD FIELDS.

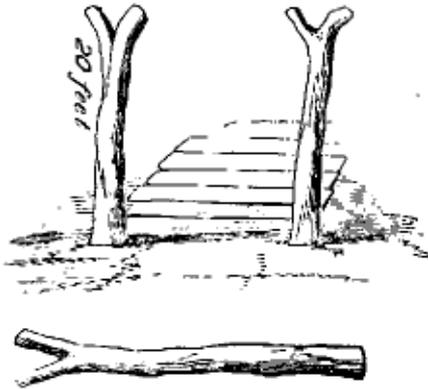
7

[Enclosure in No. 11.]

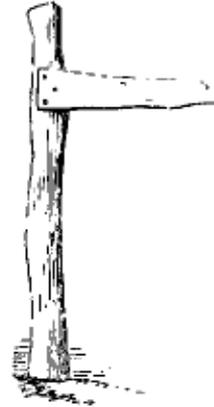
Braidwood, G.P.O.

Denison, Esq.
Sir,

Being desirous to lay before you a plan to keep the road open to the Snowy River, and feeling confident that it can be done before a month would elapse, at a cost of £300, which would be but little in comparison to the profit of opening up the district to Tumut. The plan would be a reversed telegraph without wire; that is to say, instead of placing the posts on the highest ground, they would require to be placed on the lowest ground, and all the posts to be one height from the road; then they would always gauge the depth of the snow. Whenever it would be necessary to cross a creek on a bush bridge, there would require an additional precaution; that is to say, a post on either side of the bridge, viz:—



At other parts of the road less dangerous, it would only require a cross-piece bolted transverse, in this manner:—



the name being over the road, indicating always the side on which the traveller should be. Five posts per mile, forty miles, makes 200 posts, at £1 per post; divided in four working parties of ten miles each; each working party to compose a smith, a carpenter, and four labourers.

If these suggestions be of your approval, I shall be glad to make one of the carpenters.

Your much obliged and obedient servant,

JOSEPH CARTER,

Carpenter,

Braidwood, General Post Office.

N.B.—The remaining hundred would be to cover incidentals, such as bridges and bullock labour.

No 12.

UNDER SECRETARY FOR LANDS to COMMISSIONER CLOETE.

Department of Lands,

Sydney, 12 March, 1860.

Sir,

I am directed by the Secretary for Lands to request that, in order to facilitate as much as possible the protection of persons who may be overtaken by storms of snow, going or returning from the Kiandra Gold Fields, you will take care to grant as many business licenses on the road to and from Kiandra, as persons can be found willing to make.

I have, &c.,

MICHL. FITZPATRICK.

No. 13.

TELEGRAM.

COMMISSIONER CLOETE to UNDER SECRETARY FOR LANDS.

Gundagai Station, 13 March, 1860.

"Diggings extensive, very rich. Generally and easily worked. Population upwards of three thousand, and increasing, and with tact easily managed and orderly, for a new rush."

No. 14.

No. 14.

UNDER SECRETARY FOR LANDS to COMMISSIONER CLOETE.

*Department of Lands,
Sydney, 16 March, 1860.*

SIR,

I am directed by the Secretary for Lands to inform you that the Secretary to the Treasury has been requested to give you and the Bench of Magistrates at Cooma, a cash credit in the Bank of New South Wales for the sum of three hundred and fifty pounds, for the repair of the road between Cooma and Kiandra; and also a further sum of three hundred and fifty pounds in conjunction with the Bench of Magistrates at Tumut, for the repair of the road between that place and Kiandra.

2. I am to request, therefore, that you, or the Assistant Commissioner on the spot at the time, will have the goodness, in conjunction with the abovenamed Benches, to supervise the expenditure of these sums, in doing what may be necessary for keeping open the lines of road in question.

I have, &c.,
MICHL. FITZPATRICK.

No. 15.

UNDER SECRETARY FOR LANDS to BENCH OF MAGISTRATES, COOMA.

*Department of Lands,
Sydney, 16 March, 1860.*

GENTLEMEN,

I am directed to inform you that the Secretary to the Treasury has been requested to give you and Mr. Commissioner Cloete a cash credit, in the Bank of New South Wales, for the sum of three hundred and fifty pounds, for the repair of the road from Cooma to Kiandra.

2. I am to request therefore that you will have the goodness, in conjunction with the above officer, to supervise the expenditure of this amount, in doing what may be necessary for keeping open the line of road in question.

I have, &c.,
MICHL. FITZPATRICK.

No. 16.

UNDER SECRETARY FOR LANDS to BENCH OF MAGISTRATES, TUMUT.

*Department of Lands,
Sydney, 16 March, 1860.*

GENTLEMEN,

I am directed to inform you that the Secretary to the Treasury has been requested to give you and Mr. Commissioner Cloete a cash credit, in the Bank of New South Wales, for the sum of three hundred and fifty pounds, for the repair of the Road from Tumut to Kiandra.

2. I am to request therefore that you will have the goodness, in conjunction with the above officer, to supervise the expenditure of this amount, in doing what may be necessary for keeping open the line of road in question.

I have, &c.,
MICHL. FITZPATRICK.

No. 17.

COMMISSIONER CLOETE to SECRETARY FOR LANDS.

*Gold Commissioner's Office,
Goulburn, 24 March, 1860.*

SIR,

I do myself the honor to report my return here this afternoon from Kiandra. I had written a report from Gundagai, but finding that this day's post from here would reach you as soon, I did not send it from there.

2. The present diggings are chiefly situated on the "Encumbene," a tributary to the "Snowy River," and contained, when I left, a population of about five thousand persons. The daily numerous arrivals from Victoria will, however, soon increase that number to probably eight thousand.

3. From the most authentic information to be procured, I find that after the beginning of April the weather is likely to become very unsettled, and falls of snow may be expected, and that by the month of May the Gold Fields at Kiandra may almost to a certainty be considered closed.

Many

Many people propose wintering there, but the first appearance of snow will, I think, drive them away, as they are, for the most part, most inadequately provided, and are taking but little precaution against the well known severity of the winter. One large and substantially built public-house has been erected, capable of affording shelter to about one hundred persons, and the proprietor is busily laying in large supplies. The majority, or, at all events, a considerable number of the miners, will winter at and about Russell's Station, twelve miles from Kiandra, and the rest at Adelong and Tumberumba.

4. Of the richness and extent of this Gold Field I have little doubt, and although the near approach of winter has prevented miners from attempting to prospect far from the present diggings and principal thoroughfares, yet on the table land, and falls of the rivers, payable yields of gold have in several places been found.

The richest claims yet opened were those first taken, and from them gold in large quantities have been obtained; some of the accounts would almost seem fabulous, and I therefore give you merely a few statements made to me by miners on whom I could rely. One party of three, whose claims were not in the first opened and rich ground, had obtained at an average two ounces per day per man. Another party had made as much as twenty ^{20oz.} pounds per day each. Another, whose claims also were not in the richest ground, had averaged twenty pounds each per week since they had been at work. A man whom I had ^{£20.} known in the Western District complained of only earning two pounds a day. The surface ^{£2.} diggings are also rich, and will, when water is brought on, yield largely. I did not think, however, for the present, that it would be advisable to grant water right for sluicing purposes on this ground, as the sludge would greatly incommode, if not stop the work of those in the creek. Several large nuggets have been found. The following nuggets were in the Commissioner's Camp when I left:--One of 93oz. 18dwts.; one of 23oz. 13dwts.; one of about 160oz.; one of 62oz., sent to Braidwood; and six smaller ones, weighing together about 180oz.

A considerable quantity of gold goes by way of Cooma and Braidwood. No one ought to think of leaving for these Gold Fields this season. The summer being too far advanced for the prospecting and opening of new ground, many of the late arrivals are doing nothing; from all accounts the plains will not be approachable after the winter until about the middle of October next.

5. I have informed the Commissioners that no date could be fixed for their departure, but that they were to be prepared to leave on the first approach of the snow. I would station a Sub-Commissioner at "Russell's," where a police force of at least five mounted men ^(s.) should also be placed. Mr. Gouldebury, who leaves on Monday next, will proceed by Cooma and Russell's; so that the repairs required for the road could be decided on with the Cooma Bench, and arrangements made for a building at Russell's, subject to your approval. I propose, after arranging my office detail, which will take me about a week, to return to Kiandra, *via* Cooma, so as to see the required arrangements carried out.

The population of Adelong will much increase during the winter; and as the quartz claims there will not be again registered, the number of miners will not much diminish during the next summer. I would submit to you the following arrangements, *viz.*:--that an Assistant and one Sub-Gold Commissioner take charge of Adelong; and that an Assistant and two Sub-Commissioners take the Kiandra Gold Fields, during the winter; the latter officers could be at Tumberumba and Russell's, supervising any new fields that may be opened on the falls of the rivers, and thus be ready at the commencement of the next spring to concentrate at Kiandra. As one of the Sub-Commissioners would probably be a new appointment, he would, during the winter, be able to gain that knowledge of his duties so necessary for his efficiency at Kiandra next spring. I propose to take charge myself of this Gold Field when it shall be re-opened, for such time as may be necessary to arrange the stationing and general duties of the Commissioners.

6. I did not notice at Kiandra more disorder than is observable on every newly discovered Gold Field. Sly grog selling is certainly carried on to a great extent; but I did not think it advisable to interfere when it was impossible entirely to check. When public-houses are established, this illicit selling will of course be put a stop to.

7. The present police force at Kiandra consists of twelve men; for the next season ¹² there should be no less than thirty; of these, ten could be dismounted. A Station is being ³⁰ formed on the road between Kiandra and Tumut, which will be of great service, both as a Patrol Station and a halting place for the Escort.

8. Although not strictly a matter connected with my department, I would beg, in conclusion, to express an opinion that the appointment of a Police Magistrate at Tumut would be of great advantage.

I have, &c.,

P. L. CLOETE,
Commissioner in charge, Southern Gold Fields.

No. 17A.

COMMISSIONER CLOETE to SECRETARY FOR LANDS.

Gold Commissioner's Office,
Goulburn, 6 April, 1860.

SIR,

I do myself the honor to forward a Voucher for forty-six pounds ten shillings, which I expended at Kiandra in the erection of a bridge. An almost impassable bog and creek divided the principal stores and other places of business from the butchering establishments, and a large portion of the diggings, and caused such great inconvenience that I considered

Voucher sent to
Auditor General.

considered myself justified in at once having the bridge erected. The creek runs through the very centre of the diggings, and was with difficulty crossable even on horseback.

2. As this money has been drawn from the collections of Mr. Lynch, I should be obliged by its being placed to my account soon, in order that I can send him a cheque to balance his remittances.

I have, &c.,
P. L. CLOETE,
Commissioner in charge, Southern Gold Fields.

No. 18.

UNDER SECRETARY FOR LANDS to COMMISSIONER CLOETE.

*Department of Lands,
Sydney, 11 April, 1860.*

SIR,

With reference to your letter of the 6th instant, forwarding a Voucher for forty-six pounds ten shillings, expended by you in the construction of a bridge at Kiandra, I am directed to inform you that under the circumstances represented by you, the Finance Minister has been requested to place the amount to your credit in the Bank of New South Wales.

I have, &c.,
MICHL. FITZPATRICK.

No. 19.

TELEGRAM.

COMMISSIONER CLOETE to SECRETARY FOR LANDS.

Coulburn Station, 14 April, 1860.

"Just starting with Captain Zouch for Kiandra, *via* Cooma—shall be away three weeks."

No. 20.

UNDER SECRETARY FOR LANDS to COMMISSIONER CLOETE.

*Department of Lands,
Sydney, 18 April, 1860.*

SIR,

In acknowledging the receipt of your telegram, dated the 14th instant, respecting your departure, in company with Captain Zouch, for the Kiandra Gold Fields, I am directed by the Secretary for Lands to inform you, that in consequence of the peculiar and exceptional nature of these Gold Fields, it has been thought desirable by the Government to place the whole responsibility of their management, in every respect, upon one officer, including the responsibility of abandoning them or not during the winter, and of fixing the date of such abandonment.

2. This responsibility has been cast upon you, I am to add, and the police authorities have been directed to be guided in this respect by your instructions.

3. I am desired also by Mr. Secretary Robertson to state, that he has great confidence in placing this matter in your hands.

I have, &c.,
MICHL. FITZPATRICK.

COPIES of all Correspondence between Mr. Commissioner Cloete and Mr. Assistant Commissioner Lynch, from 1st January to 1st May, 1860, in reference to the Kiandra Gold Fields.

No. 1.

ASSISTANT COMMISSIONER LYNCH to COMMISSIONER CLOETE.

D. M. G. C. O., 18 January, 1860.

SIR,

I do myself the honor to report to you the discovery of a new Gold Field, situated in Gibson's Plains, or "Kiandra," about fifty miles north-east of Tumberumba, with steep mountain ranges and the Tumut River intervening, at the foot of a portion of the Snowy Mountains, and about forty miles south-east of Tumut, but over a mountain and severe country.

2. I do myself the honor to forward Mr. Sub Gold Commissioner Lynch's report of yesterday's duty. The description given of the country by that officer, I would suggest, is and can be only the description of others, as he has not visited it. I should pronounce it impossible to admit of many living there in the winter months, being difficult of access for supplies,

supplies, even by pack horse, and severe as Tumberumba is, it is trifling as compared with what Gibson's Plains must be.

3. I have the honor to very particularly urge upon your attention the 5th paragraph of Mr. Sub Gold Commissioner Lynch's letter, more particularly as if this portion of the Gold Fields be found steady, remunerative, that it will be, from its physical characteristics, a second "Omeo," that *refugium* of Victorian and New South Wales criminals.

4. I have further the honor to report that all necessary steps within my power have been taken to grant claims and adjust disputes between the miners prospecting and mining all about the part of the country indicated.

I have, &c.,
R. LYNCH, A.G.C.

No. 2.

COMMISSIONER CLOETE to ASSISTANT COMMISSIONER LYNCH.

Gold Commissioner's Office,
Goulburn, 26 January, 1860.

SIR,

I have made arrangements that the police force at Adelong shall be reinforced. I have therefore the honor to request that, as soon as possible after your arrival at the Gibson's Plains Gold Field, you will report to me the actual state of that digging, at the same time giving me such a description of its locality, describing the watersheds, &c., in order that it may be proclaimed. Should your report indicate a probability of this Gold Field lasting, I shall myself visit it, in order to make arrangements for the stations of a Commissioner there, and also providing for Escorts.

2. I have again urged on the Honorable the Secretary for Lands, the necessity for placing Sub Gold Commissioner Lynch in the Commission of the Peace. It would be advisable for you, in the first instance, to remain at Gibson's Plains whilst the rush continues. When Mr. Lynch is gazetted, he can relieve you until permanent provision can be made.

I have, &c.,
P. L. CLOETE,
Commissioner in charge.

No. 3.

ASSISTANT COMMISSIONER LYNCH to COMMISSIONER CLOETE.

D. M. G. C. O., 26 January, 1860.

SIR,

I do myself the honor of again addressing you on the subject of that recently opened portion of the country auriferously under my charge; I allude to Gibson's Plains, ^{Gibson's Plains or Kiandra.} or Kiandra, at the foot of the Snowy River, or head of the Marrumbidgee stream.

2. I am induced to this, finding that, from the most reliable information, an exodus is taking place from all other Gold Fields even into Victoria, all bound for the locality indicated, being about forty-eight (48) miles south-east of Tumut, and about fifty (50) north-east and by east of Tumberumba.

3. I further find that it will be necessary for me to proceed to the scene, and I have therefore arranged for the sending up for Mr. Lynch to accompany me on the journey. I am also compelled to draw every available man from every station in my charge, to do duty as a police force, and intend starting on Monday, the 30th instant.

4. I will forward, either from there or on my return, a full report on all subjects pertinent. I believe the population to be about seven hundred persons, many of them of very indifferent character.

5. I have the honor to forward Mr. J. Innes Lynch's report, which I request may ^{this report never} be returned. _{returned.}

I have, &c.,
R. LYNCH, A.G.C.

No. 4.

ASSISTANT COMMISSIONER LYNCH to COMMISSIONER CLOETE.

D. M. G. C. O., 29 January, 1860.

SIR,

I have the honor to acknowledge receipt of your letter dated 26th instant.

2. I do myself the honor to report that the population of Gibson's Plains, or Kiandra, is still daily increasing. I start thence at daylight to-morrow with a sergeant and four men. I have no reason for apprehending anything like disturbance or disorder.

3. I do myself the honor to forward you a small rough sketch, or tracing, which will, added to my previous information, give an idea of its locality. It is a very difficult country to be approached by heavy supplies, and under no circumstances can it be considered other than a summer diggings, as after the month of May snow storms prevail to such an extent

extent that human life would not be safe: thus from the end of November to May it might be practicable.

4. I do myself the honor to report that I see no present necessity demanding your presence. I have registered many of the Adelong claims, and under that protection the holders will return reinforced by an accession of capital.

5. I will with all possible dispatch forward you a detailed report from the spot.

6. I would further desire to state that supplies will best reach this Gold Field by Cooma.

I have, &c.,

R. LYNCH, A.G.C.

No. 5.

ASSISTANT COMMISSIONER LYNCH to COMMISSIONER CLOETE.

District of Maneroo,

Camp, Snowy River, 5 February, 1860.

SIR,

I do myself the honor to report my arrival on this Gold Field on the 1st instant, accompanied by Mr. Sub-Commissioner James I. Lynch, and a staff of police consisting of one sergeant and four men.

District
Maneroo.

2. That I find the waters on which the miners are congregated to be the eastern branch of the Snowy River, rising from springs about four miles south-east of my camp, and debouching into the Eucambene River, being about six miles in a southerly direction from the head of the Murrumbidgee River, with the great dividing range between.

£40 to £50.
£7.

3. That there are now on this Gold Field about fifteen hundred men as miners, all, more or less, able-bodied men, scattered over the river for a distance of about twelve miles; that the claims are extremely rich, and yield in many instances from forty to fifty pounds per week per man, and I have reason to believe in most instances not less than seven pounds per man for the six working days. Wages of hired men, of whom there are very few, as miners, from four to five pounds per week.

30 feet bed.
30 by 30 bank.

4. From the light character of the strippings and the shallow sinkings I have deemed it expedient, under the XXV. Clause of the Regulations, to divide the claims into bed and bank ones, giving thirty feet in length on the course of the river from bank to bank in one case, and thirty by thirty on bank areas, which I am happy in being able to report gives amongst the miners in the aggregate entire satisfaction, and that at these measurements Permits are being rapidly issued, and the innumerable instances of disputes, arising out of ground taken up in excess of all regulations or probable allowances on the part of the Government, being adjusted.

5. I am most happy in being able to report that I have found the population most orderly, considering its cosmopolitan character, and ready to yield to laws and regulations. I fully trust by the end of the ensuing week to have made all the grants, and placed the mining population in a sound working condition.

6. I would now do myself the honor to report, that I have every reason to believe, from facts with which I am surrounded and from my own observations, that this and the surrounding country abounds in gold, and that most extensive Gold Fields are but dawning on New South Wales, to prove the truth of data long since affirmed by the Rev. W. B. Clarke, as a geologist of unquestionable attainments, both in the eastern and western waters of the great dividing range, which would be the head of the Murrumbidgee River, Tantangra Creek, and the Snowy River and Eucambene.

7. As relates to this particular spot, I regret that I am not in a situation to report other than that it can only be viewed as a summer diggings, say from 1st December to the extreme end of March, before or after which it is unapproachable and uninhabitable, from snow and its heavy drifts rendering it, by the statements of the oldest surrounding inhabitants, impossible to establish anything nearer than twelve miles, where human life would be safe, which would be at or about a point known as Russell's Station, in a line of country between my present camp and Cooma, in a south-easterly direction.

8. Under these considerations, and the very advanced period of the present season, I feel it incumbent on me to refrain from suggesting or recommending to the Government the establishment of any special staff for duty here, whilst I am quite of opinion that next season it will be in every way requisite to afford a resident Commissioner, armed with magisterial powers, and aided by ample police protection, under properly organized arrangements of accommodation for both himself and men, when a proper auriferous survey of the country should be made and published, believing, as I do, that there is a payable area for from twenty-five to thirty thousand miners.

9. From the sudden rush which has taken place hither, I regret to state that those now congregated are very indifferently supplied either with food or tools, although I believe that the best possible arrangements are being made for both by storekeepers of enterprise, both on the Cooma and Tumut side, the former affording a good road until within twelve miles, from whence pack horses and mules are being used. There are two stores already established; one by the indicators, Messrs. Pollock, the other by Mr. Chippendale, who retails meat of good character at fourpence per pound, and flour at ninepence per pound, but the latter very difficult to obtain.

10. On the whole, I believe that this season, if the miners do not rashly attempt staying into too advanced a period, will be successfully passed over, and as the land is not leased

leased or in the occupation of any squatter, I will take another opportunity of forwarding boundaries for proclamation, to be published, rendering the country around a proclaimed gold field.

11. Labouring as I do under very considerable difficulty in forwarding any despatch, I trust that any delay in this reaching you for the information of the Executive, may be pardoned, while

I have, &c.,

R. LYNCH,
A. G. C.

No. 6.

HERE in the Correspondence occurs a break, and for the following reasons:—

About the end of February, 1860, Mr. Assistant Commissioner Lynch addressed a despatch to Mr. Commissioner Cloete, pointing out in detail all that he considered necessary to meet the exigencies of the still growing population, and the probable difficulties of the coming winter, suggesting snow posts and many other matters. This letter was sent to Mr. Cloete, but at the time of its being posted at Tumut, that gentleman had left Goulburn for Tumut and Kiandra, and obtained from Mr. Crown Lands Commissioner Lockhart, in the absence, at Kiandra, of Mr. Lynch, the rough copy ere it had been entered in the letter book, he (Mr. Cloete) promising to return it on its being carefully perused. This has never been done, consequently no record of the document exists in this office, Mr. Cloete having both the copy addressed and posted to him, as also the original.

No. 7.

ASSISTANT COMMISSIONER LYNCH to COMMISSIONER CLOETE.

D. M. G. C. O., 23 March, 1860.

SIR,

I do myself the honor to report my departure from Kiandra Gold Field on the 19th instant, with the escort, bearing gold as in margin, and at that time leaving Mr. Lynch ^{5,160 oz. 11 dwts.} in charge, with a prisoner—George Walker—committed to take his trial, charged with robbery ^{5 grs.} from the person of William Thorpe in broad day, and opposite and in sight of the Government camp, at that time leaving, as a police force, Sergeant Gibson, Trooper Morris, and three dismounted men, with a daily increasing criminal population, as well as a general one.

2. On the following morning Mr. Sub-Commissioner Lynch felt it necessary to despatch two men, Levi and Conway, to escort him to Tumut, under which abridged force two delinquents being, on Wednesday, the 21st instant, about 8 in the evening, arrested by the mob, they proceeded to execute Lynch law upon them, some exclaiming "hang them"—others, "cut their ears off;" and ultimately shaving their heads, during which process, and with some difficulty, they were rescued by the few remaining police, their lives being preserved. ^{About 100 persons.}

3. As a result, the more respectable portion of the population have called and had a meeting, forming themselves into a Vigilance Committee, many, I am informed, taking up the duty of special constables.

4. Under such a state of matters I have deemed it my duty to order every available man in the police force out to Kiandra, and to proceed there again myself in the morning.

5. I further deem it my duty to urge upon you the necessity of recommending immediately the appointment of a Police Magistrate for duty at Kiandra, as the criminal business has so materially increased as to render it impossible the combined duties can be performed in anything like efficiency by the Gold Commissioner. In short, larceny and robbery from the person are rife, and of daily as well as nightly occurrence, requiring and urgently demanding not only such an officer, but a considerable accession of police force, both mounted and dismounted.

6. I would also desire to report that from the continued fine weather persons are now fully determined on remaining, if not the entire winter, at least far into the season, and talk of memorializing the Government for police, all the year, in which case volunteers would have to be drawn should the Government yield to the request.

7. I beg finally to impress on your attention that such is the rapid accession of bad characters from Victoria, since your departure, that I cannot answer for what turn crime may take, if not met by proper means for its repression, and an immediate raid made against them.

I have, &c.,

R. LYNCH, A.G.C.

No. 8.

ASSISTANT COMMISSIONER LYNCH to COMMISSIONER CLOETE.

D. M. G. C. O., 7 April, 1860.

SIR,

I do myself the honor to report the condition of the Kiandra Gold Field up to the 31st March in this year.

2. I first do myself the honor to report my return from Kiandra on the 2nd instant, arriving with the escort here on the evening of the 3rd. At this time the miners were quiet, there being about three thousand on Kiandra, and as many more in several rushes, particularly one now known as "Scott's Creek" about nine miles south-west of the present Government camp.

3. There are also about one thousand people at and about the head of the Tumut River, and the remainder in scattered positions.

4. There are now numbers leaving Kiandra, some to winter at Adelong and Tumberumba, where again both myself and Mr. Sub-Commissioner Lynch's presence are respectively required; others to seek winter quarters in a more hospitable climate, and to be contiguous to the Snowy River Gold Fields in the early part of the next ensuing season, when a very large population may be expected, and arrangements officially and efficiently made in due time for their reception.

5. I would strongly and immediately recommend that the following arrangements be made for the formation of a Town and Village Reserves on this extension, where already formed under past surveys, on the road between Tumut and the Kiandra Gold Field:—

Blowering.
Talbingo.

1. A small reserve at or about Blowering, ten miles from Tumut.
2. A similar one in the One Mile Reserve at Talbingo, now a one mile reserve, which is twenty-two miles from Tumut, and twelve from Blowering.
3. At Yarrangobilly again, thirty-four from Tumut, and fifteen from Talbingo, there being nothing again between Yarrangobilly and the Snowy River, a distance of twenty-two miles, unless solitary houses of accommodation were encouraged and licensed at suitable spots on the Long Plain, a distance of fifteen miles from the Camp.

Yarrangobilly.

6. I would, on the road between Cooma and the Gold Field of Kiandra, also strongly recommend the following:—

Cubmurra.

1. At Cubmurra, the stations of Mr. Russell, one of the eight years' leases which expired on the 1st of January, 1860, I would certainly suggest a township being laid off, and every encouragement given to storekeepers and traders, as also to licensed publicans for inns.

Adaminaby.

2. At Adaminaby I would recommend a very extensive reserve being made of the vast plain existing, thus affording some of the finest land in the Colony for farms and arable purposes.

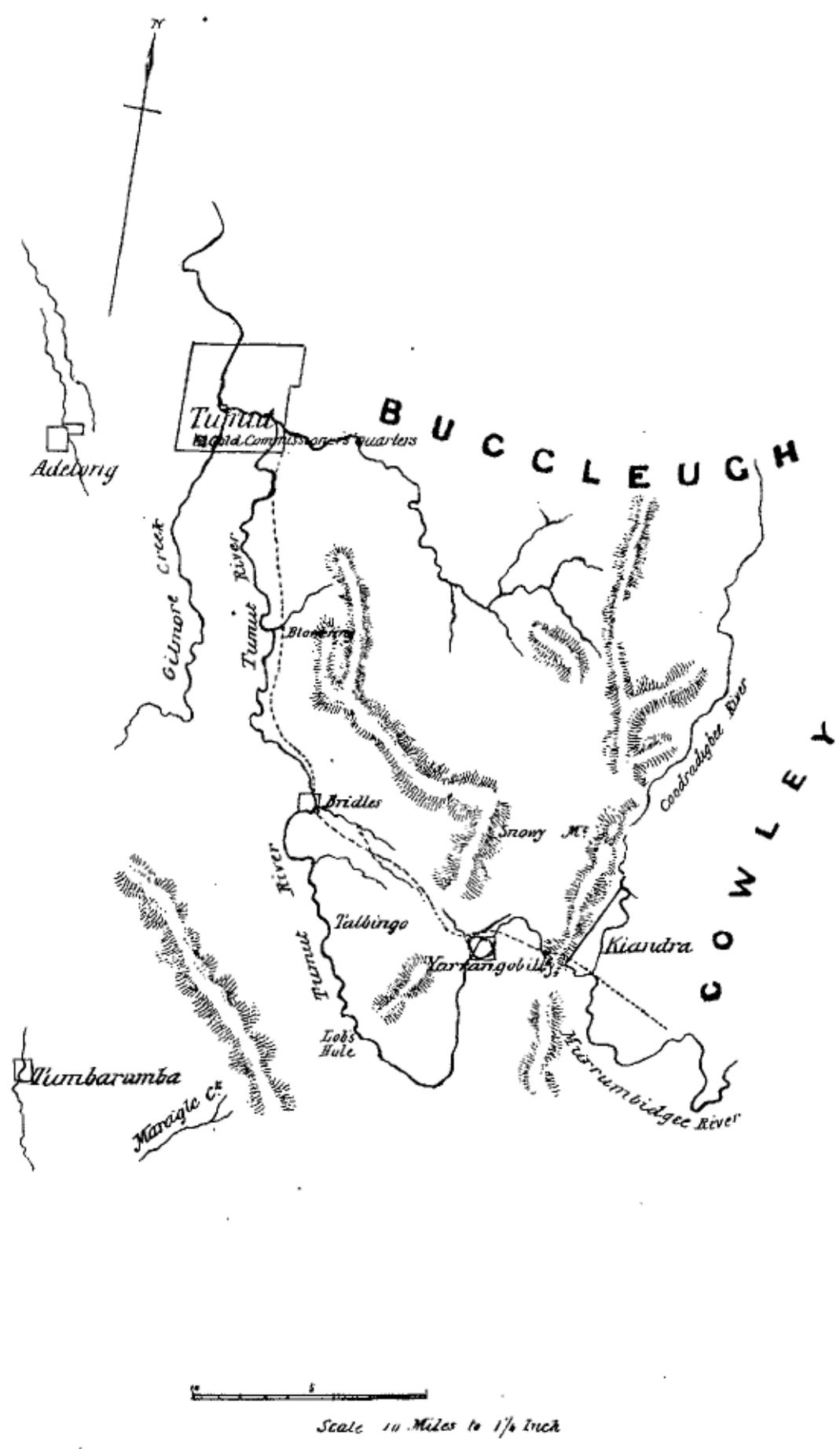
7. I have now every reason for thinking that a large proportion of the population will endeavour to winter at and about Kiandra, and that the entire country, between Tumut and that place, as also on the other side, will be prospected, and extensive fields for mining enterprise opened up by the opening of the season 1860 and 1861.

I have, &c.,

R. LYNCH, A. G. C.

APPENDIX

Tracing made
from Rough Plan attached
to letter 60/1000.



(Sig. 244)

1861.

NEW SOUTH WALES.

AUSTRALIAN MUSEUM.

(REPORT FROM TRUSTEES.)

Presented to both Houses of Parliament, by Command.

REPORT OF THE TRUSTEES OF THE AUSTRALIAN MUSEUM, FOR THE
YEAR ENDING 31 DECEMBER, 1860.

To HIS EXCELLENCY THE GOVERNOR GENERAL,
&c., &c., &c.

1. The Trustees of the Australian Museum have the honor to submit to your Excellency this their Seventh Annual Report.

2. The Museum has been open to the public daily, during the past year, and has been visited by 11,800 persons.

3. The Trustees have continued to foster a system of exchange with the leading foreign Museums, and to lay the foundation for an extended and continuous interchange of specimens from different parts of the globe. The importance and economy of this mode of enriching the collection of any Museum is sufficiently evident, but is calculated to be doubly advantageous in a country like New South Wales, the natural history of which is by no means fully investigated, or efficiently represented in many European and other Museums of long standing.

4. In exchange for specimens previously forwarded, the Trustees have received the following from foreign Museums, during the past year:—

From the Royal and Public Museum at Copenhagen:—84 species of crustacea; 47 species of echinodermata; 391 species of mollusks; and 70 specimens of ancient Scandinavian weapons, tools, and utensils, indicating a period prior to the discovery of iron in those regions.

From the South African Museum, Cape Town:—42 skins and 2 skulls of mammals, (32 species); and 200 skins of birds, (103 species.)

From the Museum of Natural History at Hamburg:—50 specimens of African reptiles.

From the Museum at Santiago de Chili:—58 skins of large birds, and 76 species of mollusks.

5. Numerous donations have been received during the year, a list of which, with the names of the donors, is appended. (*Appendix No. 2.*)

6. Some valuable donations of books have been added to the library, amongst which are 22 vols. of the *Catalogue Raisonné* of the Hunterian Museum, presented by the Council of the Royal College of Surgeons of England, containing much information, and numerous plates of the highest scientific value.

7. The whole of the books selected and purchased by Professor Owen, George Macleay, Esq., and Dr. Bennett, for the Museum, have been received. This collection consists of 382 volumes of great value and interest. A list of them is appended. (*Appendix No. 3.*)

8. The Trustees have to acknowledge a liberal grant from the Legislature to secure the services of a gentleman, as Curator, possessed of the scientific knowledge necessary for the classification and arrangement of the continually increasing collection of specimens. They placed the selection of this gentleman in the hands of Professor Owen and George Macleay, Esq., who secured the services of S. R. Pittard, Esq., a gentleman highly recommended, and possessing considerable scientific reputation. Mr. Pittard arrived in the early part of last year, and immediately entered upon his duties.

9. With the object of rendering the Museum as much as possible a centre of education in the science of natural history, the arrangement with Mr. Pittard included the delivery of such lectures connected with this branch of study as the Trustees might from time to time deem desirable. In pursuance of this plan a highly interesting and instructive course of lectures on Zoology has been delivered in the Board Room of the Museum, and was attended by as many persons as could be provided for—indeed it was necessary to stop the issue of tickets of admission in consequence of the limited accommodation at the command of the Trustees. As soon as the classification and arrangement of the specimens in the Museum are sufficiently advanced, it is intended to resume the system of giving periodical courses of lectures on suitable subjects.

10. A Sub-Curator of considerable practical experience in natural history has also been appointed, who takes an active part in the general duties of the institution.

11. Two experienced taxidermists have been occupied during the year in preparing, preserving, and mounting specimens.

12. Besides numerous specimens of the class Reptilia, Mr. Krefft, the Sub-Curator, has collected about 2,000 insects, including 300 species.

13. It is interesting to observe that a limited, but increasing, number of young men habitually visit the Museum, as persevering students in the branches of science illustrated by its collections.

14. It is with the deepest regret that the Trustees have to record the resignation of the late Governor General, His Excellency Sir W. T. Denison, K.C.B., as an elective Trustee, to whose indefatigable exertions and truly scientific mind the Australian Museum has been and must always remain under the deepest obligations. The Trustees have also to record the resignation of Alfred Denison, Esq., and Professor Smith as elective Trustees of the Museum, and the election of John Hay, Esq., and George Bennett, Esq., M.D.

15. A collection consisting of 38 specimens of Australian Woods, received from the Deputy Master of the Mint, has been placed in the Museum, together with specimens of the leaves, flowers, and seeds of the trees. It is intended to enlarge this collection as soon as possible.

16. The Legislature having placed the sum of £200 in the hands of the Trustees for the purchase of ores, minerals, and fossils, they have ordered a collection of numerous specimens, which, it is anticipated, will form a complete educational series.

17. Whilst using their best endeavours to enlarge the collections for the Museum as much as possible on the principle of exchange, the Trustees do not fail to purchase such specimens from time to time as appear desirable.

18. The urgent requirements for additional buildings and space for the rapidly increasing and valuable collections of the Museum have been brought under the notice of Government in the Reports for the years 1857, 1858, and 1859. We have only now to state that the experience of the past year has rendered these requirements painfully evident. A rapidly increasing Museum should always possess a large space for the immediate and efficient arrangement of newly acquired specimens; but this is more especially felt when large acquisition arrive from other Museums, a considerable porportion of which could at once be catalogued and exhibited, if the necessary space existed.

19. As an illustration of the necessity for such increased accommodation, we may this year again mention, that the Museum is possessed of a most valuable collection of geological casts, presented by the Trustees of the British Museum, which are necessarily stowed away in the underground collars, and are daily suffering from damp, while the public are deprived of the benefit to be derived from their exhibition.

20. Appendix No. 1 contains an abstract of the receipts and payments of the Trustees, on behalf of the Museum, for the year ending December 31, 1860.

21. Appendix No. 2 contains a list of the various donations during the same year with the names of the donors.

22. Appendix No. 3 contains a list of books purchased for the Museum Library.

23. Appendix No. 4 is a condensed statement of the specimens which cannot be exhibited for want of space.

24. The Trustees have the honor to submit this their Report for the year one thousand eight hundred and sixty, and in testimony thereof have caused their corporate seal to be hereunto affixed this twenty-eight day of February, one thousand eight hundred and sixty-one.

(L.S.) E. DEAS THOMSON,

Chairman.

By Order of the Trustees,

S. R. PITTARD,

Secretary.

APPENDIX No. 1.

CURRENT EXPENDITURE of the Trustees of the Australian Museum, during the year 1860.

1860.		£	s.	d.	1860.		£	s.	d.
Jan. 5.	To balance from last year.	372	3	8	By Salaries during the year	1,126	8	10	
Jan. 13	„ Cash from Colonial Treasury	250	0	0	„ Requisites for Taxidermist's department	72	15	11	
Feb. 10	„ Do. do.	33	6	8	„ Purchase of specimens	35	0	0	
Mar. 12	„ Do. do.	172	0	10	„ Carpenters' and Turners' work	15	12	9	
April 19	„ Do. do.	250	0	0	„ Contingent expenses, carriage, freight, &c.	72	5	3	
July 16	„ Do. do.	250	0	0	„ Keeping grounds in order	25	0	0	
Oct. 5.	„ Do. do.	250	0	0	„ Stationery, printing, postage, advertising..	47	14	6	
					„ Ironmongery	19	9	4	
					„ Mr. Pittard's passage-money	107	10	6	
					„ Purchase of Goniometer	6	0	0	
					„ Wood, coal, &c.	20	14	0	
					„ Balance	29	0	1	
1861.		1,577	11	2					
Jan. 1.	To Balance	29	0	1		1,577	11	2	

APPENDIX No. 2.

DONATIONS TO THE AUSTRALIAN MUSEUM, DURING THE YEAR 1860.

MAMMALIA.	PRESENTED BY
A Puppy with the hind limbs double.....	Dr. Alloway.
An Australian "Native Dog" (<i>Canis dingo</i>)	Mr. George Brown.
A Flying Fox (<i>Pteropus poliocephalus</i>)	Master Edwin Humphrey.
Twelve specimens of European Mammalia, in spirits of wine, and 9 skins	Mr. Gerard Krefft.
A Malformed Calf	Mr. Richard Carter.
An <i>Acrobates pygmaeus</i>	L. H. Sibthorpe, Esq.
The Skull of a White Newfoundland Porpoise.....	Capt. Bell.
An Indian Antelope, and two Indian Axis Deer (<i>Axis porcinus</i>)	His Excellency Sir W. T. Denison, K.C.B.
An <i>Ornithorhynchus paradoxus</i>	Mr. Rolls A. Cape
An <i>Acrobates pygmaeus</i>	The Rev. G. E. Turner.
An Albino Opossum (<i>Phalangista vulpina</i>)	S. M. Pears, Esq.
A Lap-eared Rabbit	Mr. Baxter.
A Spiny Echidna (<i>Echidna hystrix</i>)	Mrs. Brooks.
A <i>Dasyurus vicerrinus</i>	Mr. Henry Newman.
A <i>Dasyurus vicerrinus</i>	Mr. Henry Lee.
A Black Wallaby (<i>Halmaturus ulabatus</i>)	Edward Hill, Esq.
A Spiny Echidna (<i>Echidna hystrix</i>)	G. B. Suttar, Esq.
Two specimens (male and female) of the Rabbit Rat (<i>Perogallica lagotis</i>)	George French Angas, Esq.
A White-bellied Beaver Rat (<i>Hydromys leucogaster</i>)	Archibald Campbell, Esq.
A Female Kangaroo (<i>Macropus major</i>)	Mr. Holroyd.
A Hair Ball from the Stomach of an Ox	Mr. J. Barker.
A Hair Ball from the Stomach of a Calf	E. W. Dobson, Esq.
A Gall Stone and portion of Rhinoceros Skin	Mr. W. Griffiths.
AVES.	
A Black Swan (<i>Cygnus atratus</i>)	His Excellency Sir W. T. Denison, K.C.B.
An <i>Aprosmictus scopulatus</i>	Mr. W. Beaumont.
A large species of Duck (<i>Anas?</i>)	Mr. George Frost.
An <i>Eurostopodus albigularis</i>	His Excellency Sir W. T. Denison, K.C.B.
A Pheasant (<i>Phasianus</i>)	Alfred Roberts, Esq.
An English Blackbird (<i>Turdus merula</i>)	Mr. Gerard Krefft.
A Pennant's Parrakeet (<i>Platycercus Pennantii</i>)	The Honorable Mrs. Hope.
A collection of Eggs of European Birds (50 species), and 36 skins of European Birds	Mr. Gerard Krefft.
A South Sea Island Parrot (<i>Psittacus</i>), and a Tui or Parson Bird (<i>Procthyadon Nova Zeelandiae</i>)	Mr. Gerard Krefft.
Two specimens, male and female, of the European Bustard (<i>Otis tarda</i>) ..	Mr. Peter Emery.
A Pelican (<i>Pelecanus e. aspericollatus</i>)	E. A. Dunn, Esq.
A Green Mountain Dove (<i>Ptilinopus</i>)	Master Louis E. Dillion.
An Owl (<i>Athena maculata</i>)	His Excellency Sir W. T. Denison, K.C.B.
A Chinese Quail (<i>Coturnix Chinoensis</i>)	Master James Nelson.
An Owl (<i>Athena Boobook</i>)	Mr. W. Beaumont.
A Musk Duck (<i>Biziara lobata</i>)	Master A. Boyd.
A Brown Hawk (<i>Jeroides borrigora</i>) Egg of <i>Tetrax cinereus</i>	Mr. Buchanan.
A Blue Crane (<i>Ardea Nova Hollandiae</i>)	Mr. George Buchanan.
A Lyre Bird (<i>Miura alpeba</i>)	Master A. Boyd.
Nest and Eggs of the Red-capped Robin (<i>Petroica Goodenii</i>), and an Australian Pipit (<i>Anthus Australis</i>)	Mr. Turner.
A Crossbill (<i>Loxia curvirostris</i>)	Mr. Beaumont.
A Giant Petrel (<i>Procellaria gigantea</i>)	Mr. O'Brien.
Three Peacocks (<i>Pavo cristatus</i>)	Master A. Boyd.
A Frontal Shrike Tit (<i>Talanculus frontatus</i>)	
A Yellow-tufted Honey-eater (<i>Ptilotis auricornis</i>)	
A Spotted-sided Finch (<i>Arremonia Lathamii</i>)	
A Bronze-winged Pigeon (<i>Pterosternus chalcoptera</i>)	
A Yellow Bunting (<i>Empidonax citrinella</i>)	
A Wonga Wonga Pigeon (<i>Leucosarcia picta</i>)	
A Tern (<i>Sterna</i>)	
A White Hawk (<i>Ictus Nova Hollandiae</i>)	
The Egg of a <i>Menoponius</i> , from New Georgia	
Two Eggs of the Pink-headed Dove (<i>Ptilinopus Eromanga</i>)	
A pair of Musk Ducks (<i>Biziara lobata</i>)	
A Diamond Bird (<i>Pardalotus punctatus</i>)	
A Great-winged Micaea (<i>Microeca macroptera</i>)	
A New Holland Honey-eater (<i>Meliphaga Nova Hollandiae</i>)	
A Yellow-breasted Robin (<i>Eopsaltria Australis</i>)	
Nest and Eggs of the White-eyebrowed Spinbill (<i>Acanthorhynchus superciliosus</i>)	
Two specimens of the Pheasant Cuckoo (<i>Centropus phasianus</i>)	
A Black Duck (<i>Anas superciliosa</i>), and an Australian Bustard (<i>Otis Australasianus</i>)	
A Tawny-shouldered Podargus (<i>Podargus humeralis</i>)	
A Land Rail (<i>Rallus pectoralis</i>)	
A Tree Martin (<i>Collocalia arborea</i>)	
A Cormorant (<i>Phalacrocorax sulcirostris</i>)	
Nest and Egg of a Yellow Robin (<i>Eopsaltria Australis</i>)	
An Oyster-catcher (<i>Haematopus fuliginosus</i>)	
A Spur-winged Plover (<i>Lobivanellus lobatus</i>)	
A Snipe (<i>Scolopax Australis</i>)	
A Sacred Kingfisher (<i>Haleyon sanctus</i>)	
An <i>Acanthisia</i> , a <i>Sericornis</i> , and a <i>Halcyon sanctus</i>	
A Yellow-spotted Plover (<i>Charadrius xanthocheilus</i>)	

A male

AVES—continued.

PRESENTED BY

A male and female "Monaul" or Indian Pheasant (<i>Lophophorus impeyanus</i>)	Miss Lucy Denison.
A "Kagu" or New Caledonian Heron, from New Caledonia	Mons. Emile Deplanche.
Skulls of Australian Birds	J. Wilcox, Esq.
Two young Brown Hawks (<i>Jeracidea berigora</i>)	Master George Hooper.
Nest and Eggs of a Wren	Master James Bray.
A Musk Duck (<i>Biziura lobata</i>)	George F. Angus, Esq.
A Collection of Humming Birds	Mr. Thomas Barker.
Four specimens of the Red-capped Lorikeet (<i>Tricoglossus pusillus</i>)	} Master Ernest Gordon.
One specimen of the varied Graculus (<i>Graculus mentalis</i>)	
Two specimens of the Tawney-shouldered Podargus (<i>Podargus humeralis</i>)	Mr. H. Furze.
A Crested Goatsucker (<i>Egochelus Novæ Hollandiæ</i>)	Mr. James Fowles.
A Malformed Duck	Mr. Thomas Mayhew.
A Yellow-spotted Plover (<i>Charadrius xanthocheilus</i>)	Mr. R. Bransby.
A Black-throated Grèbe and egg (<i>Podiceps gularis</i>)	Mr. E. Peck.
A Black-throated Grèbe (<i>Podiceps gularis</i>)	Master A. Boyd.
A New Holland Darter (<i>Plotos Novæ Hollandiæ</i>)	Dr. R. Montgomerie.
A Malformed Chicken	Mr. Henry Smith.
A Malformed egg of a Domestic Fowl	Mr. John Noray.
A Black-fronted Flycatcher (<i>Monarcha trivirgata</i>)	} Mr. E. Waller.
A Chestnut-breasted Finch (<i>Donacola castaneothorax</i>)	
A Rufus-headed Warbler (<i>Cisticola ruficeps</i>)	

REPTILIA.

An <i>Emys longirostris</i>	Captain Dunning.
A <i>Varanus australis</i>	Master A. Dorsey.
A Brown Snake	Mr. G. T. Nicholls.
A <i>Phyllurus</i>	Mr. George Palmer.
A Diamond Snake (<i>Morelia spilotis</i>), and a Black Snake (<i>Trimerisurus porphyricus</i>)	Master Stokes.
A <i>Varanus australis</i>	Mr. Joseph Douglas.
An <i>Amphisbæna</i> and a <i>Batrach</i>	Francis O'Brien, Esq.
A Diamond Snake (<i>Morelia spilotis</i>)	A. D. Gordon, Esq.
A Brown Snake	W. S. Macleay, Esq.
A Sea Snake (<i>Pelamis</i>)	Master Thomas O'Brien.
A Sea Snake (<i>Pelamis</i>)	Mr. John Isaacs.
A Gecko (<i>Phyllurus</i>) and an <i>Amphisbæna</i>	Mr. P. L. C. Shepherd.
Eleven species of European Reptiles	Mr. Gerard Krefft.
Three specimens of <i>Pelamis bicolor</i>	} Master Charles W. H. Wren.
Five specimens of <i>Hydrophis spiralis</i>	
A <i>Bipes lepidopus</i>	Dr. Greenup.
A Lizard	} Alfred Roberts, Esq.
A collection of the pre-maxillary bones of the principal Australian Serpents	
Three specimens of <i>Amphisbæna</i>	Mr. P. C. L. Shepherd.
A Gecko (<i>Phyllurus</i>)	Mr. Ed. P. Ramsay.
A Snake Skin or Mould	Mr. Horatio S. N. Tozer.
Two Diamond Snakes (<i>Morelia spilotis</i>)	Dr. Nathan.
Two Sea Snakes (<i>Hydrophis</i>), and a Turtle from the egg	Mr. S. Gray.
A Diamond Snake (<i>Morelia spilotis</i>)	Mr. John Meares.
A <i>Lialis</i>	Adam Ward, Esq., M.R.C.S.
A Lizard	Master Alf. Pittard.
A Green Tree-snake	Alf. Roberts, Esq.
A Lizard, and specimens of Batrachian Reptiles	Mr. Henry McIntosh.
A Diamond Snake (<i>Morelia spilotis</i>)	Master A. Boyd.
A Sleeping Lizard (<i>Hemiodia Gerardii</i>)	Mr. Bernard.
A Sea Snake (<i>Hydrophis</i>)	Sir Charles Nicholson, Bart.
A Sleeping Lizard (<i>Hemiodia Gerardii</i>)	Edward Goodard, Esq.
A Black Snake (<i>Trimerisurus porphyricus</i>)	Master Hughes.
A Monitor Lizard	Master Mitchell Boyd.
A Diamond Snake	Master R. Meredith.
A Gecko (<i>Phyllurus</i>)	Master Fitzhardinge.
A Collection of Australian Reptiles:—35 Snakes (10 species); 20 Frogs and Toads (8 species); and 25 Lizards (10 species)	Mr. Gerard Krefft.
Two Diamond Snakes (<i>Morelia spilotis</i>)	Edward Hill, Esq.
A large Lizard of the genus <i>Hatteria</i> (a new species), from North Australia	Mr. H. Richards.
A Brown Snake	Mr. Henry Thomas, V.R.
A Sleeping Lizard (<i>Hemiodia Gerardii</i>)	Mr. Macslean.
A Fresh-water Tortoise	Rev. J. Hannay.
Specimens of Batrachian Reptiles, and a Death Adder (<i>Acanthophis Brownii</i>)	Mr. Edward Du-mel.
A <i>Lialis</i>	Mr. John Kallehar.
A Diamond Snake (<i>Morelia spilotis</i>)	Mr. James Buchanan.
A Collection of Indian Serpents (13 species), from the Island of Ceylon	William Henry Addis, Esq.
A <i>Lialis</i> (<i>Lialis Burtonii</i>)	Mr. Hall.
A Lizard	Mr. William Bray.
A Brown-headed Snake	Mr. Macslean.
A Sea Snake (<i>Hydrophis</i>)	W. S. Macleay, Esq.
A True Frog	Mr. O. Rietman.
A Monitor	Mr. James Buchanan.
A Death Adder (<i>Acanthophis Brownii</i>)	Mr. John Olliffe.
A Diamond Snake (<i>Morelia spilotis</i>)	Mr. John Cunwell, R.A.

PISCES.

An <i>Ostracion</i>	J. A. Kingsmill, Esq.
Snout of a Sawfish (<i>Pristis serratus</i>)	Mr. Cameron.
Jaws of a small Shark (<i>Carcharias</i>)	Mr. Joseph Israel.
An <i>Anphidotus</i>	Thomas Lawry, Esq.
A <i>Rhinobatus</i>	William Macleay, Esq., M.L.A.
A small Shark	Mr. Josephson.
Two Fishes from the South Sea Islands	Mr. Waybrow.
A Pipe Fish (<i>Fistularia</i>)	Mr. Jacob Cantor.
A <i>Fistularia</i>	Mr. Joseph Ablet.

A Shark

PISCES—continued.		PRESENTED BY
A Shark (<i>Carcharias</i>)		W. S. Macleay, Esq.
A <i>Petrolon</i>		Thomas Wilson, Esq.
An <i>Ostracina</i>		Mr. Samuel Congdon.
A Sunfish (<i>Zoos</i>)		Mr. J. Fitzhardinge.
A Coffinfish (<i>Ostracina</i>) and a Cowfish		Mr. Rars.
An Eel (<i>Muraena</i>)		Mr. S. Gray.
A Sea Horse (<i>Hippocampus</i>)		Miss Hawkins.
Two fresh water Fishes		Capt. Wilson.
Eggs of the Shovel-nosed Shark		Mr. W. Cuzens.
A Torpedo		Master Thomas Burnell.
An Eel (<i>Muraena</i>)		Mr. George Coleson.
A Sea Horse (<i>Hippocampus</i>)		Master W. J. Dickson.
A <i>Syngnathus</i>		The Misses Scott.
An <i>Ostracina</i>		Mr. Perrott.
Twenty Fishes from New Caledonia		W. S. Macleay, Esq.
A <i>Diodon</i>		Mr. Goldsmith.
Jawbones of a <i>Sphyrapet</i>		Mr. Thomson.
MOLLUSCA.		
Eggs of a large Land Shell (<i>Achatina granulata</i>), from South Africa		George F. Angas, Esq.
Shells from Moreton Bay		Capt. O'Leilly.
Shells from Macquarie Fields (<i>Helix, Vitrina</i>)		Mr. Edward P. Ramsay.
Three specimens of <i>Pulsadina</i> from Botany		Mr. Adam Becker.
Shells from Port Jackson		{ His Excellency the Govern- { or General, Sir W. T. { Denison, K.C.B.
Two specimens of <i>Murex</i>		Master A. Boyd.
A collection of Shells from the Coral Sea and the N. W. Coast of Australia		Lieutenant Ouslow, R.N.
Fresh Water and Land Shells from Glenmore (<i>Helix, Physa, Lymnaea</i>)		Miss Noble.
A collection of Mollusks from Port Jackson		The Misses Scott.
A <i>Nautilus</i> from Feejee		Capt. Rachen.
A collection of Fresh Water and Land Shells (<i>Physa, Cyclostoma, etc.</i>)		Mr. Edward P. Ramsay.
A collection of Shells from Twofold Bay		Mr. Keon.
A collection of Shells from Newcastle		Miss Allen.
A collection of Shells from Anatam		Capt. Weiss.
A collection of Shells from Edward's Bay		Mr. Strong.
Specimens of <i>Turricata</i>		Mr. Turner.
Two specimens of <i>Harpa</i>		Mr. Unwin.
A collection of Land Shells from the Philippine Islands (<i>Cyclostoma, Helix, Bulimus</i>)		Mr. T. J. Stockes, junior.
A collection of Shells		Mr. Robert M'Intosh.
A collection of Shells from New Caledonia (<i>Pisna, Perna, Strombus</i>)		{ His Excellency Sir W. T. { Denison, K.C.B.
A <i>Nudibranchiate</i> Mollusk		Master Alf. Pittard.
Two Shells, <i>Triton</i> and <i>Mitra</i> , from New Caledonia		Mr. A. Brown, junior.
Fresh Water Shells (<i>Cyprina</i>), from the Bell River		Mr. Edward P. Ramsay.
Two Specimens of <i>Helix</i> and two Specimens of <i>Bulimus</i> , from the Solomon Islands		Mr. Thomson.
Three species of <i>Helix</i>		Mr. E. Waller.
"Bone" of an unusually large Cuttlefish		John Carter, Esq.
CRUSTACEA.		
A <i>Neptunus pelagicus</i>		Master Rowland Hill.
Two Prawns (<i>Palaemon</i>)		A. W. Scott, Esq., M.L.A.
A <i>Neptunus pelagicus</i>		Master T. Murphy.
A <i>Neptunus pelagicus</i>		Mr. Charles Nealds.
A small Crab (<i>Holurus</i>)		Mr. W. H. Hill.
Specimens of <i>Estuariastraea</i> , from the Namoi River		{ His Excellency Sir W. T. { Denison, K.C.B.
A Hermit Crab		Mr. E. B. Jones.
A Murray River Lobster (<i>Potamobius</i>)		George F. Angas, Esq.
ARACHNIDA.		
Two Spiders		Mr. P. L. C. Shepherd.
Specimen of Yellow Spiders Web resembling Silk		Mr. J. P. Durham.
INSECTA.		
138 Lepidopterous Insects, from Malta, &c.		George F. Angas, Esq.
A Caterpillar of a large <i>Cossus</i>		Master Rac.
55 Coleopterous Insects		John J. Wilcox, Esq.
A <i>Scarabaeus</i>		Mr. Richard Craeknell.
A <i>Sphinx Australasicus</i>		Mr. H. Milner.
A Mantis (<i>Bacillus</i>)		Mr. H. Hall.
A Mantis (<i>Bacillus</i>) and a Hornet (<i>Vespa</i>)		Mr. P. L. C. Shepherd.
A Mantis (<i>Bacillus</i>)		Thomas Lawry, Esq.
Four specimens of <i>Meloe</i> , from Germany		Mr. Adam Becker.
Specimens of <i>Hepialus</i>		Mr. P. C. L. Shepherd.
Four specimens of <i>Lepidopterous</i> Insects		Miss Norton.
A <i>Saturnia</i>		Mr. William Staunford.
Specimens of <i>Dipterous</i> Insects		Mr. H. Schrader.
A collection of <i>Lepidopterous</i> Insects, and Specimens of the Australian Glowworm		A. W. Scott, Esq., M.L.A.
A Moth (<i>Saturnia</i>)		Mr. J. H. Johnson.
A collection of <i>Coleopterous</i> Insects		Miss Hannah M'Intosh.
Specimens of <i>Lepidoptera</i>		Mr. W. P. Sullivan.
A collection of <i>Coleopterous</i> Insects		Mr. Henry M'Intosh.
An Ant's Nest		Rev. J. Hannay.
A <i>Chrysalis</i>		Master A. Pittard.
A Wasp		Rev. J. Mitchell.
A <i>Lepidopterous</i> Caterpillar		Master Bray.
Thirteen Specimens of <i>Lepidoptera</i>		Mr. E. Waller.
Two Specimens of <i>Coleoptera</i>		
A collection of <i>Coleopterous</i> Insects, also, <i>Hymenoptera, Diptera</i> , and <i>Hemiptera</i>		Mr. Ed. Daniel.
A collection of Insects, <i>Coleoptera</i> and <i>Othoptera</i>		Masters F. and A. M'Intosh.
MYRIAPODA		

	PRESENTED BY
MYRIAPODA.	
A large Centipede	Master George Tibbey.
CIRRIPIEDIA.	
A group of Barnacles	Mr. Cahill.
RADIATA.	
A specimen of White Coral from Ovalau, Feegee Islands	Cæsar Godeffroy, Esq.
A Star-fish	Mr. Fitzhardinge.
An Echinus.....	Master Aug. Grosbend.
AMORPHOZOA.	
A collection of Sponges from Bellambi	Capt. H. E. Neals.
GEOLOGY AND MINERALOGY.	
Specimens of Fossil Wood and Carbonate of Lime, taken from a cave 130 feet below the surface on the Main Reef, Adelong	Mr. Thomas Jenkins.
Geodes of Iron	Mr. George Kent.
Fossils of Animals and Plants, and inorganic Minerals, from Nova Scotia	His Excellency Sir W. T. Denison, K.C.B.
Specimens of the Gravel among which gold is found at the Uralla.....	Mr. Dalton.
Fossil organic remains, teeth and bones of <i>Diprotodon</i> , <i>Nototherium</i> , <i>Macropus</i> , <i>Phascoglossus</i> , Crocodilian and Chelonian Reptiles, from the Condamine	T. H. Hood, Esq.
Fossils from Sicily	His Excellency Sir W. T. Denison, K.C.B.
Fossils from Macquarie Fields.....	Mr. Ed. P. Ramsay.
Fossils from Malta and Sicily, ores from Western Australia, and fossils from Maria Island, Tasmania	His Excellency Sir W. T. Denison, K.C.B.
Black Sand, containing gold and rubies, from the Snowy River; Granite from Gibson's Plains; specimens of Sandstone from Kiandra.....	Mr. J. P. Thornton.
A collection of Ores and Minerals from Bathurst	Alfred Roberts, Esq.
Specimens of Native Copper from the Canobolas Mine.....	Mr. S. Hebblewhite.
Specimens of Coal from the Mine on the Brisbane River.....	His Excellency Sir W. T. Denison, K.C.B.
Specimens of Copper Ore from the Coromandel Mine, Auckland, and Dunn Mountain, Nelson, N.Z.	Mr. H. Osmond.
A collection of Canadian Fossils	His Excellency Sir W. T. Denison, K.C.B.
A Fossil Shell.....	Mr. J. E. Ebsworth.
A collection of Fossil Shells from Black Creek, near Newcastle, and specimens of Lava from the Sandwich Islands	Alfred Roberts, Esq.
Two Fossils from Wollongong.....	S. W. Gray, Esq., M.L.A.
A collection of Minerals from New Brunswick	His Excellency Sir W. T. Denison, K.C.B.
Fossils from Otago, New Zealand	Mr. Richard Fenell.
Fossils from the Sandstone Cliffs on the Murray River, and Fossils from North Adelaide	George F. Angas, Esq.
Specimens of Lava from the Philippine Islands	Mr. T. J. Stockes, junior
Specimens of Ores and Minerals.....	Mr. Robert M'Intosh.
Specimens of Fossil Shells, from Kiama	Mr. Perrott.
Fossils from the neighbourhood of Brunswick, Germany	Dr. Peasler.
BOTANICAL SPECIMENS.	
The cone of <i>Araucaria Bidwellii</i>	Captain O'Reilly.
A collection of samples of Canadian Timber	His Excellency Sir W. T. Denison, K.C.B.
A specimen of New Zealand Timber (Kauri pine)	Mr. William Lewien.
ETHNOGRAPHICAL SPECIMENS.	
Specimens of grotesque Pottery, from the Dardanelles	G. F. Angas, Esq.
Samples of Irish Linen, from Belfast.....	Rev. Dr. Mackay.
A Trophy Skull, from Buena Vista	Mr. D. Burke, R.N.
A mass of Rock Crystal, a talisman of the Aboorigines	Mr. John Isaaks.
An Ornament composed of human hair, from Penrya Island	Mr. Emanuel Lync.
A Tortoiseshell Spade, from Feegee	Mrs. A. Hort.
A collection of Native Dresses, Ornaments, and Household Utensils, from the South Sea Islands	His Excellency Sir W. T. Denison, K.C.B.
Fibres of some Plants used for domestic purposes in the Sandwich Islands	Alfred Roberts, Esq.
South Sea Island Dresses.....	Miss Dickson.
COINS, &c.	
A Turkish Coin	Master Henry Reed.
A Chilean Coin	Mr. H. Folk.
A collection of Ancient Coins, from the Island of Ceylon.....	William Henry Aldis, Esq.
A Government Debenture for "three-pence," issued at Charleston, Canada, A.D. 1793	J. W. Brooks, Esq.
BOOKS, &c.	
Dr. Hochstetter's Lecture on the Geology of the Province of New Zealand.....	His Excellency Sir W. T. Denison.
Account of the Dissection of a <i>Gymnotus electricus</i> , by H. Letheby, Esq.	
Description of <i>Hemipterous</i> Insects, by Adam White	George F. Angas, Esq.
Geology of New Brunswick.....	
Coloured Geological Sections of the Coal Fields of Lancashire	
A Series of Drawings of Australian fluviatile <i>Entomostraca</i>	Rev. R. L. King.
Catalogue Raisonné (22 vols.) of the Hunterian Museum	The Council of the Royal College of Surgeons of England.

APPENDIX No. 3.

LIST OF BOOKS purchased for the Library of the AUSTRALIAN MUSEUM, by PROFESSOR OWEN, GEORGE MACLEAY, ESQ., and GEORGE BENNETT, ESQ., M.D., with the sum of £500, specially voted for the purpose by the Legislature.

	VOLS.
Müller and Henke, Plagiostomata	1 folio
Ferrussac et D'Orbigny, Cephalopodes	2 folio
Adanson, Histoire Naturelle de Coquillages du Sénégal	1 4to
Edwards, Crustacés	1 4to
Bremser, Icones Helminthum	1 folio
Dumeril, Eléments des Sciences Naturelles	2 12mo
Bonnet, Ouvrages de	10 4to
Walchner, Spiders	1 4to
Edwards, Corallines	3 4to
Fitch, Noxious Insects of New York	2 8vo
Guerin et Percheron, Genera des Insectes	1 8vo
Siebold, Anatomy of the Invertebrata	1 8vo
The Voyage of Governor Phillip to Botany Bay	1 4to
Westwood, Introduction to the Modern Classification of Insects	2 8vo
Oxley, Journal of two Expeditions into the Interior of New South Wales	1 4to
Buffon, Histoire Naturelle, coloured plates	14 8vo
Desmarêt, Crustacés	1 8vo
Lyonnet, Traité Anatomique de la Chenille de bois de saule	1 4to
Sepp, Histoire Naturelle des Papillons de Surinam	1 4to
Russell, Indian Fishes	1 folio
Agassiz, Poissons Fossiles	3 4to
Atlas	3 folio
Reeve, Conchologia Iconica	11 4to
Proceedings of the Zoological Society of London, 1830 to 1847	17 8vo
Illustrated Proceedings, 1848 to 1857	10 8vo
Transactions, vols. 1, 2, 3, and parts 1, 2, 3, 4, of vol. 4	30 folio
Gould, The Birds of Australia	6 8vo
Cyclopædia of Anatomy	1 8vo
Murchison, Siluria	2 8vo
Buckland, Bridgewater Treatise	1 8vo
Dana, Mineralogy	1 12mo
Tennant and Mitchell, Mineralogy	1 12mo
Ansted, Elementary Course of Geology	8 folio
Valentyu, Oost Indien	22 4to
Linnean Transactions	1 4to
Strickland on the Dodo	1 8vo
Macleay, Hore Entomologica	3 8vo
Artedi, Bibliotheca Ichthyologica	1 4to
Forskall, Descriptiones Animalium	13 4to
Voyage of the "Herald"	6 8vo
Entomological Magazine	9 8vo
Entomological Transactions	9 4to
Archives du Museum	6 4to
Cuvier, Ossements Fossiles	3 folio
Aldrovandus, de Animalibus	1 4to
Zoology of the Sumarang	1 4to
Bennett, Fishes of Ceylon	3 4to
Journal of the Academy of Sciences of Philadelphia	2 folio
Doubleday, Diurnal Lepidoptera	3 4to
Gray, Genera of Birds	2 8vo
De Blainville, Malacologie	2 4to
Owen, Odontography	6 folio
Bloch, Ichthyologie	1 4to
White, Voyage to New South Wales	31 4to
Hewitson, Exotic Butterflies	42 8vo
Annals of Natural History	6 4to
Honna, Lectures on Anatomy	1 4to
Ellis, Corallines	1 folio
Haller, Historia Ranarum	1 folio
Russell, Indian Serpents	8 8vo
Memoirs of the Wernerian Society	71 4to
Philosophical Transactions to 1852	4 folio
Ferrussac et Deshayes, Mollusques	2 folio
Swammerdam, Biblia Nature	6 4to
Reaumur, Mémoires des Insectes	1 4to
Cuvier, Memoir des Mollusques	2 8vo
Fabricius, Species Insectorum	2 8vo
——— Mantissa	1 8vo
——— Systema Entomologia	1 8vo
Latreille, Histoire Naturelle des Fourmis	3 12mo
Godart, Metamorphosis Insectorum	2 8vo
King, Survey of Australia	1 4to
Lewin, Lepidoptera	1 4to

APPENDIX No. 4.

CONDENSED STATEMENT of Specimens in the Australian Museum which cannot be exhibited for want of space.

Five large packing cases of casts of fossils in the British Museum, presented by the Trustees of the British Museum.

A large collection of ores and minerals from the Peel River Land and Mineral Company's estate, collected and arranged by Mr. F. Odenheimer.

The collections of minerals sent in with the reports of the Examiner of Coal Fields dated June 3rd and August 3rd, 1856.

Three hundred and one specimens of Australian minerals collected by the late Mr. Stutchbury.

Sixty-five specimens of Canadian minerals.

A collection of fossils and minerals from Nova Scotia.

A collection of fossils from Maria Island, Tasmania.

A collection of tertiary fossils from Sicily.

A large number of fossils and minerals presented singly and in small lots by numerous donors.

The skeleton of a spermaceti whale, two skeletons of other species of whales, and skeletons of tiger, bear, elephant, and reindeer.

A collection of five hundred and twenty-two zoological specimens sent in exchange by the Royal and Public Museum of Copenhagen.

A very large collection of conchological specimens.

Fifty specimens of Canadian timbers.

Models of bridges.

A collection of ancient weapons, tools, and utensils, made of flint or stone, and found in Denmark, Sweden, and Norway, indicating a period when the use of iron was unknown in Europe.

1861.

NEW SOUTH WALES.

OBSERVATORY AT SYDNEY.

(THIRD REPORT.)

Presented to both Houses of Parliament, by Command.

*MINUTE of the Proceedings of the Observatory Board, at a Meeting held at the Observatory, on the 13th December, 1860.**Present:—*

HIS EXCELLENCY THE GOVERNOR GENERAL, President, in the Chair.

THE HONORABLE THE COLONIAL SECRETARY.

THE Astronomer's Third Annual Report on the state and progress of the Observatory having been read, the Board express their satisfaction at the nature and quantity of the work carried on during the past year, as shewn in the Report.

The Board consider and approve the plan suggested by the Astronomer for giving warning of approaching gales by Telegraphic communication between the Australian Ports.

The Board also approve a proposal to remove the Meteorological Instruments to the Telegraph Stations, but defer the consideration of the question of the appointment of an Assistant Computer until after the arrival of a large Equatorial Telescope, both of which subjects are adverted to in the Report.

The Board recommend that the Report and the Minutes of their Proceedings be laid before the Government, with a recommendation that they be printed, and then adjourn *sine die*.

W. DENISON.

THIRD ANNUAL REPORT ON THE SYDNEY OBSERVATORY.

THE Report which I am now enabled to make on the state and progress of the Observatory is far more satisfactory to myself than either of its predecessors.

The amount of work produced during the last year will well bear comparison with that done in any other Observatory; and the quality of the results, though not of the highest order, are yet as accurate as can be obtained with an instrument made many years since by one maker, and repaired and altered by another.

The observations made during the latter half of the year 1859 have been fully reduced, and their results printed and distributed.

The whole number of Transit Observations made and reduced during that period was 1,654, of which the results of 1,172 have been printed: those which were employed only for the determination of local mean time having been omitted.

The determination of the Latitude of the Observatory may be considered correct within one-tenth of a second.

The determination of the Longitude is less satisfactory, owing to the well-known defective character of the Lunar Tables, as given in the Nautical Almanac.

Not having received the Greenwich Observations for 1859, I am unable to correct the results, but have reason to believe that the resulting Longitude is correct within one second of time.

The number of observations with the Transit Circle, made this year, is 2,704, nearly all of which have been reduced, and a great portion of the results are ready for the press. The number of observations has been limited only by the computing power of the establishment, as I adhere to the rule of not making more observations than can be reduced to an useful and intelligible form.

The Meteorological work has been continued as before.

Although two of the twelve Stations are now supported by the Government of Queensland, their reports are sent to me monthly, and I have thought it desirable to reduce and publish the results, together with those from the Stations in this Colony.

PERSONAL ESTABLISHMENT:

This remains the same as last year, with the exception of the diminution in the number of Meteorological Observers before alluded to.

There are now nine paid Meteorological Observers—the gentleman who formerly gave his services gratuitously having accepted the usual salary.

BUILDINGS.

No alteration has been made in the Buildings since the last Report, and all are in good order.

The erection of a Meridian mark on the North Shore, for which £100 has been voted, has not yet been accomplished; the Meridian line has been cleared, and a temporary mark erected on the ground given by the Hon. A. Berry for that purpose. In consequence, however, of the number of trees on private property, which interfere with the line of sight, and which it may not always be practicable to keep down, it is found necessary to set the mark at a greater elevation than was at first contemplated; so that the sum voted is insufficient for the purpose. During the delay caused by this circumstance the temporary mark can be made use of, and has already proved of some service.

LIBRARY.

The collection of books has been increased by a donation from the Royal Astronomical Society of the whole of its publications to 1858 inclusive; volumes of observations have also been received from the Observatories at Greenwich, Oxford, Armagh, Santiago, and St. Helena; and a few books have been purchased with the small sum voted for that purpose.

In consequence of the expensive character of Astronomical Works, I have found it necessary to apply to the Government for an increase of the vote for books from £20 to £30.

INSTRUMENTS.

The old Parramatta Instruments are still in the Observatory, but are not used, with the exception of the small Equatorial. They might, however, be of some value to amateurs, and I have obtained authority to sell them should an opportunity offer; but no steps have yet been taken towards effecting a sale.

A new Clock, by Frodsham, has lately been received from England, purchased by the Astronomer Royal for £70, and appears to be a first-rate instrument. It is now in use, but the process of regulation and compensation not being completed, I am unable, as yet, to speak confidently of its quality.

The

The Transit Circle is in constant use, and proves to be a good instrument, though not of the highest order; the nature and extent of its defects will be found fully discussed in the volume of observations.

The small Equatorial has been considerably improved by Mr. Tornaghi, and may be regarded as a good portable instrument, though not adapted to observations of great delicacy; it has been supplied with a ring-micrometer for comet observations.

The large Equatorial Telescope, ordered of Messrs Mertz, of Munich, should by this time be completed; but as the makers are not bound to any particular time, it may not be ready for some months.

The Government has recently sanctioned the expenditure of £75, for the purchase of two instruments of the best construction, for the determination of the Magnetic elements. The instruments were ordered by the last mail, and may be expected to arrive in September or October next. They can be mounted at very little expense in the Transit Room, in the space now occupied by the old Parramatta Transit instrument.

The Zenith Micrometer has been lent to the Government of Victoria, to be employed in the trigonometrical survey, which is now being carried on, and is found to be a servicable instrument.

WORK OF THE OBSERVATORY.

This is of the same nature as indicated in my last Report.

The observations of southern stars are confined almost entirely to those within 10° north and south of the zenith, and as far as the 7th magnitude, of which a very large portion have now been observed, and their mean places determined.

The observations of the moon and moon-culminating stars are continued whenever practicable.

Although a very small proportion of the nights throughout the year have been favorable for observing, I have found no difficulty in making a sufficient number of observations to afford full employment to the Computer and myself. The large comet which appeared this year was observed as often as possible. 146 comparative determinations of the comet's position were obtained, and the results sent to the Royal Astronomical Society.

The approximate orbit, calculated from these results, agrees very well with the more accurate determinations, based on a more extensive series of observations, made at the Observatories of Europe and America.

Since the last Report was read, an attempt has been made to form a class of amateur Astronomers: it has proved, I am sorry to say, altogether unsuccessful; for, although a number of persons can always be found willing to attend lectures on Astronomy, I have not succeeded in finding one who would take sufficient pains to master the subject, so as to follow it up for his own pleasure, or to render any service to Astronomical science.

A series of daily observations of the temperature of the sea water has been carried on for the last eight months; observations of the rise and fall of the tide have been commenced with the co-operation of the Harbour Master; and monthly returns are received from the various pilot stations, of the time of commencement and termination of such gales as may occur. This latter arrangement originated in a proposal, which I recently made to the Government, to establish a system of telegraphic communication between the different Australian ports, whereby warning of the commencement of a gale may be immediately conveyed from the point at which it is first felt to the shipping of the other ports.

I have also made an attempt to induce the masters or owners of the iron steamers trading from this port to adopt the necessary measures for determining the errors of their compasses, and offered to superintend the operation myself; but, as yet, no one has availed himself of the offer.

PROPOSED ALTERATIONS.

In conclusion, I beg to invite the attention of the Board to this important question.

Having ascertained that a sum of money was to be placed on the Estimates for the purchase of Meteorological instruments for the Telegraph Stations, most of which are in towns where Meteorological Observatories are already established, I proposed that the instruments now in use should be transferred to the Telegraph Stations, where the observations could be made with, perhaps, greater accuracy and regularity than under the present system. In this way the sum proposed for new instruments would be saved, and there would also be a saving of £200 per annum, being the amount voted for the salaries of Meteorological Observers. This latter sum might properly be applied to the payment of an Assistant Computer.

By the arrangement which I have now proposed, whilst no additional expenditure would be incurred, the value of the Meteorological results would be probably increased; a great addition would be made to the working power of the Observatory; a great amount of mere routine work would be taken off my hands; and I should have time to apply myself to such studies and investigations as more properly belong to the director of a national Observatory.

My proposal, so far as relates to the removal of the Meteorological Observatories, has been favorably received; but, as yet, I have received no instructions on the subject.

W. SCOTT.

1861.

Legislative Assembly.

NEW SOUTH WALES.

EXHIBITION OF INDUSTRY OF ALL NATIONS IN 1862.

(PROVISION FOR ADEQUATE REPRESENTATION OF NEW SOUTH WALES.)

Ordered by the Legislative Assembly to be Printed, 6 February, 1861.

JOHN FRAS. KEMPT,

Administrator of the Government.

Message No. 3.

In the Speech with which the Governor General opened the present Session of Parliament, the attention of the Legislature was invited to the propriety of making provision for the adequate representation of New South Wales at the Exhibition of the Industry of all Nations, to be held in London during the ensuing year.

In accordance with the provisions of the 54th Clause of the Constitution Act, the Administrator of the Government now recommends to the Legislative Assembly the appropriation of a sum of £3,000 to enable the Government to take measures for carrying out the object in question.

1861.

Legislative Assembly.

NEW SOUTH WALES.

INTERNATIONAL EXHIBITION OF 1862.

(INFORMATION RESPECTING.)

*Ordered by the Legislative Assembly to be Printed, 19 February, 1861.**LETTER from Edward Hamilton, Esquire, to the Colonial Secretary, communicating information respecting the International Exhibition contemplated to be held in London in 1862.*5, Cannon-street, London, E. C.,
26 December, 1860.

SIR,

Though I have not been officially instructed to make any inquiries respecting the International Exhibition which it is contemplated to open in London in 1862, I have within the last few days obtained information which will be interesting to your Government, and I take this early opportunity of bringing it under your notice, as the interval is not more than sufficient for collecting and sending to this country the contributions which the Colony of New South Wales may be able or disposed to furnish.

At present the Commission, as you will see from the accompanying printed letter, is not duly constituted. Five gentlemen, of whom Lord Granville, the President of the Council, is one, have been nominated by the Council of the Society of Arts as Trustees for deciding on the character of the building and for conducting the financial and other arrangements; and, preparatory to the issue of a charter of incorporation, they are meeting from day to day discussing and determining upon all preliminary matters. An admirable site, covering about twenty acres of land at South Kensington, has been offered by the Commissioners of the Exhibition of 1851, and has been accepted by the Trustees. It forms part of the estate purchased by the Commissioners some few years ago, about a mile from Hyde Park Corner. This estate is to be appropriated to horticultural purposes, and the extensive buildings required are already far advanced towards completion. It is intended to connect the Exhibition building with the Metropolitan Railway, by which all the metropolitan lines will be brought into communication with each other, and thus facilities of access, far beyond those which existed in 1851, will be afforded to the public.

Various plans for the building have already been submitted to the Trustees, but no decision has yet been come to, except on one point, that a small portion of it, covering about an acre of land, will be of a permanent character.

I am informed that the Trustees are most anxious that the Australian Colonies and New Zealand should be more adequately represented than they were on the previous occasion, when the number of exhibitors did not much exceed one hundred, and that as much room will be allotted to them as is consistent with a comparatively limited space, and the immense mass of articles which the different countries of the World will send for exhibition.

I was also informed—

- 1.—That the rules of the Exhibition of 1851, as published in the Illustrated Catalogue (4 volumes), will be generally observed, with the following important exceptions:—that wines and pictures of living, or at any rate very recent, artists will be admitted; and that in all cases prices may be attached.
- 2.—That no application will be made to the Government for Custom House facilities, it being considered more for the advantage of the exhibitors that the moderate duties now leviable should be paid, than that an opening should be afforded for any interference by the Custom House authorities in the building.
- 3.—That only one Representative from each Country or Colony will be recognized by the Commissioners in London.

In reply to my inquiries as to the class of products which were likely to attract the greatest interest and to be of the highest value, I was referred to the specification given in the enclosed extract from the Gardener's Chronicle of December 1st, 1860, a paper of high authority and repute on questions of this kind, but having taken down some notes of the observations of my informant, I beg to offer the following very imperfect summary:—

- 1.—Oils, Mineral and Vegetable: All fatty substances; liquids from timber. It was mentioned that within a recent period, the Americans have extracted a valuable oil, and a valuable gas, from the sap of a certain description of fir. Samples from pitch wells.
- 2.—Woods: If for building purposes the samples should be the largest square obtainable, with a statement only of the length of trunk. "A whole gum tree is not required." If for cabinet work, the samples should be cubes, averaging about nine inches.
- 3.—Leather: Particularly any new material which may serve as a substitute for hides. The Americans have exhibited excellent leather made from the skin of the porpoise.
- 4.—Manures: Especially all varieties of koproliite.
- 5.—Grains: Not only wheat and maize, but all useful seeds.
- 6.—Fibres: Those for paper-making not to be sent in a raw state, but broken down, that is, reduced to what is technically called "half staff." Fibres for cordage to be sent in the rough.
- 7.—Furs: Both raw and dressed.
- 8.—Tanning and Dyes: In which products it is generally supposed that Australia is very rich.
- 9.—Bird-skins and Plumage: Especially those of aquatic birds. As an instance of the demand for these skins it was mentioned that the present price of the *Grebe* skin is about twelve guineas per yard, of very narrow width. The bird itself should be sent with the specimens. All varieties of down.
- 10.—Corals.
- 11.—Ores of all kinds. Some steel from New Zealand has lately attracted much attention.
- 12.—Wool.
- 13.—Wines.
- 14.—Coal.

The foregoing enumeration is not offered as complete, but it will be of value as a guide to those who have the leisure and knowledge required for collecting specimens in a country still so imperfectly known as Australia.

From one of the enclosed extracts it will be observed that a guarantee fund of £366,800 has already been subscribed. It may therefore be assumed as certain that the Exhibition of 1862 will be opened at the time named, viz., the 1st of May in that year, and it is confidently expected that its success will be more marked and its results more generally useful even than those of the Great Exhibition of 1851.

In conclusion I beg to say that I shall lose no opportunity of obtaining further information on this important subject. As soon as the Commission is organized and their rules and regulations are in print, I have no doubt that it will be in my power to send you much valuable matter.

It is hardly necessary for me to remind you that all packages from the Australian Colonies, intended for the Exhibition, ought to be shipped so as to arrive in London not later than the first week in March, 1862.

I have, &c.,
EDW. HAMILTON.

[Enclosure 1.]

INTERNATIONAL EXHIBITION OF 1862.—The correspondence between the Commissioners for the Exhibition of 1851, the Society of Arts, and the Trustees for conducting the Exhibition of 1862 has been brought to a satisfactory conclusion, as will be seen by the accompanying letter, addressed to the Secretary of the Society of Arts. This correspondence has had relation to the site for the building, the provision of the necessary funds, the incorporation of the trustees by the authority of the Crown, and their relations with the Commissioners for the Exhibition of 1851:—

"London, Nov. 22, 1860.

Sir,—We have to acknowledge the receipt of your letter of yesterday, enclosing the copy of a communication from Her Majesty's Commissioners for the Exhibition of 1851 to the Council of the Society of Arts, in which the Commissioners express their general approval of the object which the Society has in view in organizing the Exhibition of 1862, and their willingness to render such support and assistance to the undertaking as may be consistent with their position as a chartered body, and with the powers conferred upon them by their charter of incorporation. Under these circumstances we have to request that you will intimate to the Council of the Society of Arts our willingness to accept the trust which the Council and the guarantors have in so flattering a manner expressed a wish to repose in us, on the understanding that the Council will forthwith take measures for giving legal effect to the guarantee, and for obtaining a charter of incorporation satisfactory to us.—We have the honor to be, Sir, your obedient servants,

"GRANVILLE.
"CHANDOS.
"THOMAS BARING.
"C. WENTWORTH DILEK.
"THOMAS FAIRBAIRN."

The guarantee list includes 662 persons, and the sum guaranteed now amounts to £366,800. The Commissioners for the Exhibition of 1851 have granted a site for the building on their estate at South Kensington.

[Enclosure

[Enclosure 2.]

THE preliminary difficulties in regard to the International Exhibition of 1862 may at length be said to be overcome. The guarantee fund exceeds £366,000, and the arrangements already completed include the appropriation of a part of the South Kensington estate (vested in the Commissioners for the Exhibition of 1851) as the site of the buildings connected with the Exhibition of 1862. There is, as Sir Thomas Phillipps stated, in his address to the Society of Arts last week, every reason to believe that the projected Exhibition will elicit even more valuable results than were achieved by its great predecessor. The extension of commerce during the interval, the progress of invention, the increase of population and wealth, the increased means of locomotion, the spread of education, and increased knowledge of and love for art will, as he pointed out, all contribute to swell the numbers of visitors and spectators—and most of these influences will contribute also to the fulness and value of the collection which is to attract them. We cannot doubt that among those thus drawn by objects of immediate service to their several interests, agriculturists will be largely represented.

If during the next ten years we receive such a spur to the progress of agriculture as has been given during the past by the exhibition of (let us specify only) the reaping machine in the Crystal Palace of 1851, the gathering of 1862 (for which provision in the negotiations of the Society of Arts has already been made) will see us forward on our road to perfect and economical cultivation by an even longer stride than has been accomplished since the first great International show. That particular item in the agricultural departments of the Exhibition, though probably originating in this country, was contributed by American exhibitors; and it is to Colonial and Foreign exhibitors that we must again look for the special lessons which, without knowing what they may turn out to be, we confidently expect. The annual pictures of agricultural progress in our own country given at the great meetings of our agricultural societies must be presumed to be so far perfect that it can be but one year's progress that is shown by any exhibition of home agricultural produce or machinery; but the Colonial contributions which we may expect will represent and no doubt astonish us with illustrations of the increased skill and knowledge which have been attained during the eleven years which will then have elapsed since 1851.

Though we cannot anticipate the lessons or the contributions to our wealth as well as our intelligence which such illustrations must afford, yet it is certain that a collection of the natural products of climates similar to our own must be of direct use to us as agriculturists. Let us hope that the same energy which was so signally displayed both at home and abroad in 1851 may be exerted now. If such collections are of use to us they will necessarily be of use to those who send them. That is of course the only motive we can urge upon our readers either here or in the colonies; but public spirit and philanthropy needing no stimulant from us will doubtless also urge them to exertion.

Our Colonial authorities then may well be called upon to bestir themselves, on their own account as well as ours, to send complete collections of all their raw produce. Anything actually employed as manure or likely to be serviceable in that way—all grains and other useful seeds—plants used either for human food, or as food for cattle, with their ripened products—woods adapted for building, or for cabinet work—fibres—mineral and vegetable oils and other fatty substances—hides, wools, and furs—drugs, tanning substances, dyes—anything in short likely to satisfy a want, or even to create a desire, by which therefore a commerce may spring up serviceable to the industries, or contributive to the comforts of either the Colony or the Mother Country—all such things claim place in an International Industrial Exhibition. There was, in the Crystal Palace of 1851, many an illustration of what goodwill and intelligence could do towards collections of such a kind as this. The Canadian department of the Exhibition, and especially the collection from Trinidad, sent home by Lord Harris, the then Governor, proved how, by a comparatively small outlay, well expended, suites of specimens of the very highest commercial interest and scientific value may be gathered, arranged, and transmitted.

It is, of course, in the agricultural relations of such collections that we are specially interested, and the Exhibition of 1851 shewed in several instances that it is important we should know not only the agricultural products which are obtainable elsewhere, but also the means by which those products are there obtained. The machinery and processes of Colonial agriculture ought to be illustrated, and our own manufacturers and farmers would thus derive many a useful hint. Manures, seeds, and machines, are among the means of agriculture; and there ought, in the Exhibition of 1862, for the information of our English agriculturists, to be specimens of all the natural granoses of the world—samples of all the grains, wheat, barley, oats, and pulse of all the climates which produce them, and a collection of all the agricultural machinery anyhow connected with their production.

And English agriculturists, upon the other hand, with all who provide the means of English agriculture—the manure manufacturer, the seedsman, and the machine maker—will on their part be prepared with full illustrations of the present status of English farm management for the instruction not more of their colonial visitors than of one another. Minerals, vegetables, animals—the produce of our quarries, pits, and mines—of our plough lands and our pastures—of our cattle stalls, sheep folds, and dairies, ought all to meet the eye. The way in which such a series of home specimens is to be obtained, and the particulars of which the collection should consist, may be discussed at leisure, but the Colonial collections require long time both for their formation and transmission, and it is, therefore, necessary thus early to call upon the leading men of our several Colonies, and on all who influence public opinion there, to take such measures as may result in a fair representation of their natural products and their several industries at the Great International Exhibition some sixteen or seventeen months hence.

1861.

Legislative Assembly.

NEW SOUTH WALES.

INTERNATIONAL EXHIBITION OF 1862.

(DESPATCH RESPECTING.)

Ordered by the Legislative Assembly to be Printed, 26 April, 1861.

THE SECRETARY OF STATE to GOVERNOR SIR JOHN YOUNG, BART.

*Downing-street,
1 February, 1861.*

SIR,

I transmit to you a copy of a letter from the Promoters and proposed Trustees of the Exhibition of Works of Industry and Art of all Nations, to be holden in London, in the year 1862.

You will see that these gentlemen are desirous to learn from what Colonies articles will be sent for exhibition, and also to be put in communication with such persons or bodies in each Colony as are likely to command the confidence of those who may become exhibitors.

It is, I am sure, unnecessary for me to urge upon you the adoption of any means in your power for furthering the important object in view, and I shall be glad to learn that the Colony under your Government is prepared to become a contributor to this undertaking.

The general conditions of the Exhibition will be made known to you as soon as they are completed.

I have, &c.,
NEWCASTLE.

[Enclosure.]

London, 18 January, 1861.

My Lord Duke,

I am directed by Earl Granville to intimate to your Grace that the promoters of the Exhibition of the Works of Industry and Art of all Nations, which it is proposed to hold in the year 1862, are about to apply to Her Majesty for a Charter of Incorporation, by which certain Trustees, to whom the management of the Exhibition has been confided, may be vested with the powers requisite for effectually carrying out the projected undertaking.

The names of the Trustees are as follows:—

THE EARL GRANVILLE, K.G., Lord President of the Council,
THE MARQUIS OF CHANDOS,
THOMAS BARING, ESQ., M.P.,
C. WENTWORTH DILKE, ESQ.,
THOMAS FAIRBAIRN, ESQ.

The Trustees have every reason to believe that the application for a Charter will be favourably entertained; but, as some short interval must necessarily elapse before the usual preliminary formalities can be complied with, they are anxious that no time should be lost in giving notice of the intended Exhibition to the distant Colonies of the Empire.

I am, therefore, directed to request that your Grace will do the Trustees the favour to take the necessary steps for making known to the various Colonial possessions and dependencies of the Crown, that the Exhibition will open on Thursday, the 1st of May, 1862, and that the Trustees are very desirous to learn from what Colonies articles will be sent for exhibition, and also to be put in communication with such persons or bodies, in each Colony, as are likely to command the confidence of those who may become exhibitors.

The Exhibition will be held in London, on a convenient site, which has been placed at the disposal of the Trustees by the Royal Commissioners for the Exhibition of 1851, in the immediate vicinity of the ground occupied in 1851, by permission of Her Majesty, on the occasion of the first International Exhibition.

The general conditions of the Exhibition, and the terms on which exhibitors will be invited to take part in it, will shortly be published, and the Trustees will at once communicate them to your Grace.

In the meantime I am to state that the Exhibition, in its leading features, will closely resemble that of 1851—pictures, however, being added on this occasion—and that such preparations as can be made, in anticipation of more detailed information, may proceed upon this understanding.

As the demands for space, however, will, in all probability, be very much in excess of what it will be possible to provide, so that quality and not quantity will have mainly to be looked to in deciding upon the articles to be admitted, the Trustees hope that the greatest care will be exercised in selecting good specimens of the industry and art of each Colony, and more especially of its natural productions.

As your Grace will readily understand that, so soon as proper channels of correspondence have been opened, the Trustees will have many matters to which to draw the attention of the Colonies which are likely to take an interest in the undertaking, they venture very earnestly to request that the earliest opportunity may be taken for making known the substance of the present communication to the various Colonial authorities.

The Duke of Newcastle, K.G.,
&c., &c., &c.I have, &c.,
F. R. SANDFORD.

1861.

Legislative Assembly.

NEW SOUTH WALES.

NEW INVENTION IN LOCOMOTION.

(PETITION FROM EDWARD BELL.)

Ordered by the Legislative Assembly to be Printed, 26 February, 1861.

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

The humble Petition of Edward Bell, of Sydney, Civil Engineer, Member of the Institute of Civil Engineers,—

HUMBLY SHEWETH:—

That your Petitioner is the Inventor of certain improvements in Railways, and in Locomotion on the same, which, if put into operation in this Colony, will, he believes, be the means of saving very large sums of the Public Money, and will greatly facilitate the progress of Railway Communication throughout the Colony.

That your Petitioner is prepared to shew to your Honorable House that Railways may be constructed and worked by Steam-power in this Colony cheaper than Tramways by Horse-power; that they shall be in every respect as permanent and useful as the Railways now in operation in the Colony; that the same Carriages and Rolling Stock as are now in use on the present Lines in the Colony can be adopted on the Lines proposed by your Petitioner, except the Engines, which are much heavier than those which under his system will be required to perform an equal amount of work; that the material of which the lines projected by your Petitioner are to be composed is chiefly the Hardwood of this Colony; and that the quantity of Iron to be used in them will not exceed one-seventh part of the weight of that used on the Lines now in operation.

That your Petitioner observes in the Fourth Report of the late Commissioner for Railways (Captain Martindale, R.E.), that the lines projected, and for which plans and estimates have been prepared in the Railway Department, are as follows, viz. :—From Penrith to Bathurst at a cost exceeding £26,000 (Twenty-six thousand pounds) per mile; from Picton to Goulburn at a cost of nearly £19,000 (Nineteen thousand pounds) per mile; and from Singleton to Muswellbrook at a cost of nearly Seventeen thousand pounds per mile.

That by the system projected by your Petitioner the cost of the line from Penrith to Bathurst, for example, worked by Locomotive power, would not exceed Two thousand pounds per mile, or, about One pound per lineal yard, exclusive of Bridges; the facility of ascending and descending gradients of one in seven or eight with Engines drawing about three times their own weight enabling your Petitioner to dispense with the very heavy earthworks and other expensive operations, which, under the present system are unavoidable, in order to procure a practicable working gradient throughout the country; and by the rapidity with which lines on his principle can be constructed, a further considerable saving will accrue to the Colony at large.

Your Petitioner therefore humbly prays that your Honorable House, before coming to any decision on the subject either of Railway Extension on the present system, or of Tramways, will be pleased to satisfy itself of the practicability and economy of the system of Locomotion projected by your Petitioner.

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

Sydney, 20th February, 1861.

EDWARD BELL.

1861.

Legislative Assembly.

NEW SOUTH WALES.

LETTERS OF REGISTRATION OF INVENTIONS.

(APPLICATIONS FOR.)

Ordered by the Legislative Assembly to be Printed, 26 April, 1860.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 12 October, 1860, praying that His Excellency the Governor General would be pleased to cause to be laid upon the Table of this House,—

“ A Return shewing the number of applications for Letters of
 “ Registration of Inventions, under the Act of Council, 16
 “ Victoria, No. 24 ; the name of each Applicant ; the nature of
 “ the Invention ; a summary of the report upon such applica-
 “ tions ; by whom made ; and the amount of fee paid in each
 “ case.”

(*Mr. Hart.*)

RETURN showing the number of Applications for LETTERS OF REGISTRATION OF INVENTIONS, under the Act of Council, 16 Vic., No. 24.

No.	NAME OF APPLICANT.	NATURE OF INVENTION.	SUMMARY OF REPORT.	BY WHOM REPORT MADE.	AMOUNT OF FEE PAID IN EACH CASE.
1	George Alfred Lloyd, for Thomas Dickerson Rotch	Improved method of making Soap.....	Application unnecessary .....	.....	Deposit (£20) refunded.
2	Thomas Oulham and Jacob Braché	Portable Prospector, for searching auriferous lands, and for geological surveys	No objection to grant of Letters of Registration	Colonial Architect	£14 10 6
3	George W. Earl, for Hiram Bedem	Improvements in Machinery for pulverizing, washing, and amalgamating auriferous and other ores	Recommended for 10 years	Messrs. G.K. Mann and H.H. Browne	£17 16 6
4	R. L. P. Manning	Self-acting Propellor	Application withdrawn .....	.....	Deposit (£20) refunded.
5	Charles F. P. Funcke	Improvements in tanning Skins and Hides	Recommended	Captain Ward and Mr. G. K. Mann..	£17 16 6
6	Simon Zollner	Water Filter	Not sufficient novelty in invention to justify issue of Letters of Registration.....	Captains Ward and Martindale, and Professor Smith	£9 9 0
7	Edward Knox, Daniel Cooper, William Fanning, and Walter Lamb	Improvements in Machinery, &c., employed in manufacture of Sugar.....	Not sufficient grounds for recommending grant of Letters of Registration	Captains Ward and Martindale, and Professor Smith	£9 9 0
8	Bernard Josephson.....	Manufacturing Gas	Recommended.....	Captain Ward and Professor Smith..	£17 16 6
9	Conrad W. Finzel and others	Improvements in processes and Machinery employed, &c., in manufacture of Sugar	Recommended for 7 years	Captain Ward and Mr. G. K. Mann..	£17 16 6
10	John H. Athens	Improvements in construction of Flat Irons.....	Recommended.....	Captain Ward and Mr. E. Bell.....	£17 16 6
11	Francis P. Mansfield and Cyrus Hewitt	Improvements in extracting Stumps of Trees, and in pulling down trees	Recommended.....	Messrs. J. Whitton and E.O. Moriarty	£17 16 6
12	Bevan G. Sloper.....	Machinery for refrigeration and the making of Ice	Recommended.....	Professor Smith and Dr. G. Bennett	£17 16 6
13	Minor King.....	Improvements in Machinery for crushing Quartz and other ores.....	Recommended.....	Captain Ward and Mr. G. K. Mann..	£17 16 6
14	Benjamin Hards and James Leverett ..	Improvements in manufacture of Saddle-trees, Saddles, &c.....	Recommended for portion of claim....	Captains Ward and M'Lerie.....	£17 16 6
15	Frederick S. Peppercorne	Automatic Engine.....	Recommended, as no injury can accrue to public by allowing applicant exclusive use of it	Captains Ward and Martindale	£17 16 6
16	Ralph M. Robey.....	Mr. Gerd. J. Bensen's Improvements in refining Sugar	Recommended to be granted, until 23th December, 1868	Captain Ward and Professor Smith..	£17 16 6
17	Ralph M. Robey.....	Mr. Gerd. J. Bensen's Improvements in drying Sugar	Recommended to be granted, until 15th September, 1871	Captain Ward and Professor Smith..	£17 16 6
18	James Craig	Machine for reaping and dressing Corn	Recommended.....	Captains Ward and Martindale	£17 16 6

RETURN, &c.—Continued.

No.	NAME OF APPLICANT.	NATURE OF INVENTION.	SUMMARY OF REPORT.	BY WHOM REPORT MADE.	AMOUNT OF FEE PAID IN EACH CASE.
19	Thomas Woore	Mechanical Contrivance for burning Wood for heating apartments	Invention sufficiently novel to justify issue of Letters of Registration	Captain Ward and Mr. G. K. Mann..	£17 16 6
20	Edward Teillard and Eugene Dominique Nicolle	Improved mode of constructing Sun Blinds	Recommended	Captain Ward and Colonial Architect	£17 16 6
21	Edward P. Capper	Improved Well Bucket and Lifting Gear	Recommended	Captain Ward and Mr. E. O. Moriarty	£17 16 6
22	Richard Goulding	Improvements in the extraction of Gold and Silver and other metals	Recommended	Captain Ward and Mr. G. K. Mann..	£17 16 6
23	Willis Humiston	Improvements in Machinery for making Mould Candles	Recommended for a period not exceeding 14 years, nor after the patent granted in England shall have expired	Captain Ward and Professor Smith..	£17 16 6
24	Richard H. Jeffreys	Cutting off or extinguishing of Gas by means of the Electro-Magnet	Recommended	Professor Smith and Mr. E. O. Moriarty	£17 16 6
25	Thomas Chuck	Of Spring for Beds, &c.	Recommended	Captain Ward and Mr. E. O. Moriarty	£17 16 6
26	John Russell	Improvements in Stoves	Recommended for a portion of the improvements	Captain Ward and Professor Smith..	£17 16 6
27	Samuel Lucas	Machine for washing Earth in an improved manner, applicable as a Gold Washing Machine	Recommended for Puddling Machine ..	Captain Ward and Mr. E. O. Moriarty	£17 16 6
28	Frederick S. Peppercorne	Employment of Atmospheric Power for compressing, lifting, or giving motion to Machinery	Recommended	Captain Ward and Mr. E. O. Moriarty	£17 16 6
29	Thomas Sutherland	Improvements in hulling and dressing Rice	Recommended	Captain Ward and Mr. E. O. Moriarty	£17 16 6
30	James Hart	Improvements in puddling or washing earthy matter so as to obtain gold therefrom, and in amalgamating metals, and in working stamps for stamping ores	Recommended for 14 years, to date from period at which original patent was taken out	Captain Ward and Mr. G. K. Mann	No Fees paid into Treasury. No Letters of Registration issued.
31	George Bate	Construction of Wood and Iron Bridges, and Girders for Bridges, &c.	Ditto, ditto	Captains Ward and Martindale ..	
32	David Wilkinson	Obtaining Gold from Quartz and other silicious matter	Ditto, ditto	Captain Ward and Mr. G. K. Mann	
33	John Walter Osborne	Improvements in obtaining Lithographic Impressions by aid of Photography	Recommended for portions of improvements	Captain Ward and Professor Smith..	£17 16 6
34	George Jaques	An improved preparation of Tobacco for destroying Vermin, and removing certain cutaneous diseases upon Sheep and other animals	Recommended	Captain Ward and Professor Smith..	£17 16 6

LETTERS OF REGISTRATION OF INVENTIONS.

RETURN, &c.—Continued.

No.	NAME OF APPLICANT.	NATURE OF INVENTION.	SUMMARY OF REPORT.	BY WHOM REPORT MADE.	AMOUNT OF FEE PAID IN EACH CASE.
85	Benjamin B. Tbayer, by Deyter Bingham.	Machine for amalgamating Gold and Silver Ores	Recommended	Captain Ward and Mr. E. O. Moriarty	£17 16 6
36	John W. Chapman, Charles Chapman, and George Chapman	Oscillating Corrugated Gold Amalgamator	Recommended	Captain Ward and Professor Smith..	£17 16 6
87	Thomas B. Hall and William M. Alderson	Improvements in Saddles, for the purpose of breaking in horses	Recommended	Captains Ward and M'Levie	£17 16 6
38	John M'ulloch	Improvements in the Reduction of Ores	Recommended	Captain Ward and Professor Smith..	£17 16 6
39	Edward Bell	Improvements in Railways, and in Locomotive Engines to be used thereon	Recommended	Messrs. J. Whitton and E.O. Moriarty	£17 16 6
40	Charles J. C. Perry	Anti-collision Dial and Shipwreck Preventor	Recommended	Captain Ward and Mr. H. H. Browne	£17 16 6
41	Luc Macè	Perpetual Solar Watch	Sufficient originality in invention, although it cannot correctly be designated a Perpetual Solar Watch, to warrant a recommen- dation that Letters of Registra- tion should issue	Messrs. G. K. Mann and H. H. Browne	£17 16 6
42	Albert de Lannag	La Machine Joffriand	Recommended (Issue of Letters of Registration deferred, pending further instructions from constituents in Paris.)	Ditto, ditto	£6 6 0
43	Christopher Kingsford	Machine for compressing and solidifying Peat, Coal, &c.	Recommended	Ditto, ditto	£17 16 6
44	Edmund Morewood and George Rogers, by E. C. Weekes	Improvements in the manufacture of Iron into sheets, plates, or other forms, in coating iron, and pre- paring it for coating, &c.	Recommended	Ditto, ditto	£17 16 6
45	Herbert Macworth	Improvements in the separation and treatment of Mineral Substances, and in Coking, and in appa- ratus connected therewith	Recommended	Captains Ward and Martindale	£17 16 6
46	William A. D. Anderson	Improvement in manufacture of Pipes	Recommended	Captain Ward and Mr. E. O. Moriarty	£17 16 6
47	Charles Newbold	Manufacture of Vessels, &c., and machinery and apparatus to be employed therewith	Under reference to Board	Captain Ward and Professor Smith.	
48	James Harrison	Refrigerating by the co-operation of Volatile Liquids in vacuo, and the continuous condensation and reco-operation of the same materials	Recommended for 14 years, to date from period at which original patent was taken out	Captain Ward and Professor Smith..	£17 16 6
49	William Withers Ewbank	Improvements in the manufacture of Gas, when oils and fatty matter are used, and in applying the refuse obtained in such manufacture to a useful purpose	Recommended for portions of im- provements	Ditto, ditto	£17 16

NOTE.—A sum of £20 is required to be lodged by the Applicant in the Treasury, to defray the expenses of granting Letters of Registration, out of which the fees are paid.

1861.

NEW SOUTH WALES.

STEAM POSTAL SERVICE.

(FURTHER CORRESPONDENCE RESPECTING.)

Presented to both Houses of Parliament, by Command.

SCHEDULE.

NO.	PAGE.
1. Secretary of State to Governor General, acknowledging receipt of Despatch, of 21 July, 1860, respecting arrangements entered into with the Peninsular and Oriental Company for the conveyance of the Australian Mails. 12 October, 1860	2
2. Colonial Secretary to Edward Hamilton, Esq., forwarding a Letter of Credit to cover expenses incurred for Postage, &c. 19 October, 1860	2
3. Colonial Secretary to Edward Hamilton, Esq., transmitting a copy of the Speech of the Governor General, on the opening of Parliament, on 25 September, 1860, containing a reference on the subject of the Mail Service. 19 October, 1860	2
4. Edward Hamilton, Esq., to the Colonial Secretary, acknowledging receipt of letter of 21 August, 1860. 25 October, 1860,	2
5. Colonial Secretary to Edward Hamilton, Esq., transmitting a copy of an Address from the Legislative Assembly, conveying the thanks of the House for his services with reference to the Steam Postal Arrangement with Australia. 21 November, 1860	3
6. Edward Hamilton, Esq., to Colonial Secretary, acknowledging receipt of letter of 20 September, 1860. 26 November, 1860	3
7. Edward Hamilton, Esq., to Colonial Secretary, acknowledging receipt of letter of 21 September, 1860. 26 November, 1860	3
8. Edward Hamilton, Esq., to the Colonial Secretary, acknowledging receipt of letters of October, 1860 (Nos. 2 and 3), and further respecting the existing contract. 26 December, 1860	4

STEAM POSTAL SERVICE.

No. 1.

SECRETARY OF STATE to GOVERNOR GENERAL.

(No. 87.)

*Downing-street,
12 October, 1860.*

SIR,

I am directed by the Secretary of State to acknowledge the receipt of your Despatch, No. 79, of the 21st July last, respecting the arrangements which have been entered into with the Peninsular and Oriental Company for the conveyance of the Mails between this country and Australia, and I am to inform you that the whole subject will not fail to receive the careful consideration of Her Majesty's Government.

I have, &c.,
C. FORTESCUE.

Presented to
Legislative
Council, 24 Octo-
ber, 1860, and
Legislative
Assembly, 25
October, 1860.

No. 2.

COLONIAL SECRETARY to EDWARD HAMILTON, ESQ.

*Colonial Secretary's Office,
New South Wales,
Sydney, 19 October, 1860.*

SIR,

I have the honor to inform you, that in order to cover any expenses which you may incur for Postage, and Parliamentary and other papers of interest to the Colony, or bearing on the question of the Steam Postal Service between the United Kingdom and Australia, I have requested the Colonial Treasurer to forward, by the present mail, instructions for a credit of £50, in your favor, with the Oriental Bank in London, the Financial Agents of the Colony.

I have, &c.,
CHARLES COWPER.

Letter of Credit
N.S.W.G. 10-37.
Dated 19th Oct.,
1860.
Enclosed.

P.S.—Your letter of the 23rd of August last, has been duly received.

No. 3.

COLONIAL SECRETARY to EDWARD HAMILTON, ESQ.

*Colonial Secretary's Office,
New South Wales,
Sydney, 19 October, 1860.*

SIR,

With reference to my former letters respecting the Steam Postal Service, I have the honor to transmit, for your information, a copy of the Speech with which His Excellency the Governor General opened the Session of Parliament on the 25th ultimo, with copies of the Addresses of both Houses in answer thereto.

2. You will perceive that in the fourth paragraph of the Speech special allusion is made to the beneficial effect produced by your representations to Her Majesty's Government upon the subject.

I have, &c.,
CHARLES COWPER.

No. 4.

EDWARD HAMILTON, ESQ., to COLONIAL SECRETARY.

*5, Cannon-street, London,
25 October, 1860.*

SIR,

I have the honor to acknowledge the receipt of your Despatch, dated the 21st August, 1860.

It is most satisfactory to me to receive your assurance that my protest against the terms of the Steam Postal Contract, by which no provision was made for carrying on the English Mails beyond Melbourne, has met with the approval of your Government. In this case the necessity for interference appeared to me so urgent that I did not hesitate to incur the responsibility of acting beyond the scope of my authority; but I am so satisfied of the inexpediency and the danger of making unauthorized representations of the wishes and interests of the Colonists, that I shall carefully keep within the limit of my present instructions, until they are enlarged by the Colonial Government.

Since

Presented to
Legislative
Council, 24
October, 1860,
and Legislative
Assembly, 25
October, 1860.

STEAM POSTAL SERVICE.

3

Since the arrival of the present Mail I have seen Mr. Stephenson, of the Treasury, and have requested him to communicate with me before any change in the present arrangement is agreed to, whether at the instance of the Peninsular and Oriental Company, or of one of the Colonial Governments. He has promised to do so; and I will take care that the interests of New South Wales do not suffer from misapprehension on the part of the Lords of the Treasury, as on the previous occasion.

I have, &c.,
EDWD. HAMILTON.

No. 5.

COLONIAL SECRETARY to EDWARD HAMILTON, Esq.

*Colonial Secretary's Office,
New South Wales,
Sydney, 21 November, 1860.*

SIR,

It affords me much gratification to inform you that an Address has been presented to the Governor General from the Legislative Assembly in this Colony, requesting His Excellency to communicate to you the thanks unanimously voted to you by the House for your valuable services with reference to the Steam Postal arrangements between the Australian Colonies and England; and, in compliance with the wish of the Assembly, His Excellency has commanded me to transmit to you by the present opportunity a copy of this Address.

2. I have the pleasure to add that the Legislative Council have also passed Resolutions to the same effect which will be communicated to you direct by the President in accordance with the desire expressed to him by that House.

I have, &c.,
CHARLES COWPER.

No. 6.

EDWARD HAMILTON, Esq., to COLONIAL SECRETARY.

*5, Cannon-street, London, E. C.,
26 November, 1860.*

SIR,

I have the honor to acknowledge your letter of the 20th September, 1860, enclosing an Extract from the Proceedings of the Honorable the Executive Council of New South Wales, on which occasion you were authorized to communicate to me the thanks of the Government for having procured a modification of the Postal Contract which was concluded in the month of May of this year, between the Lords Commissioners of Her Majesty's Treasury and the Peninsular and Oriental Company.

I beg that you will, on my behalf, express to His Excellency the Governor General, and the Honorable Members of the Council, my acknowledgments for the marked honor conferred upon me, and that you will assure them of the gratification I have derived from such a flattering recognition of the service which I was fortunately able to render to the Government and the people of New South Wales.

I have, &c.,
EDWD. HAMILTON.

No. 7.

EDWARD HAMILTON, Esq., to COLONIAL SECRETARY.

*5, Cannon-street, London, E. C.,
26 November, 1860.*

SIR,

I have the honor to acknowledge your letter of the 21st September, 1860, in which I am informed of your approval of my reply to the Secretary of the Treasury, dated 2nd July, of this year.

I am informed, on authority, that no further modification of the existing arrangement is at present under consideration; and, as the objection raised by the Governor of Victoria is confined to one point only, viz., the liability of his Government to contribute any portion of the £15,000 agreed to be paid for extending the services from Melbourne to Sydney, and this point has been conceded by the Government of New South Wales, I think that there is no reason to apprehend any change to disturb a contract which, though costly, appears to work satisfactorily to all the parties interested.

Any further communications with which I may be honored will receive my prompt attention.

I have, &c.,
EDWD. HAMILTON.

No. 8.

No. 8.

EDWARD HAMILTON, ESQ., to COLONIAL SECRETARY.

5, Cannon-street, London, E. C.,
26 December, 1860.

SIR,

I have the honor to acknowledge your Despatches, dated October, 1860, one covering a letter of credit for (£50) fifty pounds. The expenditure of this money will be duly accounted for.

I have nothing of a definite character to communicate with reference to the Steam Postal Service, and as all the Colonies acquiesce in the present temporary arrangement, it is very probable that the subject will not be taken up at the Treasury until matters more pressing are disposed of. I am informed that the Government of Victoria assent to the present contract under which Sydney continues, as it has been heretofore, the terminus of the Service, but they object to pay any part of the additional subsidy required for carrying the Mails beyond Melbourne. This objection is, however, immaterial, for I find that your Government has liberally adopted the scheme propounded by the Governor General, by which it is proposed that no Colony shall pay for any part of the Service from which she derives no benefit. As to the claims of South Australia, I think it probable that the Treasury will adopt the arrangement recently introduced, of forwarding the Mails to Adelaide by a branch steamer from King George's Sound. And it appears to me that this is the only way by which the claims of that Colony can be reconciled with the exigencies of the Service; for it would imperil the punctual delivery of the whole Australian Mail, if the Mail boat were allowed to deviate from the direct course by touching at Kangaroo Island, and the Contractors, both in their own interest and in that of the public, object to revert to a route which was found to increase materially the difficulties of navigation. On the other hand, it can hardly be expected that South Australia would consent to the loss of the advantages she possesses from her geographical position, by having her Mail sent on to Melbourne.

I have, &c.,

EDWD. HAMILTON.

[Price, 1d.]

1861.

NEW SOUTH WALES.

STEAM POSTAL SERVICE.

(FURTHER PAPER RESPECTING.)

Presented to both Houses of Parliament, by Command.

EDWARD HAMILTON, ESQ., to THE COLONIAL SECRETARY.

5, Cannon-street, London, E.C.,

26 January, 1861.

SIR,

I have nothing to report with respect to the settlement of the Postal Service between this country and Australia.

The Despatches embodying the views of the several Colonies have been referred by the Treasury to the Postmaster General, and his report and opinion on the scheme which has been agreed to as satisfactory by the Governments of New South Wales, Victoria, and South Australia, will be sent into the Treasury in the course of a few days. It is therefore probable that an official intimation of the decision of the Lords Commissioners will be forwarded to the Colonies by the next Mail; but as Parliament will then be in Session, the subject may be postponed for a time under the pressure of more urgent matters. In the meanwhile it is satisfactory to know that no alteration of the present system is under contemplation; and it appears to me that, having at length discovered a practical solution of a long standing difficulty, the Lords Commissioners will hesitate to disturb an arrangement which satisfies all claims.

The only objection to it is the extra cost to the Home Government of the branch service between King George's Sound and Adelaide; but it is not likely that this will be allowed to countervail the many advantages which the present mode of conducting the service has secured for all the Colonies.

I have, &c.,

EDWD. HAMILTON.

1861.

Legislative Assembly.

NEW SOUTH WALES.

PETITION OF MRS. MARY JONES.

REPORT FROM THE SELECT COMMITTEE

ON THE

PETITION OF MRS. MARY JONES;

TOGETHER WITH

THE PROCEEDINGS OF, AND MINUTES OF EVIDENCE TAKEN BEFORE
THE SELECT COMMITTEE APPOINTED IN THE SESSIONS
OF 1859-60, 1860, & 1861.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
16 April, 1861.

SYDNEY:
THOMAS RICHARDS, GOVERNMENT PRINTER,
PHILLIP-STREET.

1861.

 CONTENTS.

	PAGE.
Extracts from the Votes and Proceedings..	3
Report	5
Proceedings of the Committee of 1859-60..	6
" " 1860	6
" " 1861	7
List of Witnesses	10
List of Appendix	11
Minutes of Evidence	1

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

1859-60.

VOTES No. 55. FRIDAY, 3 FEBRUARY, 1860.

17. Mrs. Mary Jones:—Mr. Wild moved, pursuant to notice,—
(1.) That a Select Committee be appointed to inquire into and report upon a Petition from Mrs. Mary Jones, presented by Mr. Wild on the 24th ultimo.
(2.) That such Committee consist of Mr. Clements, Mr. Oxley, Mr. Lyons, Mr. Close, Mr. Hart, Mr. Hamilton, and the Mover.
Question put and passed.

VOTES No. 68. TUESDAY, 28 FEBRUARY, 1860.

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

MR. PRESIDENT,

The Legislative Assembly having appointed a Select Committee to inquire into the Petition of Mrs. Mary Jones, and that Committee being desirous to examine the Honorable Edward Deas Thomson, Esquire, in reference thereto, begs to request that the Legislative Council will give leave to its said Member to attend accordingly, on such day and days as shall be arranged between him and the said Committee.

*Legislative Assembly Chamber,
Sydney, 28th February, 1860.*

Speaker.

Question put and passed.

VOTES No. 70. THURSDAY, 1 MARCH, 1860.

3. Attendance of Member of Legislative Council as Witness:—The Speaker reported that, during the Debate on the last Question before the House yesterday, the following Message had been received from the Legislative Council:—

MR. SPEAKER,

In answer to the Message from the Legislative Assembly, dated the 28th instant, requesting leave for the Honorable Edward Deas Thomson, C.B., a Member of the Legislative Council, to attend and be examined before a Select Committee of the Legislative Assembly on the Case of Mrs. Mary Jones, the Council acquaints the Assembly that leave has been granted to its said Member to attend and be examined by the said Committee, if he think fit.

*Legislative Council Chamber,
Sydney, 29th February, 1860.*

W. W. BURTON,
President.

[Further proceedings stopped by Prorogation, 4 July, 1860.]

1860.

VOTES No. 5. TUESDAY, 2 OCTOBER, 1860.

12. Mrs. Mary Jones:—Mr. Wild moved, pursuant to notice,—
(1.) That a Select Committee be appointed to inquire into and report upon a Petition from Mrs. Mary Jones, presented by Mr. Wild on the 24th January last.
(2.) That such Committee consist of Mr. Clements, Mr. Oxley, Mr. Lyons, Mr. Hart, Mr. Hamilton, and the Mover.
Question put and passed.
Mr. Wild then moved, That the Minutes of Proceedings of, and the Evidence taken before the Select Committee on this subject last Session, be laid before the House. And the Clerk of Select Committees having presented the same at the Bar of the House,—
Mr. Wild moved, that the said Minutes of Proceedings and Evidence be referred to the Select Committee now appointed.
Question put and passed.

[Further proceedings stopped by Prorogation, 9 November, 1860.]

1861.

1861.

VOTES No. 11. TUESDAY, 29 JANUARY, 1861.

17. Mrs. Mary Jones:—Mr. Stewart moved, pursuant to *amended* notice,—
- (1.) That a Select Committee, with power to send for persons and papers, be appointed to inquire into and report upon the Petition of Mrs. Mary Jones, presented to the Legislative Assembly on the 24th January, 1860.
 - (2.) That such Committee consist of Mr. Hart, Mr. Parkes, Mr. Mate, Mr. Walsh, Mr. Morrice, Mr. Cunneen, Mr. Sutherland, Mr. Dalgleish, Mr. Lewis, and the Mover.
 - (3.) That the Proceedings of and Minutes of Evidence taken before the Select Committees appointed in each of the two Sessions of the late Parliament, to inquire into and report upon the Petition of Mrs. Mary Jones, be laid upon the Table of this House, with a view to being referred to such Committee.
- Question put and passed.
- And the Clerk of Select Committees having presented the same at the Bar of the House,—
- Mr. Stewart moved, That the said Proceedings and Minutes of Evidence be referred to the Select Committee now appointed.
- Question put and passed.
-

VOTES No. 54. TUESDAY, 16 APRIL, 1861.

2. Mrs. Mary Jones:—Mr. Stewart, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report the Petition of Mrs. Mary Jones was referred, on the 29th January, 1861.
- Ordered to be printed.
-

1861.

PETITION OF MRS. MARY JONES.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 29th January last, "to inquire into and report upon the Petition of Mrs. Mary Jones, presented to the Legislative Assembly on the 24th January, 1860, with power to send for persons and papers," and to whom, at the same time, were referred "the Proceedings of, and Minutes of Evidence taken before, the Select Committee appointed in each of the two Sessions of the late Parliament," have agreed to the following Report:—

Your Committee having considered the Evidence hereunto appended, and also carefully considered all the circumstances surrounding this case, find,—

- (1.) That the Petitioner's late husband, Mr. J. H. Jones, had the Contract for the Conveyance of the Mails between Sydney and Melbourne during the year 1851, at the following rates, viz. :—

1st. From Sydney to Goulburn ...	...	£800
2nd. From Goulburn to Yass ...	...	400
3rd. From Yass to Albury... ..	...	1,000
4th. From Albury to Melbourne ...	...	1,000

- (2.) That, on the two latter Contracts, the Contractor appears to have sustained a loss in consequence of the severe drought and bush fires in the Southern Districts, destroying all the feed and causing hay and corn to rise to an enormous price.
- (3.) The rush to the Gold Fields about the same period increased the difficulties of the Contractor.

2. Your Committee are of opinion that the Petitioner has a fair claim for relief from this Government, on account of the Contract from Yass to Albury, from having sustained a loss exceeding five hundred pounds during the year, and a loss exceeding five hundred pounds from Albury to Melbourne up to the 30th June, the period of separation.

3. The Contractor having received payment from the Government of Victoria from the 1st July, the Petitioner appears to have no claim on this Government for loss after that date.

ROBT. STEWART,
Chairman.

*Legislative Assembly Chamber,
Sydney, 4 April, 1861.*

PROCEEDINGS OF THE COMMITTEE.

1859-60.

THURSDAY, 23 FEBRUARY, 1860.

MEMBERS PRESENT :—

Mr. Clements,	|	Mr. Hamilton.
	Mr. Wild.	

W. V. Wild, Esq., called to the Chair.

Committee deliberated as to their course of proceedings, and *Resolved*,—
That the Hon. E. Deas Thomson be requested to give evidence.

[Adjourned.]

TUESDAY, 24 APRIL, 1860.

MEMBERS PRESENT :—

W. V. Wild, Esq., in the Chair.		
Mr. Close,	|	Mr. Hart,
	Mr. Lyons.	

Committee met pursuant to summons.

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

[Adjourned till Tuesday next, at Twelve o'clock.]

TUESDAY, 1 MAY, 1860.

MEMBERS PRESENT :—

Mr. Wild,	|	Mr. Hamilton.
-----------	--	---------------

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

THURSDAY, 10 MAY, 1860.

MEMBERS PRESENT :—

W. V. Wild, Esq., in the Chair.		
Mr. Clements,	|	Mr. Hamilton,
Mr. Lyons,		Mr. Hart.

Committee met pursuant to summons.

The Chairman brought under notice certain corrections in, and additions to, the evidence of the Honorable E. Deas Thomson, made by witness, when sent for revision.

Corrections considered and severally admitted. The addition referred to (Question No. 14) ordered to be appended to the evidence. (*Vide Appendix A.*)

Mrs. M. Jones called in and examined.

From the General Post Office, Mrs. Jones had been placed in possession of certain original documents, which were *produced* before the Committee, and temporarily retained.

Witness withdrew.

[Adjourned.]

THURSDAY, 17 MAY, 1860.

MEMBERS PRESENT :—

W. V. Wild, Esq., in the Chair.		
Mr. Clements,	|	Mr. Hamilton,
	Mr. Lyons.	

Committee met pursuant to summons.

Mr. E. Armfield called in and examined.

Witness withdrew.

Committee deliberated respecting the further evidence desirable to be taken, before closing the inquiry.

W. Cummings, Esq., M.P., requested to attend and be examined this day, not present.

[Adjourned.]

(*Further proceedings stopped by Prorogation, 4 July, 1860.*)

FRIDAY,

FRIDAY, 26 OCTOBER, 1860.

MEMBERS PRESENT:—

Mr. Clements, | Mr. Hart,
 | Mr. Wild.

On motion of Mr. Clements, W. V. Wild, Esq., called to the Chair.
Sir C. Nicholson, *Bart.*, (present) examined.
Witness withdrew.

Committee deliberated upon the prospective nature of the report, after the reception of remaining evidence.

[Adjourned till Thursday next, at *Twelve o'clock.*]

THURSDAY, 1 NOVEMBER, 1860.

MEMBERS PRESENT:—

None.

In the absence of a Quorum of the Committee, no meeting was held this day.

(*Further proceedings stopped by Prorogation, 9th November, 1860.*)

1861.

THURSDAY, 31 JANUARY, 1861.

MEMBERS PRESENT:—

Mr. Cunneen, | Mr. Mate,
Mr. Hart, | Mr. Morrice,
Mr. Lewis, | Mr. Stewart,
 | Mr. Sutherland.

On motion of Mr. Mate, R. Stewart, Esq., called to the Chair.

House's Order of the 29th instant, appointing Committee, and referring evidence on the Petition of Mrs. Mary Jones, taken during the last Parliament,—*read.*

Original Petition and printed copies, together with the evidence (a portion unprinted), laid before Committee.

Committee deliberated as to the stage in which Petitioner's case should be resumed.

It was Resolved:—

- (1.) That complete copies of the evidence referred by the House be furnished to the several Members of the Committee prior to their next meeting.
- (2.) That the Petition of Mrs. M. Jones be now read.

Same read accordingly.

Committee further deliberated in regard to the resumption of evidence.

[Adjourned till Wednesday, 6th February, at *Eleven o'clock.*]

WEDNESDAY, 6 FEBRUARY, 1861.

MEMBERS PRESENT:—

R. Stewart, Esq., in the Chair.

Mr. Cunneen, | Mr. Lewis,
Mr. Hart, | Mr. Mate,
 | Mr. Morrice.

Committee met, having been furnished, since the first meeting, with copies of the evidence taken in the two Sessions of the last Parliament, pursuant to resolution of the 31st ultimo.

Mr. John Sheehan called in and examined.

Witness withdrew.

Committee deliberated upon the further evidence requisite to form a judgment in the matter.

Resolved:—

That at the next sitting, Wm. Cummings, Esq., M.P., be requested to give evidence; and that the proper officers be called upon to produce the correspondence and vouchers, existing in the departments, on the subject.

[Adjourned till Tuesday, 12th instant, at *Eleven o'clock.*]

TUESDAY,

TUESDAY, 12 FEBRUARY, 1861.

MEMBERS PRESENT:—

R. Stewart, Esq., in the Chair.

Mr. Cunneen,	|	Mr. Morrice,
Mr. Mate,	|	Mr. Parkes.

W. Elyard, Esq., *Principal Under Secretary*, called in and examined.

Witness produced certain original documents, copies whereof [Auditor General's letter to the Colonial Secretary of 17 February, 1853, bearing registry number 53-1694, with accompanying data referred to in the Hon. E. Deas Thomson's evidence (9)],—ordered to be appended to the present evidence. (*Vide Appendix A and B.*)

Witness withdrew.

W. Muir, Esq., *Audit Office*, called in and examined.

Witness appearing on behalf of the Auditor General, produced voucher books, containing receipts for the payments on account of the late J. H. Jones' mail contract.

Witness withdrew.

T. K. Abbott, Esq., *Secretary and Cashier, General Post Office*, called in and examined.

Witness referred to certain documents, viz.:—A certain tender by Mr. Jones, bond dated 1st January, 1851, mail contract for 1851, and draft of similar contract for the ensuing year,—which had been obtained from the Post Office for the purposes of the Committee, 10th May, 1860.

Copies produced of certain correspondence, in reference to Mr. Jones' contract, ordered to be attached to the evidence. (*Vide Appendix A, B, and C.*)

Witness withdrew.

W. Cummings, Esq., M.P., attending pursuant to Chairman's request, examined.

Witness withdrew.

Committee deliberated.

And pending supply of printed copies of the evidence—

[Adjourned.]

FRIDAY, 15 MARCH, 1861.

MEMBERS PRESENT:—

R. Stewart, Esq., in the Chair.

Mr. Cunneen,	|	Mr. Lewis,
Mr. Dalgleish,	|	Mr. Mate,
Mr. Hart,	|	Mr. Morrice.

Committee met pursuant to summons.

Printed copies of previous evidence, before the Committee.

Mr. H. Middleton called in and examined.

Witness withdrew.

Mr. P. Ryan called in and examined.

Witness withdrew.

Mr. Doyle called in and examined (shortly).

Witness withdrew.

Committee deliberating,—

It was Resolved:—

That the evidence of Mr. Doyle be expunged, as irrelevant and of no value to the Committee's inquiry.

Notes struck through by Shorthand Writer.

Mr. J. Grosvenor called in and examined.

Witness withdrew.

Committee deliberated in regard to the evidence as affording grounds for Report.

[Adjourned till Monday, 20th instant, at *Eleven o'clock.*]

WEDNESDAY, 20 MARCH, 1861.

MEMBERS PRESENT:—

R. Stewart, Esq., in the Chair.

Mr. Cunneen,	|	Mr. Lewis,
Mr. Dalgleish,	|	Mr. Mate,
	|	Mr. Morrice.

Committee met to consider evidence and Draft Report.

And having further deliberated upon the conclusions indicated by the evidence.

Motion made (*Mr. Dalgleish*) and *Question*,—That during the interval of adjournment, printed copies of the evidence taken before the Committee, including that of the witnesses examined on the 15th instant, be distributed to the several Members—*agreed to.*

[Adjourned till Thursday, 28th instant, at *Eleven o'clock.*]

THURSDAY,

THURSDAY, 28 MARCH, 1861.

MEMBERS PRESENT :—

R. Stewart, Esq., in the Chair.

Mr. Cunneen,	|	Mr. Lewis,
Mr. Dalgleish,	|	Mr. Mate,
Mr. Hart,	|	Mr. Morrice.

Pursuant to Resolution at the previous meeting, complete copies of the evidence having been distributed on the 26th instant,—

Committee met again to consider evidence and Draft Report.

Mr. Dalgleish handed in a statement of his views in reference to Mrs. Jones' Petition as affected by the evidence.

Same read, on motion of Mr. Dalgleish, and ordered to be entered in the "Proceedings."

Committee deliberated—and considered certain points of Draft submitted by the Chairman as preliminary to Report.

Deliberating further, and adverting to the written statement of Mr. Dalgleish,—

It was Resolved :—

That the order for entering the statement handed in by Mr. Dalgleish, be rescinded. *Entry rescinded.*

Committee deliberated.

[Adjourned till Thursday, 4th April, at Eleven o'clock.]

THURSDAY, 4 APRIL, 1861.

MEMBERS PRESENT :—

R. Stewart, Esq., in the Chair.

Mr. Cunneen,	|	Mr. Mate,
Mr. Dalgleish,	|	Mr. Morrice.

Committee met to further consider Draft Report.

Order of the House appointing Committee, read.

Committee deliberated.

Chairman's Draft of Report read paragraph by paragraph.

Introduction and sub-paragraph (1) read and agreed to.

Sub-paragraph (2), viz. :—That, on the two latter Contracts, the Contractor appears to have sustained a loss in consequence of the severe drought and bush fires in the Southern Districts, destroying all the feed and causing hay and corn to rise to an enormous price—*read.*

Amendment proposed (*Mr. Dalgleish*)—to substitute the following words :—" That the evidence taken before your Committee does not bear out the allegations contained in the Petition of Mrs. Mary Jones."

Committee deliberated.

Question put,—That the paragraph stand part of the proposed Report.

Committee divided.

Ayes, 3.		Noes, 2.	
Mr. Cunneen,	|	Mr. Dalgleish,	
Mr. Mate,	|	Mr. Lewis.	
Mr. Morrice.	|		

Sub-paragraph 2 agreed to.

Sub-paragraph 3 read and agreed to.

First part of paragraph 2, viz. :—Your Committee are of opinion that the Petitioner has a fair claim for relief from this Government, on account of the Contract from Yass to Albury, from having sustained a loss exceeding five hundred pounds during the year—*read.*

Amendment proposed (*Mr. Dalgleish*)—to substitute the following words :—" That, in the opinion of your Committee, the Petitioner has not suffered any loss, in respect of which she is precluded from redress through the proper department, upon producing proof of such loss."

Committee deliberated.

Question put,—That the first part of the paragraph stand a portion of the proposed Report.

Committee divided.

Ayes, 2.		Noes, 2.	
Mr. Cunneen,	|	Mr. Dalgleish,	
Mr. Morrice.	|	Mr. Lewis.	

Whereupon the Chairman declared himself with the Ayes.

Paragraph in part agreed to.

Second part of paragraph 2, viz. :—And a loss exceeding five hundred pounds from Albury to Melbourne up to the 30th June, the period of separation—*read.*

Amendment proposed (*Mr. Dalgleish*)—to substitute the following words :—“ That, in the opinion of your Committee, there are no substantial grounds on which to estimate the amount of any loss sustained on the Contracts.”

Committee deliberated.

Question put—That the 2nd part of the paragraph stand a portion of the proposed Report.

Committee divided.

Ayes, 2.		Noes, 2.
Mr. Cunneen,		Mr. Dalgleish,
Mr. Morrice.		Mr. Lewis.

Whereupon the Chairman declared himself with the Ayes.

Paragraph 2 agreed to.

Paragraph 3, viz. :—The Contractor having received payment from the Government of Victoria from the 1st July, the Petitioner appears to have no claim on the Government for loss after that date—*read.*

Amendment proposed (*Mr. Dalgleish*)—to substitute the following words :—“ That, if any claim exists at all, the separation of Victoria from this Colony does not affect the obligations resulting from the Contract of this Government with Mr. Jones.”

Committee deliberated.

Question put—That the paragraph stand part of the proposed Report.

Committee divided.

Ayes, 2		Noes, 2.
Mr. Cunneen,		Mr. Dalgleish,
Mr. Morrice.		Mr. Lewis.

Whereupon the Chairman declared himself with the Ayes.

Paragraph 3 agreed to.

Motion made (*Mr. Cunneen*) and *Question*—That this be the Report of the Committee
Committee divided.

Ayes, 2.		Noes, 2.
Mr. Cunneen,		Mr. Dalgleish,
Mr. Morrice.		Mr. Lewis.

Whereupon the Chairman declared himself with the Ayes.

Report agreed to.

Chairman requested to report to the House.

LIST OF WITNESSES.

	PAGE.
<i>Tuesday, 24 April, 1860.</i>	
The Honorable E. Deas Thomson, Esq., <i>C.B., M.L.C.</i>	1
<i>Thursday, 10 May, 1860.</i>	
Mrs. M. Jones, <i>Petitioner</i>	3
<i>Thursday, 17 May, 1860.</i>	
Mr. E. Arnfield	7
<i>Friday, 26 October, 1860.</i>	
Sir C. Nicholson, <i>Bart.</i>	11
<i>Wednesday, 6 February, 1861.</i>	
Mr. J. Sheehan	12
<i>Tuesday, 12 February, 1861.</i>	
W. Elyard, Esq., <i>Principal Under Secretary</i>	14
W. Muir, Esq., <i>Audit Office</i>	17
T. K. Abbott, Esq., <i>Secretary and Cashier, General Post Office</i>	18
W. Cummings, Esq., <i>M.P.</i>	21
<i>Friday, 15 March, 1861.</i>	
Mr. H. Middleton	22
Mr. P. Ryan	24
Mr. J. Grosvenor	24

LIST OF APPENDIX.

	PAGE.
<i>(To Evidence given by the Honorable E. Deas Thomson, Esq., C.B., M.L.C., 24 April, 1860.)</i>	
A.	
Addendum to Answer No. 14	3
<i>(To Evidence given by W. Elyard, Esq., 12 February, 1861.)</i>	
A.	
(1.) Auditor General to Colonial Secretary, 17 February, 1853	16
(2.) Memo. of J. Cooper's sale of hay to Mr. Jones, 30 November, 1850	16
(3.) Memo. of agreement between Mr. Jones and R. Plumb for sale of hay, 10 December, 1850	16
(4.) Receipt.—Mr. Jones' payment for carriage of hay and maize, 11 September, 1851	17
(5.) Do. do. cartage of hay, 14 June, 1851	17
(6.) Do. Mr. Foster's payment for oats, 14 September, 1851	17
B.	
Mr. Jones' statement of actual cost of forage for horses conveying mail from Melbourne to Yass	17
<i>(To Evidence given by T. K. Abbott, Esq., 12 February, 1861.)</i>	
A.	
Postmaster General to Colonial Secretary, 1 July, 1851	20
B.	
Postmaster General to Colonial Secretary, 2 August, 1851	20
C.	
Postmaster General to Colonial Secretary, 28 August, 1851	20

1859-60.

Legislative Assembly.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

PETITION OF MRS. MARY JONES.

TUESDAY, 24 APRIL, 1860.

Present:—

Mr. CLOSE,
Mr. HART,MR. LYONS,
MR. WILD.

W. V. WILD, ESQ., IN THE CHAIR.

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

1. *By the Chairman*: You were Colonial Secretary of this Colony in 1851? I was.
2. Will you be kind enough to look at the petition signed by Mrs Mary Jones, and say whether you remember the circumstances of the contract which is mentioned there? At this distance of time I have a very indistinct recollection of the matter, nearly nine years having elapsed since it occurred. I have some recollection, however, of a claim of this kind having been preferred to the Government.
3. Does your recollection enable you to state whether Mrs. Jones' petition correctly lays down the circumstances of the case? I have no recollection of the circumstances stated in the petition; and certainly the allegation of her having waited on me, and having received an assurance such as she adverts to, I have not the slightest recollection of. I can only say it would be very different to my ordinary caution and practice in matters of the kind.
4. To what particular allegation do you refer? I allude to the paragraph in which she states that she waited on me on behalf of her husband "for the purpose of throwing up the contract, and forfeiting the four months' mail money then due; and then shewed me, from her husband's books and accounts, that he had already incurred a loss of £1,500; and that I thereupon stated to her, that if her said husband would give the required security, and continue the said contract, any loss he might sustain would be made good by the Government at the end of the term for which the said contract was taken." I have no recollection of that circumstance.
5. I suppose she may have called upon you, although the circumstances attending the interview were not as she has stated? Very possibly; indeed, it is very probable she did. I was in the habit of seeing a great number of persons every day, and it is quite impossible for me now to say whom I saw and whom I did not see. I think it extremely probable I did see Mrs. Jones, but not that I made any such promise as she alleges.
6. Do you recollect Mr. Jones himself calling upon you in reference to this contract, which, as you may recollect, was a contract to convey the mails from Sydney to Albury? I think he did call upon me. I have seen him on several occasions with reference to contracts; and it is very likely I saw him with reference to the particular contract adverted to in this petition.
7. Do you recollect whether, at the time alluded to in the petition, the usual bonds had been entered into for the fulfilment of the contract, or do you recollect any conversations you may have had with any of the parties, with reference to their not having been entered into? I do not. That is a detail that would not come under my notice as Colonial Secretary.

The Hon. E.
D. Thomson,
Esq., C.B.,
M.L.C.
24 April, 1860.

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

24 April, 1860.

Secretary. Instructions were always given to the Civil Crown Solicitor to see that bonds and contracts were entered into; and there was a general rule that the Auditor General should not pass the accounts unless he was in possession of duly signed bonds and contracts.

8. Under whose notice, in the then state of the departments, would such matters come? I think the Auditor General, and also the department to which the matter related. As this related to a postal contract, it would be between the Auditor General's and the Post Office departments.

9. Another paragraph of the petition says,—“that the said Colonial Secretary” (meaning yourself) “thereupon stated to your Petitioner, that if her said husband would give the required security and continue the said contract, any loss your Petitioner's said husband might sustain would be made good by the Government at the end of the term for which the said contract was taken.” Have you any recollection of that circumstance? I have not. In fact, I think—having referred to some of the official papers on the subject—that that statement is not borne out. There was an investigation into the claim, and it was disallowed. There is a very long report upon the subject (to which I would call the attention of the Committee) in a letter from the Auditor General to the Colonial Secretary, dated 17th February, 1853, upon which there is the Colonial Secretary's Register Number 53-1694. The case is fully set forth therein, and there are accompanying documents which form the data which enabled the Auditor General to report. The contract, I believe, was originally from Sydney to Melbourne; the only portion of the claim entertained by the Government, or investigated by the Government, was that relating to the contract from Yass to Albury. At that time the separation between New South Wales and Victoria had taken place, and the contractor was referred to the Government of Victoria for any claim he might have for the contract between Albury and Melbourne. There was some limitation also as to the terms upon which the Government were willing to entertain the claim. There had been some very extensive bush fires in the Southern Districts that had raised the price of forage. It was determined to entertain no claim for loss except on the item of forage. The contractor was accordingly required to send in documents in proof of his claim. Having done so, it will be seen by the Auditor General's report, already referred to, that he entirely failed to shew that he had sustained any loss on that account. He claimed a loss upon forage alone of £1,910, but it was shewn on the contrary that the forage had cost him less by £8 than what he had originally calculated.

10. Less than he had originally contracted for? No; what he calculated as the price he could purchase it at. When he sent in his contract he estimated the cost of forage at £140; by the documents he produced, he shewed he had purchased it at £131 5s., or £8 15s. less than his original estimate.

11. I will now call your attention to the sixth paragraph of the petition, which says, “That your Petitioner, under the circumstances above set forth, in or about the month of April, or early in the month of May, in the said year, waited on the then Colonial Secretary, The Hon. E. Deas Thomson, on behalf of her said husband, for the purpose of throwing up the said contract, and forfeiting the four months' mail money then due, and then shewed to the said E. Deas Thomson, from her husband's books and accounts, that he had already incurred a loss of about £1,500 (one thousand five hundred pounds).” Have you any recollection of the circumstances set out in that clause? I have not.

12. You will observe that Mrs. Jones, in her petition, alludes to “forfeiting four months' mail money then due”—that four months would mean the first four months of the contract? No doubt.

13. Now you have no recollection that at that time none of the usual bonds had been entered into? As I have already stated, that was a matter of detail that would not come under my notice.

14. Would the Committee be more likely to obtain that information from any other office than that of the Colonial Secretary? I think either the Post Office, or the Auditor General's Office. I think the bonds and contracts are kept as vouchers by the Auditor General; and I have no doubt they could be produced to the Committee. (*Vide Appendix A.*)

15. Are you aware whether Mr. Jones, or, since his death, his wife, ever received any recompense for any loss by carrying out this contract? I am not. Upon the report of the Auditor General, which I have already alluded to, I find the following Minute in the hand of the late Governor, Sir Charles Fitz Roy:—“Under this report Mr. Jones does not appear to be entitled to claim any compensation from this Government, and should be informed accordingly.” He was so apprised, it appears, on the 5th March, 1853, and I do not find that he appealed against that decision.

16. *By Mr. Lyons:* This claim then was investigated during the time you held office? It was.

17. And that is the report? That was the report made to the Government. It was a report called for by a letter which I addressed to the Auditor General on the 7th January, 1853.

18. *By Mr. Hart:* Can you state whether any compensation was made to contractors who preferred claims under similar circumstances? I am disposed to think there were some cases in which compensation was given, but I cannot call them immediately to recollection. That was in consequence of the change of circumstances and change of prices arising out of the gold discovery.

19. Did the Government adhere literally to the letter of the contracts, or did they deal with the contractors according to the equity of the case? As a general rule we considered that the contractors were bound by the terms of their contracts—that we were not at liberty to depart from them; otherwise it would be unfair to those who had competed with them; but there are instances in which, I believe, in consequence of circumstances having arisen which

which could not be foreseen or guarded against, the claims of contractors to compensation for loss have been entertained; or at all events, a remission of the penalties incurred for non-performance of the contract has been allowed.

20. *By the Chairman:* In consequence of the state of things produced by the gold discovery? Not exclusively on that account. There were other cases which were deemed equally deserving of consideration; such for instance as those in which, from bush fires, storms, and floods, and circumstances beyond the control of the contractor, and which could not be calculated upon when the contract was entered into, it was found impossible to comply with the stipulated conditions. In all such cases it was considered right and proper that the Government should take a liberal view of the claims of individuals. If I had thought it likely such a question would be put, I would have looked out some of the cases.

21. *By Mr. Close:* Can you say whether any other mail contractor about that time obtained compensation? I do not recollect any. That was the principal mail contract—by far the most extensive.

22. *By Mr. Hart:* Having read the report of the Auditor General, can you say whether he took into consideration the increased traffic from the discovery of the Southern Gold Fields, which may have counterbalanced any loss the contractor might sustain? I do not find in the report any reference to a consideration of that kind.

23. *By the Chairman:* Is it not the case that the Southern Gold Fields were not discovered till two or three years afterwards? I think they were discovered during that year, both the gold fields of Victoria, and what we call the Southern Gold Fields in this Colony. But that is a matter easily ascertained. My strong impression is that the Southern Gold Fields were discovered in 1851. I mean Major's Creek and Bell's Creek, near Braidwood. It probably was the latter part of 1851.

24. It would be usual, of course, for a person entering into a contract of this kind to enter into the bonds at the commencement of the contract? Yes; the general rule was that the bonds and contracts should be entered into at once. At all events, it was a general rule that the Auditor General should not make the first payment until the bonds and contract had been duly executed.

25. You have stated, I think, that you have no recollection that the bonds and contract were not entered into in this instance? I do not know whether they were or not. It would be a very unusual circumstance if they were not.

26. *By Mr. Hart:* Was it in your power in the then state of the Government to make this alleged promise to the petitioner? Well, of course it would depend upon the Governor General to carry it out; but I never knew a case, in which I made a promise, that it was not fulfilled.

27. It would not be requisite to bring it under the notice of the Executive Government? No, it was a departmental matter, which I arranged. But I can scarcely conceive that such a circumstance arose as that alleged, because it would be so contrary to my usual practice to make such a promise. All I probably said was that the case would be investigated. It was investigated; and it was found on investigation, at the time, that there was no ground for compensation.

28. *By Mr. Lyons:* The claim investigated was the claim of the husband? Yes; that is the only claim Mrs. Jones has now; it is, I presume, as the representative of her husband that she makes this claim.

29. Was she aware of the decision arrived at? That I cannot tell.

APPENDIX A.

It may be explained, that the non-execution of the bonds and contract would not affect the equity of the case, for the contractor would of course be bound by his tender; whilst, as a general rule, in all advertisements calling for tenders, it was a stipulated condition that each should be accompanied by a memorandum signed by the proposed sureties, undertaking, in the event of its acceptance, to execute a bond in the requisite amount as security for the due fulfilment of the contract. I have no reason to suppose that the usual course was not followed in this case; but the fact can be readily ascertained by reference to the Office of the Colonial Secretary or Auditor General.

THURSDAY, 10 MAY, 1860.

Present:—

MR. CLEMENTS, | MR. HAMILTON,
MR. LYONS.

W. V. WILD, ESQ., IN THE CHAIR.

Mrs. Mary Jones called in and examined:—

30. *By the Chairman:* You are the widow of the late Joseph Henry Jones, of Bargo? Yes. Mrs. M. Jones.

31. And you still reside at Bargo? Yes.

32. In 1851, had your husband any contract with the Government? Yes.

33. Of what nature was that contract? The contract was, to convey the mails from this Post Office to the Melbourne Post Office, right through the line. 10 May, 1860.

34. Will you be good enough to tell the Committee how long that contract continued, and what circumstances determined it? It commenced in 1851. Mr. Jones put on coaches, and laid out, I daresay, from £8,000 to £10,000, and he sold the wreck of it for £1,600, or a little more. 35.

Mrs. M. Jones. 35. When did the sale take place,—how long after the commencement of the contract? I think it was perhaps the end of the second year, but I have the bills. He had to take bills for two and three years even for that small sum.

10 May, 1860.

36. What caused the wreck of the property? The wreck of the coaches and horses, they were not of much use after twelve months.

37. The Committee are anxious to know the exact circumstances of the case—what were the causes of the loss you state you sustained? The commencement was the bush fires, which burned away all the food of the horses, burned stacks of hay.

38. When did these fires take place? In 1851; they burned all the grass away, burned the stacks, destroyed everything; consequently there was no food left for the mail horses. Mr. Jones had to purchase hay at a very great price, wherever he could get it. He had to get the sanction of the Government for the squatters to sell what little they had, and he had to get carriers at an enormous price, because the horses had no food.

39. What caused this enormous price in the employment of carriers? Because they had no food for their own cattle, in consequence of the bush fires.

40. Were there any other circumstances which operated against the fulfilment of the contract? Yes; the commencement of the gold fields.

41. That was in May, 1851? In April, or the commencement of May. It commenced in the middle part of the way on the Albury side—there were pieces of the contract that Mr. Jones let to men; all these men, when the gold commenced, of course left his contract, rushed away to the gold fields, and left him to do as he could.

42. Went away to the diggings? Yes; then Mr. Jones was on the line himself. Sir Charles Nicholson happened to be going on some business to Melbourne, met my husband on the line, and saw what trouble and expense he had been put to through other sub-contractors. Of course they took their own horses away, and then he had to purchase horses where he could, at great prices, and some he had to hire.

43. You mentioned the name of Sir Charles Nicholson,—do you know whether he is aware of any of the circumstances that operated against the performance of this contract? He was aware of almost all of the circumstances.

44. Perhaps the Committee might derive some information from him? He is aware of the principal circumstances, although it is now some nine years since.

45. Did not the diggings break out as well to the southward as to the westward, and if so did not that operate to your advantage? They broke out, but of course the people all left this side; therefore we had not the Sydney end to assist with the other end. They all ran away; there was no traffic; they went to the Turon.

46. Over what time was this contract to extend? Twelve months only.

47. Had your husband signed the bonds? No, he had not up to this time. I think it was about four months after.

48. Would that be in May? In May.

49. Did anything take place between Mr. Jones and the Government, in reference to signing these bonds? Mr. Jones, when he came home from replacing these small pieces of the contract, what with the anxiety and fatigue, was laid up in bed, and given over by the doctor—Dr. Sherwin. I was afraid, from the fires and other mishaps at the other end, that all the property of my family would be lost, and I could not shew my husband any letters, by order of the doctor; so I had to leave him and come up to Sydney, for the purpose of giving up the mail contract. I saw Sir Charles Nicholson—

50. Your husband, you say, was dangerously ill at this time? Yes.

51. Did he recover from that illness? Yes. I saw Sir Charles Nicholson, who, I believe, was named as one of the bondsmen.

52. One of your bondsmen? Yes, his name was set down. When the application goes in there are two bondsmen named, and Sir Charles Nicholson had promised to be one of the bondsmen. Of course I saw him, and I told him how the line was situated, and how Mr. Jones was, and everything about it, as he was a friend of mine; and Mr. Lachlan Macalister was there present. I said I wanted to go and give up the mails.

53. Was Mr. Macalister the other bondsman? He was the other bondsman. Sir Charles Nicholson said,—“Mr. Macalister will go with you to introduce you to the Colonial Secretary.”

54. Who was the Colonial Secretary at that time? Mr. Deas Thomson. He said he was on the line with Mr. Jones, and saw the state of the country.

55. Who said this? Sir Charles Nicholson. He said if he had all the money of this country he could not finish this out.

56. Was this conversation with you? Yes.

57. Confine yourself to the communication that took place between you and the Government? I went to Mr. Deas Thomson, and told him I was come to give up the mails and contract. He said, “You must do it,” or something to that effect.

58. *By Mr. Clements:* You must perform the contract? Yes. I told him, No, there was no obligation.

59. *By the Chairman:* What did you mean by no obligation? The bonds were not signed, and we would throw it up. We had already lost—and I took the account to shew it—£1,500 for the first quarter, and the mail money.

60. *By Mr. Lyons:* £1,500 was the actual loss for the first quarter? Yes. He then spoke very kindly to me, and said if I could manage to do it the Governor and Council would consider favorably on the matter, and that for all unforeseen events Mr. Jones would be remunerated, I think he said £72 per cent.—seventy something.

61. *By Mr. Clements:* Seventy per cent. upon the contract, or upon the losses? Upon the losses. I said it was impossible for it to be done; that all our money was expended, and that

that I had lent Mr. Jones money,—money that he had been working for for years, and what would become of my family if I expended all that. He said, "Oh, try and do it, and there is no doubt but what you will be compensated." Mrs. M. Jones.
10 May, 1860.

62. *By the Chairman*: Before going further I would ask you whether in talking of compensation the Colonial Secretary alluded to any particular events for which you should be compensated. Did he specify what the unforeseen events might be? "For all unforeseen events."

63. He did not specify any? No; worse followed after this quarter.

64. If I understand you the gold fields had broken out? Yes; they had commenced.

65. Had you any further conversation with the Colonial Secretary? I said the gold had commenced, and that the men had run away from their contracts,—the pieces that Mr. Jones had let.

66. *By Mr. Clements*: You refer to the sub-contractors? Yes, and Mr. Jones had to buy horses at a great rate to replace these men.

67. *By the Chairman*: Do you recollect whether anything further passed between you and the Colonial Secretary in reference to compensation? No further than as to the state of the country. I said all the men were running away from this line, which they were, and the Sydney coachman who drove me to his place begged and prayed of me to give up the contract. He said, "You will be all ruined."

68. *By Mr. Clements*: Who begged you to give it up? The coachman at the Sydney end—Armfield.

69. *By the Chairman*: Is Armfield still alive? Yes.

70. Was anything said about signing these bonds at this time? Yes; he begged of me to have them signed. I then said, "I would consider about it," and then I went to Sir Charles Nicholson; I mentioned to him what had taken place, and he said, "I never knew Mr. Thomson to forfeit his word."

71. Did he say that in reference to the promise of compensation? In reference to the promise he said, "You can do as you like, but mind it is at the risk of all you have, and at the risk of your bondsmen to."

72. What determination did you arrive at? After consideration of what he had mentioned to me, of course I had faith in the Colonial Secretary. He said, "If you can, do it." I said I would have to borrow money and to expend all my family's money, but I said if I gave it up, when Mr. Jones came round, if ever he did, he would be very angry. After Sir Charles Nicholson spoke to me in that way I considered about it, and went to him again. I then said, I had made up my mind to have the bond signed, and then he said, "Have you got any friends?" I said, "I do not know, I have not tried." He said, "Go round and see if you have any friends to sign the bond with Mr. Macalister, and if you cannot find anyone to sign with him, if you determine to have it done, at the risk of all I have got I will sign with him for Mr. Jones." I went to Mr. William Long, and explained that Mr. Jones was at death's door, and that I did not expect to see him alive again. I said that he would have to do the contract if anything happened to him, for I could not manage it. He said, "I will do it for you. I know nothing about coaches and horses; but as much money as you require, if you do require it, you can have it." He went and signed the bond.

73. Mr. Long then became your bondsman? Yes, with Mr. Lachlan Macalister.

74. This contract, bearing your signature and the signatures of your bondsmen, lasted till the beginning of 1852? Yes. About the time of the signature of the bond a petition was drawn up for compensation for what we had already lost during the first quarter. Sir Charles Nicholson signed that, and a number of the Members of Council who were in Sydney, and I was promised that the signatures of the remainder, who were in the country, should be got. However, I did not wait for that. Sir Charles Nicholson directed me to take it to the Governor himself at Government House, Parramatta. Armfield drove me there. It was the day after Governor Fitz Roy was made Governor General. I sent in a message by the steward that I wished to see him; but he brought out word that the Governor could not see me, but that anything I left would be attended to; that he was busy writing despatches. I then sent in another message, and he replied that it was impossible to see me, but that I could send in what I had. I did so, and he said it should be attended to. I met his son upon the road, the Private Secretary, and he assured me that it should be attended to, and asked me to stop at the . . . I said I could not do so, that Mr. Jones was lying in a dangerous state, and that I must get home as soon as I could. He said, "If that is the case, get home as quick as you can, and I will see it attended to." Some time after this the accounts were ordered to be sent in to the Auditor General.

75. The accounts relating to this loss before May? Yes, and they were sent in, I think, all that could be collected.

76. How did the contract go on after May—successfully or otherwise? It went on worse than during the first quarter.

77. Tell us, as briefly as you can, the history of the remainder of the contract? The fires first, and then the floods came, and then the gold rush, which continued rapidly, and drew the men away all down the line.

78. Although no doubt the breaking out of the gold would injure you by inducing your men to leave, would it not benefit you by increasing the number of your passengers? Not at all, for we could not carry any. The horses from want of food in consequence of the fires could carry very little, and then from the floods it was impossible to get along with the mails. They had to take pack-horses to carry the mails.

79. You directed all your energies to the conveyance of the mails? Yes; but of course, the mail money would not pay the men's wages at the best of times.

Mrs. M. Jones. 80. What loss, at a rough estimate, for we shall get more minute details from documentary evidence, do you suppose was sustained on the whole contract? I go from the first calculation, that is all I can go upon; but I know the expenses were a great deal more after the first quarter.

10 May, 1860,

81. You base your calculation upon the loss of £1,500 in the first quarter? Yes.

82. *By Mr. Hamilton*: How long did you hold the contract? Twelve months.

83. *By the Chairman*: Were the losses of the succeeding quarters equal to those of the first? They were more.

84. *By Mr. Hamilton*: Then you put down the loss at more than £6,000? Yes, it was more; but all I have to go by is the first quarter.

85. *By the Chairman*: In consequence of these losses, and of the promises made by the Colonial Secretary, did either you or your husband make application for compensation at the termination of the contract? Yes, I did myself. I had an interview with the Colonial Secretary, Mr. Thomson, after the contract was performed, and he said he was not aware but that Mr. Jones was remunerated.

86. How long after the termination of the contract was this? I cannot say; some months perhaps after the contract was performed. I said, "My family are suffering for your promise." He said, "Do not blame me, because I thought Mr. Jones was remunerated"—which I could bring to his own recollection.

87. *By Mr. Clements*: Did he lead you to believe that he supposed the Government had remunerated him? Yes. I said, "My family are suffering in consequence of Mr. Jones having no means of paying me my money back again"—the money I had given him to assist him in carrying on the contract after, by my own fault, I had got the bond signed. These are the words he made use of when I asked him what course I was to take. He said, "Tell Mr. Jones to write to the Postmaster General, and it will come through his hands to me, and I will see it carried out."

88. Did Mr. Jones write? I cannot say; when he was in his own business I never interfered with him.

89. Do you know whether your husband made a formal application or not? I think he did, but I do not know. My own doings I can speak of.

90. Can you explain how it is that you have allowed eight or nine years to elapse without pressing your case? Mr. Jones was taken ill with sudden attacks, and I had to attend to him, and to other matters, which took up most of my time. He was precarious in his way when he had these attacks.

91. You mean that latterly Mr. Jones suffered from fits of temporary insanity? Yes; he took up the whole of my attention, and I left other business as well as that. After that Mr. Thomson left the Colony, and I had no one to apply to.

92. Mr. Thomson had left the Colony? Yes, two or three years afterwards; and I had no one to apply to, as he was the person who knew all about it, and then the country was not in the state it is now. I asked advice about it of the Government officers and others, and they said they did not think it was of any use applying. It was in that way I was put off from time to time. They said it was of no use applying, I should only have the trouble and get nothing.

93. What induced you to make the application now? I understood that other persons had made applications and got compensation, and I know I am a sufferer. I am perfectly penniless now, where I ought to have £10,000 in the Bank.

94. You never have received any compensation from the Government? I have never received any compensation. It has never been before any Committee or Council.

95. *By Mr. Clements*: In consequence of the faith you had in the late Colonial Secretary, Mr. Deas Thomson, you were induced to go on with this contract? Yes, I went to him to give up the contract.

96. *By Mr. Hamilton*: You went to him and said you must give up the contract at the end of the quarter? Yes, immediately.

97. That you had lost £1,500 already, and he said, "continue it, and I will see you are paid"? Yes; he said if I could manage to go through it, and continue it, of course the Governor and Council would consider favorably of it, and I was to have this per centage upon all unforeseen events; and all these were unforeseen events.

98. And that these promises induced you to continue the contract? Yes.

99. *By the Chairman*: Is that the bond to which you allude (*handing a paper to witness*)? Yes, it is signed by Mr. William Long and Mr. Lachlan Macalister.

100. *By Mr. Lyons*: You say when you first undertook this contract you expended £10,000? Yes, it must have cost that to lay on coaches and horses from post to post.

101. And the contract lasted only one year? Yes.

102. How long after the contract commenced did the sub-contractors throw up their part of the performance? About three months I think.

103. Even with their assistance, and with everything going on regularly, you lost £1,500? Yes; because the fires began early in February, which raised the price of forage.

104. The Government would have nothing to do with that? That was an unforeseen event; they were such fires as have never been known before or since.

105. At the termination of the contract all these horses, carts, carriages, &c., were sold? Yes.

106. That which cost you £10,000 sold for £1,600? Yes; and then I had to take bills at two and three years for that; for they were not of much use after twelve months, through fire, water, and floods.

107. *By Mr. Clements*: There is always a great loss upon coaching material? Yes; and having it for only one year we could not make up our loss. If we had had it for three years, in the next two years we might have got something back again.

- Mr. Edward Armfield.
17 May, 1860.
134. How long did that state of things continue? It continued a long time. I know I came into town myself to buy grass hay of Mr. Campbell, for which I paid £30 a ton.
135. How long did this mode of sending hay along the road continue? It lasted four or five months.
136. Was that moderate or excessively expensive? Excessively expensive I should say.
137. What would be the cost of sending a ton of hay in this way—cut up and packed in woolpacks—at a rough estimate? That would depend upon the station it was taken from—and the parties would have to agree to take it along the road and leave some here and some there, as it was wanted.
138. Without speaking of the transit, what would be the expense of cutting up the hay and putting it into woolpacks? To cut up the hay into chaff it would be necessary to hire men. There was none of this machinery at work at that time, and therefore it would take longer to do it. I know it has cost him as much as £60 or £70 a ton to deliver it along the road from Yass.
139. I think you said your piece of road extended only from Sydney to Campbelltown? Yes.
140. Did you drive the whole way yourself? No, to Liverpool.
141. Were you in the habit of going up the road yourself? Yes, as far as Berrima and Goulburn.
142. Had you an opportunity at the breaking out of the gold fields of seeing the difficulties thrown in the way of the performance of the contract? The breaking out of the gold fields caused all the men to go to the Turon and to Ophir, and caused a great deal of difficulty, as much as the bad state of the country, for forage. I know that the men ran away, and left the horses to the mercy of the world, and in some cases took the horses away with them.
143. I suppose you can give no idea of the loss sustained by occurrences of that kind? No.
144. How long did this state of things continue? Four or five months.
145. Did not the gold fields afterwards break out in the south? Yes, at Braidwood.
146. Had not that a beneficial effect on the contract? The only beneficial effect was, that Mr. Jones slightly recovered his losses from here to Goulburn; for there was no traffic along the road, people went across from Bathurst. I know that although I was driving myself, I did not clear my own expenses from here to Campbelltown.
147. You say it was a common thing for the drivers to run away? Yes, and the ostlers too; I knew several who did so.
148. For the whole length of the road? On different parts of the road from Gundagai on the Albury road.
149. What course did Mr. Jones take under those circumstances? He managed to do the best he could. Sometimes when a man got to the end of a stage he would find the men gone and the horses too, and he had to drive a double stage. I know I had to send away my seasoned horses to the Port Phillip road, and buy horses for myself in town.
150. For how many months in the year did forage remain at this high price, or did it remain the whole year? The whole year on the Albury road. He did get a little hay here and there at the commencement which was not so high; but there was a failure in the crops.
151. What wages were demanded by the drivers after the breaking out of the gold fields? I was paying, myself, about £1 a week at first; he was paying some of his coachmen £8 a month, and he had to raise them to £15.
152. Was there any great change in the price of horses? Here there was a rise through the gold diggings, but it was not so particular; but we could not get seasoned horses for mailing without we paid a price for them, especially if we wanted them in a hurry.
153. What was the state of the roads in 1851? Very bad, especially beyond Berrima.
154. Was that from any particular cause? Only from the wet; the horses had a great cutting up, even on the Goulburn road.
155. Did this sub-contract of yours extend through the whole year 1851? Yes.
156. Did you lose or gain by the contract? I should have lost, only through the Braidwood diggings; only mine was a small piece, and I drove the mail myself.
157. Was yours the best part of the road? Yes; it is always the best part from Sydney to Campbelltown.
158. *By Mr. Lyons:* Were you sub-contractor, under Mr. Jones? Yes; I did it from Sydney to Campbelltown.
159. *By Mr. Clements:* You took it from him? Yes.
160. It is the usual practice for a general contractor to let off portions of the line? Yes.
161. *By Mr. Lyons:* Did he let off any other portion of the road in the same manner? No; he could not get anyone to take them—he would have been very glad if he could.
162. You have been a contractor for many years? Yes, I have had mail contracts myself.
163. Any loss that was sustained on the line upon which you drove would have fallen upon you, I presume, and not upon Mr. Jones? It fell upon him as well as upon me.
164. Not if you were the sub-contractor? I found half the expenses and he found half, and whatever losses or gains there were we divided.
165. Then you were not, properly speaking, a sub-contractor? On these pieces of road—it was not a great deal he let in that way—he found half the horses and shared half the losses or gains; but there was no loss on this end of the road, even if we had got no mail money; for there is always plenty of traffic at this end, independently of the Goulburn traffic.
166. *By Mr. Hamilton:* Was it during the time you have referred to that you raised the fares? I am not positive—it is so long ago.
167. *By Mr. Lyons:* Was that petition you have spoken of numerously signed by Members of the Legislature? It was signed by a great number—by Mr. Wentworth, Mr. Hill, Sir Daniel Cooper, and I think Mr. Cowper and Mr. Macarthur.

168. *By the Chairman*: Had these gentlemen full knowledge of the circumstances? I know Mr. Hill and Sir Daniel Cooper had. Mr. Edward Armfield.
169. What became of that petition? It went to Sir Charles Fitz Roy. I drove Mrs. Jones up to Parramatta, and we met Mr. Fitz Roy, who was something under his father, and he promised faithfully the thing should be attended to immediately. 17 May, 1860.
170. I suppose he merely said it should be attended to? Yes.
171. *By Mr. Lyons*: This hay which you bought of Mr. Campbell at £30 a ton, was it to provide hay for Sydney? No, it was at Tarcutta. I had an order upon his superintendent (Mr. ———), and Mr. Jones had to find parties to remove it.
172. That was Mr. George Campbell? I am not certain which of the Campbells.
173. *By Mr. Clements*: When you make a contract, is it not usual in the early part of the year to purchase your supply? There was none to purchase that year.
174. Then Mr. Jones, or any other contractor, I presume, would tender according to the high price of forage? No, he tendered in the spirit of opposition, like any other contractor. He had never had this long line of country before; and having got it, he was a very determined man, and was resolved to carry it through.
175. Have mail contractors any option to throw up their contracts, by giving notice before the end of their term? They have not. They can only throw it up before the bond is signed.
176. If they commence working must they carry the contract through? If there is no bond signed they can throw up the contract, but then they have to forfeit all the money they have earned. In this case no bond was signed by Mr. Jones; but Mr. Jones being an old contractor, because he would not throw dirt in the face of Sir Charles Nicholson and Mr. Macalister, who had given their word for him, was determined not to throw up the contract. He would rather have lost everything he had than be licked at it.
177. *By Mr. Lyons*: What do you suppose was the value of his plant when he commenced his contract? It cost a great deal of money. I had to get a lot of machines and send them to Port Phillip, but I could not form an idea of the cost.
178. Could you not give some idea what the carriages and horses were worth? It would take a good many horses.
179. *By the Chairman*: It has been given in evidence that the plant was sold, at the end of the contract, for £1,600? Yes, it was, to Forster.
180. Would that be a great loss, or would it be more than the value? That would be a great loss, and I will tell you for why,—the horses were scattered all over the country, some here and some there, and Mr. Jones would not have got a shilling for half the horses if he had not sold them to Forster; so that he was obliged to sell them to him.
181. Why could he not have sold his horses to another person? Because this man was mailing on the Port Phillip road, and Mr. Jones would never have received half the horses—some were turned out here and some there, and Mr. Jones did not know where many of them were. This man turned nasty with Mr. Jones, and, if Mr. Jones had not sold them to him, he never would have got half his horses.
182. *By Mr. Lyons*: You think they were sacrificed? Yes.
183. *By Mr. Clements*: There is always a great loss in the sale of coaching plant at the end of a contract? Yes, in coaches; but horses, if they have not been knocked about, often bring a better price than was paid for them.
184. *By Mr. Lyons*: Do you think Mr. Jones' plant cost £10,000? I should think it did not cost much less.
185. *By the Chairman*: Then the selling it at £1,600 was a vast sacrifice? Yes.
186. Supposing the season of which we have been speaking had been similar to an average season in every respect, what would have been the diminution in the value of the plant at the end of twelve months, at a rough estimate, supposing it cost £10,000? If another contractor had got the contract from Government, and wanted the plant to go on with, I consider the whole plant would have been worth £8,000 or £9,000.
187. *By Mr. Clements*: That is, supposing it to have been sold under favorable circumstances? Yes.
188. *By Mr. Hamilton*: How long do you consider one of those coaches will last? It depends upon circumstances—in a great measure upon the state of the roads—sometimes they are upset and smashed to pieces.
189. How long, under ordinary circumstances? Four or five years.
190. *By Mr. Lyons*: If in the hands of a careful driver? Yes.
191. *By Mr. Clements*: Supposing a coach to be taken good care of, and to run four years, and supposing it to cost £120 at first, what would it be worth at the end of four years? I should say it would be worth £40 or £50.
192. *By the Chairman*: Was the greater part of Mr. Jones' plant new or old? New. All his coaches were new. He had not a coach to go mailing without having it made.
193. *By Mr. Clements*: Is it your opinion that Mr. Jones at first took the contract at too low a price in the spirit of opposition? Mr. Jones had no idea of the Port Phillip road at the time he took it. He was a great coaching man, and he wanted to take it; and when he had gone up the road and found what he had to contend with, he could have thrown it up then.
194. *By Mr. Lyons*: Were you very intimate with Mr. Jones? Yes.
195. Did he ever mention to you that he had an interview with Mr. Deas Thomson concerning this contract? He said he had an interview with someone.
196. *By the Chairman*: Did Mr. Jones become insane? Yes, he became actually insane.
197. *By Mr. Clements*: Through the losses he sustained by this contract? Yes; I know he sacrificed all the funds he had in the bank, because some of his cheques came into my hands that were dishonored, and these continual losses drove him stupid.

- Mr. Edward Armfield. 198. Was he previously a very correct man in his dealings? Yes.
199. You think anxiety and disappointment were the causes of his derangement? Yes, disappointment about his losses caused him to go this way.
- 17 May, 1860. 200. *By Mr. Lyons*: How long after he commenced his contract did his difficulties begin? Not till the gold diggings commenced; then all his troubles came on. First his men ran away; then there was no forage for his horses, and his horses were starved; what forage was got the men would take away and sell it.
201. You do not know how long after the contract commenced these difficulties presented themselves? Not very long.
202. At what time were these dishonored cheques flying about? I do not know. I know at this time these cheques were sent along the line of road to pay Mr. Jones' debts.
203. You do not know at what time of the year they fell into your hands? That was before the petition. I think that was the cause of the petition going in.
204. *By the Chairman*: Would that have been about May? I think it was. He had every obstacle pitched in his road by these people who got these dishonored cheques; many of them had been coaching on the line, and wanted to put everything in his way. They got them sent up to Sydney, and I got hold of several and paid cash for them, for I knew Mr. Jones would not have a cheque dishonored for the world.
205. *By Mr. Lyons*: How did he manage to carry on his contract for the remaining six months when he was in such difficulties? Through the Braidwood diggings giving him a little help, and I suppose he borrowed money.
206. *By the Chairman*: Do you know anything about his circumstances when this contract was completed at the end of 1851? I heard that he was a great sufferer, and that he had lost a deal of money by the contract, and I know he was in great difficulties when he had to finish it.

1860.

FRIDAY, 26 OCTOBER, 1860.

Present:—

MR. CLEMENTS, | MR. HART,
MR. HAMILTON.

W. V. WILD, ESQ., IN THE CHAIR.

Sir Charles Nicholson, Bart., called in and examined:—

207. *By the Chairman:* Will you be kind enough to look at the petition of Mrs. Mary Jones, and say whether you have any recollection as to the circumstances of the contract mentioned therein? My recollection as to those circumstances is somewhat indefinite, and by no means clear; but I have an impression that substantially the allegations contained in the petition, as to the great difficulty of carrying out contracts at that particular period, are true; and I have also an impression that, in consideration of the great difficulty for the time being, some sort of conditional promise was made to Mrs. Jones or her husband that, if he carried out the contract, the Government would be disposed to take into account the very exceptional circumstances under which he fulfilled his engagement, with the view, I presume, of compensating him for any loss that he might encounter in carrying it out. I believe there was a combination of circumstances at that time which rendered the fulfilment of the contract an affair of very great difficulty; as, in addition to the gold discovery, there was, if I recollect aright, an unfavorable season—providence being dear and wages very high. What brings the circumstances to my recollection is this:—That Mr. Jones, on undertaking the contract, asked me to become security for him, as I had been security for him for some years before; but I declined on this occasion, anticipating and expressing my opinion that his efforts to carry out this contract would be attended with his ruin. He asked me frequently to sign the bond, which it is my impression I declined doing. Seeing that the man really did carry out his contract; whether he did so under the impression or belief that he would be compensated for any loss he might encounter beyond the original loss I cannot say. The matter has almost escaped from my recollection.
208. Is it your impression, from any statements that Mr. Jones made to you, that he was under the belief that he would be compensated? Well, my impression is of a very general nature. I think he was led by the Government to believe that they would take a liberal view of his case, or deal with him in a liberal spirit. That is my impression; but I cannot quote any specific conversation on the subject.
209. Are you aware whether at that time (the discovery of the gold fields) any Government contractors met with special indulgences? No, I am not. I believe Jones always carried out his contracts in a very spirited way, and took great pride in the manner in which he fulfilled his engagements.
210. *By Mr. Hart:* In the petition, Sir Charles, it is stated that, by reason of Mr. Jones' exertions to carry out this contract, he became subject to such bodily and mental disease as totally incapacitated him from further attendance on the performance of the contract after the 4th of April of that year? I cannot say anything in denial or confirmation of that statement. I lost sight of him for a considerable time after he took the contract.
211. *By Mr. Clements:* You were not brought into contact with him after this? No. I had been used to meet him in my journeys up and down the country. My general impression is, that he was encouraged by Government to carry out the contract.
212. *By Mr. Hart:* It states in the petition, that the gold discovery was made in February? Yes, there appears to be a mistake in that matter. The contracts were taken from the 1st of January.
213. *By Mr. Clements:* From your general recollection of the circumstances at the time, you think he was induced by the Government to carry on the contract? Yes; I think he took great pride in carrying out his contract.

Sir Charles
Nicholson,
Bart.
26 Oct., 1860.

1861.

WEDNESDAY, 6 FEBRUARY, 1861.

Present:—

Mr. CUNNEEN,	|	Mr. LEWIS,
Mr. HART,		MR. MORRICE,
Mr. MATE.		

ROBERT STEWART, ESQUIRE, IN THE CHAIR.

Mr. John Sheehan called in and examined:—

Mr. John
Sheehan.
6 Feb., 1861.

214. *By the Chairman:* You have been a mail contractor? Yes, for various periods.
215. Do you know anything of the circumstances under which Mr. Jones' mail contracts were carried on in the year 1851? Yes.
216. After the commencement of the year was there any considerable alteration in the price of forage? Yes, it rose very much, from £6 a ton to £60.
217. Great difficulties then would have to be encountered during that year that could not have been contemplated, or by possibility foreseen, at the period of contracting? Yes, they could not have been foreseen when the contract was taken in October, 1850.
218. *By Mr. Mate:* Do you know what was the amount of the contract for the previous year, 1850, on the line that Mr. Jones contracted to work in 1851? I do not know.
219. *By the Chairman:* Supposing the bonds for that contract not to have been completed in April or the beginning of May in the year 1851, and that it had been thrown up by the person carrying it out, would it have cost the Government a considerable sum beyond that contracted for? Much more; indeed I do not think they could have got anybody to take it, on account of the state of the country then.
220. You think it was a great advantage to have the person then on the line continue it? No doubt about it. I have known the late Mr. Jones, in that year, to be obliged to cut hay at Yass and pack it in woolpacks and send it to Albury, because no hay could be got there at any price; and I have been with him here in Sydney when he has bought corn here and sent it round to Melbourne, to bring it up by the Melbourne Road.
221. One portion of this petition states, that "in or about the month of April, or early in the month of May, in the said year," the petitioner "waited on the then Colonial Secretary, the Honorable E. Deas Thomson, on behalf of her said husband, for the purpose of throwing up the said contract, and forfeiting the four months' mail-money then due"—do you think the contractor would have been in pocket by throwing up the contract at that time in preference to going on with it? Decidedly he would. I have known several of his horses to die —
222. Then you think that his completing the contract gave an advantage to the Government? No doubt of it, for I do not think anybody else would have taken it.
223. *By Mr. Hart:* Had you any mail contracts at this time? Yes.
224. Did they prove remunerative to you in that year? No, they did not.
225. Did you make any application to the Government for compensation? No.
226. Why not? Because I did not think I would get anything.
227. Do mail contracts always prove remunerative to the contractors, or are they sometimes expected to suffer a loss? That all depends upon the figure they get for their contracts, like any other speculation.
228. In the event of circumstances arising, such as floods, fires, or other things of that kind, are the Government expected to reimburse the contractors, or do they make it up to them by not imposing the penalties the Government would otherwise be entitled to impose? That is for delay in delivering the mails?
229. Yes? Through floods they do not, but anything else they do.
230. Are you aware of any contractor who received compensation for loss sustained on a mail contract in the year 1851? No.
231. Are you aware whether there was any increased traffic from Melbourne to our own gold fields by reason of their discovery at that time? Yes.
232. Would not that be a source of additional profit to the contractor? No; because his horses were not able to bring passengers on account of the scarcity of forage; he may have brought a solitary passenger occasionally.
233. Then Mr. Jones was not likely to derive any profit from that source? No, not that year.
234. Did the contractor for the subsequent year derive any profit from that source? That is more than I can tell you.
235. Can you state whether Mr. Jones did sustain any loss? Yes, I am positive he did.
236. To what amount—can you give the Committee any idea? I could not say the amount; but I am sure he suffered a very heavy loss.
237. *By Mr. Mate:* Had you any interest or share in the contract that year? Yes.
238. You were a sub-contractor under Mr. Jones? Yes, from Yass to Gundagai.
239. And you performed your contract? Yes.

240. *By the Chairman*: Are you aware whether Mr. Jones had serious inconveniences to contend with, in consequence of his men absenting themselves in some instances? Yes.
241. In consequence of the discovery of gold? In consequence of the discovery of gold; most of the people in the Southern district felt that.
242. *By Mr. Cunneen*: There were other sub-contractors besides you? Yes.
243. Are you aware that many of these threw up their contracts? All but one and myself.
244. You think they did so because they found that, on account of the altered circumstances of the Colony, it did not pay them to continue their contracts? Yes; and the scarcity of forage—they could not get forage.
245. And you think, as a natural consequence, that, as it did not pay these persons, it was equally likely Mr. Jones would sustain a loss? I am sure it did not pay Jones.
246. You think, in fact, that they gave it up in order to throw the loss off their shoulders on to Mr. Jones? Yes. I had it from Yass to Gundagai, and Spencer had it from Gundagai to Tarcutta, and we were the only two that kept it.
247. *By Mr. Mate*: Then Jones' losses must have occurred from Tarcutta to Melbourne? Yes.
248. *By the Chairman*: And at this end, should you suppose? No.
249. *By Mr. Cunneen*: Had he all the line at this end let to sub-contractors? No; he did this end himself.
250. Then he might have had a loss himself, on that which he held in his own hands—the Sydney end? I do not think he lost on the Sydney end, but he could not have gained much, for his contract was very low that year.
251. *By Mr. Hart*: Do you think his contract between Sydney and Tarcutta paid him? I think it paid him between Sydney and Yass; he had nothing to do then with the road from Yass to Tarcutta; I have just told you Spencer and I had it.
252. Both of you performed your contracts? Yes.
253. Perhaps at a loss to yourselves? I do not say I lost any money by it, but I think Spencer did; I would have lost considerably, were it not that, in time, I went and bought a lot of hay at the Fish River.
254. That view then bears out the statement in the evidence of Mr. E. Deas Thomson, that Mr. Jones's loss was between Albury and Melbourne, and that he was referred to the Government of Victoria for any claim he might have for any contract between those places—you believe that was the case? I do.
255. *By Mr. Lewis*: Are you aware that these changes in circumstances extended to other roads in the Colony? Not that year.
256. It was confined to the Southern Road? Yes.
257. *By the Chairman*: There were three causes, fire —? Yes, fire in Melbourne.
258. The discovery of gold, and floods? Yes.
259. *By Mr. Hart*: The contract, I presume, was taken without reference to any of these things? Yes, of course.
260. *By Mr. Cunneen*: Are you aware of the difference in the rate of wages after the discovery of the gold fields? Yes.
261. What do you think was the difference in the rate of wages, between what it was when he took the contract and what it was from the time the gold was discovered? It was trebled in that year of the gold discovery.
262. You think it rose 200 per cent.? It did indeed, and carriage equally so.
263. *By Mr. Mate*: When did that rise commence? About the middle of 1851.
264. *By the Chairman*: It is given in evidence before the Committee that £1,500 was lost between the beginning of the year, and the beginning of April—should you think that if that proportion was lost in the first three months of the year, it would not have exceeded that amount during the remaining portion of the year? Of course it would.
265. There must have been a clear loss beyond that? Yes.
266. *By Mr. Lewis*: Do you mean to say that all these distressing circumstances came upon him at once in the middle of 1851? Yes.
267. He did not lose anything before that? He was losing from the very beginning.
268. *By the Chairman*: The fire in Melbourne was in February, 1851? Yes.
269. *By Mr. Lewis*: What were the extraordinary difficulties he fell into—in the evidence it is stated that he lost £1,500 in the beginning of April, and you say the distressing circumstances befell him in the middle of 1851? I should think his difficulties increased; he was losing from the very time he began the contract.
270. But he lost more in the latter part of the year? Yes.
271. *By Mr. Cunneen*: I suppose you look at it in this way—that after the discovery of gold and the rise in markets, the price of horses, conveyances, and wages, increased very much? Yes.
272. *By the Chairman*: The fires in 1851 commenced about February? Yes.
273. Then the rush to the gold diggings about May? About May, I think.
274. And then followed floods? Yes.
275. All contributing to the losses of the contractor? Yes; on the Billabong Creek there were two of his horses drowned, in consequence of the flood.
276. *By Mr. Cunneen*: You have sometimes yourself tendered for performing contracts? Yes.
277. When doing so, would you make known to the Government, in your tender, the calculations you might make before taking the contract, as to the cost of horses, forage, and so on? It is not at all likely.
278. It is stated here, by Mr. Deas Thomson, that he is aware of what Mr. Jones estimated the hay would cost him—you, in tendering, would not give such information? No; but perhaps Mr. Jones gave it afterwards. He did not give it when he was tendering; it is not at all likely.

Mr. John Sheehan.

6 Feb., 1861.

- Mr. John Sheehan.
6 Feb., 1861.
279. It is contrary to the usage of contractors to let anybody know what the contract will cost themselves? Yes.
280. *By the Chairman*: If the contract was taken for £2,300 all through, do you think that estimate of £1,500 loss on the first quarter would be likely to be carried out? Yes.
281. You think that is not at all an unreasonable amount to be supposed requisite? No, I am sure it is not.
282. There would be considerable loss on the value of the horses, in consequence of the scarcity of feed, and the want of proper attention to them after the desertion of the men? Yes, of course; many of the horses died for want of forage.
283. And at the end of the contract the value of the horse stock would be very much depreciated in consequence of the deficiency of feed and attention? Yes.
284. That would also form an item of loss to the contractor that he would not be likely to take into account when tendering? Yes.
285. *By Mr. Lewis*: Are you aware whether Mr. Jones had any promises by officials of the Government, that any losses he might sustain would be made good? I am not aware.
286. *By Mr. Morrice*: Are you aware that many of his horses died? Yes, a great many; I purchased over thirty horses in Yass for him, and sent them up the road to keep him going.
287. *By Mr. Cunneen*: Had he to pay a much higher price for the horses that he purchased, to supply the place of those that died, than he would have had to pay when he tendered? Yes, much more.
288. You think any reasonable man could not have foreseen that that would be the case? It was not at all likely.
289. *By Mr. Morrice*: Did the other horses lose much in value from the drought and bad treatment? Yes.
290. *By the Chairman*: If you had been the contractor at that period, and your bonds were not signed at the beginning of April, would you have willingly entered into the necessary security to complete the contract? I would have thrown it up; very few men in the Colony would have continued it.
291. If you had a promise from the Government? That would be quite a different thing of course.
292. *By Mr. Lewis*: Did you say you bought thirty horses for Jones at this time? Yes.
293. And did he lose that number of horses from the particular circumstances that have been mentioned? More than thirty.
294. *By Mr. Morrice*: Have you any recollection what you might have given per head for these horses? From £20 to £30 each.

TUESDAY, 12 FEBRUARY, 1861.

Present:—

MR. CUNNEEN,	MR. MATE,
MR. DALGLEISH,	MR. MORRICE,
MR. LEWIS,	MR. PARKES.

ROBERT STEWART, ESQUIRE, IN THE CHAIR.

William Elyard, Esq., called in and examined:—

- W. Elyard, Esq.
12 Feb., 1861.
295. *By the Chairman*: The Committee are anxious to have the document referred to in Mr. E. Deas Thomson's evidence—No. 53-1694? That is the registered number of the document.
296. Do you produce it? Yes, I have brought it, together with the papers on which it is founded. (*Vide Appendix A.*)
297. Can you inform the Committee on what data that report is founded? The report is from the Auditor General, respecting the claim of Mr. Joseph Henry Jones to compensation for losses alleged to have been sustained by him on his contract for the conveyance of mails between Yass and Albury, and Albury and Melbourne, in the year 1851, and is founded on documents alluded to in it, and correspondence between Mr. Jones and the Postmaster General and Auditor General on the subject. He preferred this claim in consequence of the difference in the price of forage arising from the particular circumstances of the Colony at the time, but more especially, I believe, from there having been bush fires in the Southern Districts and on the Port Phillip side, which, he stated, obliged him to resort to other places for his supplies. I may perhaps mention, in the first instance, that the claim arising for the service between Albury and Melbourne was not entertained by this Government, and that Mr. Jones was referred with respect to it to the Government of Melbourne; and the report, therefore, refers more particularly to the claim for losses between Yass and Albury.
298. Can you inform the Committee whether the contract between Mr. Jones and the Government was for a mail right through? I suppose the contract was made prior to the separation of Port Phillip, and if so it would probably be for the mail right through; but I have not the contract, which will be either in the Audit Office or in the Post Office.
299. If that were the case, would not the Government here carry out the contract, after separation had taken place, and look to the Government of Victoria for their portion of the mail money? I think, in that case, some arrangement would be made with the authorities in Victoria for charging the portion between Albury and Melbourne on the revenue of Victoria.

300. Was the contract completed by this Government paying Mr. Jones the amount of the contract money for the whole line? I cannot inform the Committee on that point, because it is a matter of account which can only be ascertained by reference to the documents in the Auditor General's Office.

W. Hyland,
Esq.
12 Feb., 1861.

301. Would you think it likely they would throw a portion of the contract on the Government of Victoria? The revenues of Port Phillip were kept at Melbourne, and very likely the portion of the contract that appertained to that district would be paid for from those revenues on the spot.

302. Would it be paid for through this Government, or direct to the contractor by the Victorian Government? I do not see anything in the papers which I have to enable me to state this—it will be shewn by the accounts. It would no doubt form a charge on the Port Phillip revenues.

303. Would it be paid through the Government of New South Wales—the contractor would not be bound to look to the Government of Victoria? I am not sure. The contractor might be paid, prior to separation, at Sydney; but I do not know whether by arrangement the portion for the service between Albury and Melbourne would be drawn direct from the Treasury at the latter, or from the Treasury here, and then recovered from Port Phillip.* I rather think it will be found to have been paid direct from the revenue of Port Phillip.

304. I suppose there were not many cases where contracts were entered into which separation divided in this way? No; because most of the contracts being for services in the Port Phillip District were contracted for and paid for on the spot. I find, with reference to this point, that the contractor sent in an account, or statement, professing to shew the actual cost of forage for horses conveying the mails from Melbourne to Albury, and from Albury to Yass, distinguishing the expense on each line, and shewing the rate at which the same articles were to be obtained previous to the year 1851; this statement being headed "from Melbourne to Albury," and "from Albury to Yass," giving the amount of loss between Melbourne and Albury at £2,190, and between Albury and Yass, £1,910; so that Mr. Jones adopted the principle himself of dividing the claim for compensation between Victoria and New South Wales. (*Vide Appendix B.*) In a letter dated Colonial Secretary's Office, 12th July, 1851, in which reference is made to his application for assistance to carry out his contracts, on the grounds I have before stated, there is the following passage:—"Under the Postmaster General's report, it appears to His Excellency that it will be just, so far to relieve you, as to make you a fair allowance for your proved losses on your contracts from Yass to Albury in this Colony, and from Albury to Melbourne in Victoria, in consideration of the unforeseen scarcity and consequent high price of forage." Mr. Jones was at the same time called on to prove, through the Postmaster General, the amount of his losses. The statement referred to appears to have been furnished in consequence.

305. Can you inform the Committee on what ground or data it is stated in the report, although the contractor claimed £1,910 for loss on one portion of the line, that his expenses for forage were in reality £8 less than he estimated when he took the contract? It appears to have been founded on two documents accompanying the report. The first is a certificate of the sale, on the 30th November, 1851, by John Cooper to Mr. Jones, of from 15 to 20 tons of hay at £2 10s. a ton, to be delivered at the Gunning stables during the year 1851. The second is a memorandum of agreement made on the 10th December, 1850, between Mr. Jones and Robert Plumb for the delivery of 50 tons of hay between the 10th of December, 1850, and the 25th December, 1851, at £1 12s. 6d. These documents appeared, as stated by the Auditor General, to shew that the 70 tons of hay were supplied to Mr. Jones under contracts, for the sum of £131 5s., and that the actual cost was thus less by £8 than his own original estimate (£140) instead of exceeding it by £1,610, as represented in his statement.

306. Do the documents before you shew whether those agreements were completed by the parties? No; but the Auditor General appears to have assumed that they were in coming to the conclusion he did. The documents do not shew that the agreement to supply the hay was fulfilled.

307. There does not appear to be anything to prove the completion of the contract? Not in these documents. They do not, however, prove that it was not completed, excepting so far as this is done by the statement forwarded by Mr. Jones.

308. Are you aware whether any contractor, during that year, did receive compensation for losses sustained in consequence of the unforeseen circumstances which affected contractors in that year? Some were permitted to resign their contracts at different dates, from May, 1851, in consequence of the altered state of the Colony, and others were allowed a certain compensation, viz.:—75 per cent. on their actual proved losses; but this was only on the articles of bread and flour.

309. *By Mr. Malt:* They were not mail contracts? No; contracts for provisions.

310. *By the Chairman:* Is there anything in that correspondence to shew that Mr. Jones was referred to the Government of Victoria for any compensation to which he might be entitled for the loss between Albury and Melbourne? I do not find by these papers that at the time of his being called upon to send in these separate accounts, he was distinctly referred to the Melbourne Government, excepting that the Auditor General states that he was informed to this effect. The correspondence seems to shew that it was intended to deal with his claim in this way. The correspondence with the Victoria Government also bears out this view. Mr. Jones must, I think, have understood that for any compensation for the Melbourne end of the line, or between that place and Albury, he would have to look to the Government of Victoria.

APPENDIX.

* I have ascertained from the Audit Office that payment for the line between Albury and Melbourne was not made by the Treasury in Sydney.

W. Elyard,
Esq.

12 Feb. 1861.

APPENDIX.

A.

Audit Office,
Sydney, 17 February, 1858.

Sir,

In accordance with the request contained in your letter of the 7th January last, No. 12, I do myself the honor to return herewith, the papers respecting Mr. Jones' claim to compensation for losses alleged to have been sustained by him in the performance of his mail contract for 1851.

I also forward the statements submitted by Mr. Jones to my predecessor in support of his claim, and other correspondence with this office and the Postmaster General.

2. I find that my predecessor has not recorded his opinion on the subject, but I have reason to believe that it was unfavorable to any allowance being made to Mr. Jones; and on examination of the documents submitted by Mr. Jones in support of his statement of losses, I have also come to the conclusion that he has not made out any case for compensation under the decision of His Excellency the Governor General, as to the terms on which it might be allowed.

3. The claim, on account of losses sustained by Mr. Jones between Albury and Melbourne, was not entertained by this Government, but was referred to that of Victoria. Mr. Jones was so informed, and it was also intimated to him that the Government could see no ground on which to entertain any claim for compensation as respects the performance of any other portion of his contract in this Colony than that from Yass to Albury.

It was further determined that the occurrence of the bush fires in the Southern Districts was the only circumstance which the Government could consider as a ground for exempting him in any measure from his ordinary liability as a contractor, and that the item of forage was the only article on account of which an allowance for loss could be made.

Mr. Jones was required to send to the Auditor General statements of his consumption of forage between Yass and Albury, of the price which he actually paid for it, and the price at which he could reasonably have expected to obtain it, when he sent in his tender.

4. In his first letter, addressed to the late Auditor General, in pursuance of the communication referred to, Mr. Jones does not give any detailed account of the consumption or forage for the horses employed in the conveyance of mails from Yass to Albury in the first half-year of 1851, but submits the following statement of the gross quantity, and its cost:—

	£	s.	d.
70 tons of hay, at £25 per ton	1,750	0	0
600 bushels of maize, at 6s. per bushel, in Yass	180	0	0
Carriage of the above to the various stations, at 7s. per bushel ..	210	0	0
	<u>£2,140</u>	<u>0</u>	<u>0</u>

5. He further states that these articles could have been obtained at the end of 1850 at the following prices:—

70 tons of hay, at £2 per ton	£140	0	0
600 bushels of maize, at 3s. per bushel	90	0	0
	<u>£230</u>	<u>0</u>	<u>0</u>

making an actual loss in the six months of £1,910.

6. In proof of this statement of loss, Mr. Jones subsequently furnished to this office certain receipts, bills, and other documents "tending," as he stated in an accompanying letter, "to prove a part of the losses sustained by him;" but of these the five undermentioned documents only have reference to the alleged loss in the purchase of forage for the mail coach horses between Yass and Albury. The remainder relate to the Victoria contract.

7. The first document is a Memorandum of sale on 30th November, 1850, by John Cooper to Mr. Jones of fifteen to twenty tons of hay, at £3 10s. a ton, to be delivered at the Gunning stables during the year 1851.

8. The second document is a Memorandum of agreement made on the 10th December, 1850, between Mr. Jones and Robt. Plumb, for the delivery of fifty tons of hay between December, 1851, at £1 12s. 6d. per ton.

9. From these two documents, it would appear that the 70 tons of hay were supplied to Mr. Jones under contracts, for the sum of £131 5s., and that the actual cost was thus less by £8 than his own original estimate (£140), instead of exceeding it by £1,610, as represented in his statement. Mr. Jones may be able to afford further explanation, but the vouchers produced by him shew the above result.

10. In support of his statement of the cost of corn and the carriage of forage, the only vouchers produced by Mr. Jones are the following:—

11th September, 1851.—Receipt of J. Green for the carriage of hay and maize from Yass to Mullingrandra, near Albury, 4 tons 2 cwt. 3 qrs., at £15 10s. per ton ..	£62	0	0
14th June, 1851.—Receipt of J. Cass for payment by J. Jones for carriage of hay, Ten Mile Creek, Billy Bong, 3 tons 18 cwt. 2 qrs., at 6s. per cwt.	23	11	0
14th September.—Receipt of J. H. Mate & Co. for payment by G. Foster for oats, Albury, 12 barrels, at 10s. 6d. per barrel	6	12	0
	<u>£92</u>	<u>3</u>	<u>0</u>

I have, &c.,

FRANCIS L. S. MERKWEITLER.

The Colonial Secretary.

Gunning, 30 November, 1850.

I have this day sold to Mr. R. Mallyon, agent for Mr. J. H. Jones, fifteen to twenty tons of good sound oat hay, to be delivered to the mail horse keeper at Gunning, in such quantities as he may require, not less than one ton at the time, at two pounds ten shillings sterling per ton; the above hay to be delivered at the Gunning stables, during the year of one thousand eight hundred and fifty-one.

JOHN COOPER.

MEMORANDUM of an agreement made and entered into this tenth day of December, in the year of our Lord one thousand eight hundred and fifty, between Mr. Joseph Henry Jones, West Bargo, of the one part, and Robert Plumb, of Brisbane Meadow, of the other part, whereby the said Robert Plumb doth agree to deliver unto Mr. John Wade, of the "Golden Fleece," Marulan, for the aforesaid Mr. Joseph Henry Jones, fifty tons (50 tons) of good oat hay, the same to be delivered between this date and the 25th December, 1851, for which the said Mr. Joseph Henry Jones doth agree to pay to the aforesaid R. Plumb £1 12s. 6d. (one pound twelve shillings and sixpence) to be paid for on the delivery of each load.

J. H. JONES.
ROBERT PLUMB.

Witness—J. FULLJAMES.

Total

Thomas Kingsmill Abbot, Esq., called in and examined:—

- T. K. Abbot, Esq.
12 Feb., 1861.
317. *By the Chairman*: What is your office? I am Secretary to the Post Office.
318. Do you produce any documents having reference to the contract between Joseph Henry Jones and the Government, for carrying the mails to Melbourne in the year 1851? I produced some in May last year on the subject.
319. Can you inform the Committee whether any arrangements were made with the mail contractors of that period—were you in the department then? I was in the department, but not connected with this particular duty. The arrangements that then prevailed I think still continue. Contracts were taken on the same terms.
320. Are you aware whether, at that particular period, any compensation was made to contractors, in any way, to meet the difficulties of their position? No, I am not aware of a single instance.
321. *By Mr. Cunneen*: If there were allowances made to any contractors, would it be likely to come before your particular department? Yes, it would. There is a correspondence here, in which Mr. Merewether, the then Postmaster General, was called upon to report on this particular case, and he has given his opinion on the subject in his report. I have a copy of the report here.
322. *By the Chairman*: Will you be kind enough to read the letter? (*The witness read the same. Vide Appendix A.*) There is a further report from the Postmaster General, transmitting a letter from Mr. Jones to the Colonial Secretary, on which he again reported. (*Witness read the same. Vide Appendix B.*) Then there is a third report, on a letter from the Colonial Secretary on the same subject. (*Witness read the same. Vide Appendix C.*)
323. That letter is for further inquiry? Yes. The correspondence relating to the subject is in the Colonial Secretary's Office. These are copies from the letter book.
324. *By Mr. Mate*: I understand that the contract was for £1,000 from Yass to Albury, in 1851—do you know what it was in the following year? £900.
325. *By the Chairman*: Are you aware of any difference that had arisen to account for the reduction? No, I am not aware. The bush fires in the southern districts would appear to have been the cause of the losses that Mr. Jones stated he sustained; but the effects of those fires might not have been felt in the following year.
326. His claim was, in fact, grounded on casualties of the season, the effects of which were not likely to be continued in the following year? Yes.
327. *By Mr. Mate*: As those fires did not occur before his contract was taken, of course he could not take them into account in making his tender? No.
328. *By Mr. Parkes*: Have you seen the petition of Mrs. Mary Jones, which the Committee are appointed to inquire into? Yes; I have it before me.
329. The causes of loss mentioned there, are connected with the gold discovery? The losses by fire are mentioned too.
330. At all events the gold discovery is chiefly dwelt upon? Mr. Merewether appears to say that so far as the gold discovery was concerned, Mr. Jones' claims ought not to be allowed.
331. *By the Chairman*: The month of February is alluded to in the petition—that is earlier than the gold discovery—that was the month when the bush fires occurred in Victoria? I am not aware; but the first correspondence on the subject appears to have taken place in April.
332. Are you aware whether the bonds were signed at that time? The contract was entered into, according to the usual practice, in the previous year.
333. But the bonds were not signed then? No; they were afterwards signed.
334. Some correspondence had taken place previously to the signing of the bonds? I am not aware. On or about the month of April Mrs. Jones states in her petition that the bonds were not signed.
335. You are not able to say whether that is correct or not? No. The correspondence shews that some communications had been received in the month of April.
336. It is possible, I presume, that the arrangements Mrs. Jones speaks of in her petition, could have been made with the Colonial Secretary, without any correspondence between that department and the Post Office? Quite.
337. At that time it would be in his power to make any arrangements, without reference to the Post Office authorities? Quite. At the present moment any arrangement of the kind requires the sanction of the Minister for Finance and Trade.
338. *By Mr. Cunneen*: Any promises the Colonial Secretary might make to Mrs. Jones, the Post Office authorities might not be aware of? They would not, unless they were communicated in writing. It might have been verbally communicated to Mr. Merewether, but the records of the office do not shew it.
339. You know nothing of the matter beyond the documentary evidence that comes before you as Secretary to the Post Office? Nothing more.
340. *By the Chairman*: It is stated in the petition that if the contract had been thrown up in May, not more than £300 would have been lost, which was then in the hands of the Government—are you aware whether the payments were made monthly? The payments were made quarterly; for the quarter ending with June Mr. Jones was paid on the 16th August in full, and for the quarter ending September on the 22nd October, with the exception of that portion from Albury to Melbourne, which was paid for by the Victorian Government, separation having taken place about that period, July, 1851.
341. *By Mr. Mate*: Are you aware that Mr. Jones sublet any portion of the contract between Sydney and Albury? He did not sublet it with the sanction of the Post Office; if he had there would have been a separate bond and contract with the party to whom he let it.

342. *By the Chairman*: Mr. Jones was responsible? Yes, right through; and the payments were made to him. T. K. Abbot, Esq.
343. The sub-contracts were private arrangements between him and the other parties? Yes.
344. *By Mr. Cunneen*: If Mr. Jones had thrown up the contract, and refused to enter into the bonds, after three months had expired, do you think the Post Office authorities would have been able to get other persons to undertake the contract? No doubt they would; but the question is whether they could have got a person to carry it out for the same sum. At the same time it is right to say that he could not have thrown his contract up, because his tender was a legal document, binding him and his sureties. 12 Feb., 1861.
345. *By the Chairman*: Are you aware that at that date sureties did not become parties to the contract until they had signed the bond? No, I am not. The tender itself will shew whether they had signed it or not. Now it is indispensably necessary that they should do so, and the Crown Law Officers have decided that the sureties signing the tender are bound to carry out the contract if the contractor fails to do so.
346. *By Mr. Cunneen*: I suppose after they enter into the usual bond? They all sign the tender, and that is held to be binding, even if the bond be not signed.
347. But that was not so at this period? I cannot speak of that period.
348. It appears from the evidence that it was not decided who were to be the sureties for three months after the contract had been commenced? Were not sureties named in the tender?
349. Sir Charles Nicholson was named in the tender, but he had some objection, and did not enter into the bond? The tender should have been signed by the sureties, according to the present practice.
350. *By Mr. Dalgleish*: I presume that had not other suitable bondsmen presented themselves the Post Office would have had a claim upon the parties signing the original tender? It would have had a claim upon the contractor, but the sureties, as it appears, not having signed the tender or the bond, of course it could have had no claim upon them.
351. If they had signed the tender you would have had a claim upon them equally as if they had signed the bond? Yes, no doubt.
352. *By the Chairman*: At that period if the bond had not been signed by the sureties the only party liable to the Government was the contractor? That is all.
353. *By Mr. Dalgleish*: Had the contractor at this time refused to carry out his contract the Government would have had a remedy against him to the full extent of his means? Yes, to the extent of any additional sum they might have been compelled to pay if they had had to call for fresh tenders.
354. The sureties were not liable at that time until they had signed the bond? It appears not.
355. Then, although the Government were not secured to the same extent as they would be under the present system, yet as far as Jones was personally concerned he was bound to the full extent of his means? Yes, exactly. It is optional with the Board, who open the tenders, whether or not they will accept a tender not signed by sureties. If they consider that the tenderer himself has means to meet the penalty, that is, double the amount of the contract, they may accept it.
356. *By Mr. Mate*: There is nothing in the office to shew that Mr. Jones came to the Post Office and said he would throw up the contract if not allowed compensation? Nothing more than the Postmaster General's report to the effect that he should not be allowed to do so.
357. Was any compensation allowed to any mail contractor for losses during the year 1851? I am not aware of any.
358. *By the Chairman*: There were no others on the Southern Road? Jones had the main line, but there were contractors for branch lines to Braidwood, Marulan, Bungonia, and other places.
359. You are not aware whether any of these had compensation given them? I am not aware.
360. You cannot say they had not? I cannot.
361. *By Mr. Morrice*: Was Mr. Jones fined at all during the year? In one instance he was fined £25, but under the circumstances the Postmaster General recommended that the fine should be remitted, and it was remitted by the Colonial Secretary.
362. *By Mr. Dalgleish*: Were there any other main lines at that time? Yes, the Northern and Western.
363. Are you aware whether any compensation was allowed to contractors on either of those lines? I am not aware of any compensation to any contractor.
364. *By the Chairman*: Have you the letter stating the grounds on which the fine you have spoken of, was remitted? No, but if it is of importance I can send a copy.
365. There must have been some grounds? There must have been some sufficient grounds for it.
366. Is that the only case in which fines were remitted during the year? That is the only case with regard to Mr. Jones.
367. With that exception he carried the mails through? Yes; I find the full amount of his contract was paid without any deduction.
368. He was paid up to the end of June? For the whole line; and from the 1st of July the Victorian Government took their portion.
369. The Post Office department here would have nothing to do with any irregularity at that end? Nothing whatever.

T. K. Abbot,
Esq.

12 Feb., 1861.

APPENDIX.

A.

General Post Office,
1 July, 1861.

Sir,

I have the honor to return herewith the Memorial of Mr. J. H. Jones, contractor for the conveyance of the Mails between Sydney and Melbourne, praying for some additional remuneration, or that he may be released from his contract.

2. And in pursuance of the Governor General's directions, that I should report thereon, I beg leave to state that Mr. Jones has four contracts for conveyance of the Mails from Sydney to Melbourne during the present year, which are for the distances and at the rates undermentioned:—

- 1.—From Sydney to Goulburn, at £800.
- 2.—From Goulburn to Yass, at £400.
- 3.—From Yass to Albury, at £1,000.
- 4.—From Albury to Melbourne, at £1,000.

3. On the two first of these contracts there is no reason to suppose that Mr. Jones has sustained any loss; and even if he has, there appears to be no grounds on which he could, with any fair claim to consideration, apply to the Government for relief.

4. On the two last-mentioned contracts, and especially on that from Albury to Melbourne, I have reason to believe that owing to the scarcity of forage in the Port Phillip District, and in the southern part of this District, Mr. Jones has sustained considerable loss.

5. I cannot find any instance in which a mail contractor has been permitted to give up his contract, or to receive an additional allowance for its continued performance, in consequence of its having become to him a losing concern, and the establishment of any precedent for such a course should, as far as possible, be avoided; on the other hand, it would probably much raise the rate of contracts, if contractors did not feel that should the calculations on which their tenders were based, be altogether thrown out by a casualty which no human foresight could anticipate, they would not receive from the Government a fair consideration of their position under the altered circumstances.

6. In Mr. Jones' Petition, two such casualties are referred to, viz., the gold discovery and the extensive bush fires in the Port Phillip District.

7. I cannot perceive that the former of these casualties can have affected Mr. Jones to any sufficient extent, to make it a ground for relaxing the conditions of his contract in any manner. In so far as the rise in the price of forage for the horses used by him for the conveyance of the Mails between Yass and Port Phillip, may be attributed to the bush fires in that district, he may perhaps be considered to have a fair claim for some relief from this Government, on account of his contract from Yass to Albury; and from the Government of the Colony of Victoria, on account of his contract from Albury to Melbourne.

8. Mr. Jones could not, without great inconvenience to the public, be released from his obligation to carry the Mails in the manner provided in his contract during the remainder of the present year; and the only relief which he can receive must, therefore, be by an additional payment, either in the shape of an allowance proportioned to his proved losses, such as has been made I understand in the case of the provision contractors, on a per centage increase on the rate fixed by the contracts.

I have, &c.,
F. L. S. M.

The Colonial Secretary.

B.

General Post Office,
2 August, 1861.

Sir,

I do myself the honor to forward a letter which has been addressed to me by Mr. J. H. Jones, in pursuance of your letter to him, dated the 12th ultimo, forwarding statements of the losses he alleges he has sustained by his contract for the conveyance of the Mails between Yass and Albury, and Albury and Melbourne; and, in accordance with Mr. Jones' request, I submit them for the purpose of being laid before His Excellency the Governor General.

2. It appears to me, however, that the only items of expenditure in these statements which are entitled to consideration, are those under the head "forage," amounting to the undermentioned sums:—

Yass to Albury	£2,140.
Albury to Melbourne	£2,425.

3. The Auditor General would, I presume, consider it necessary that these statements should be supported by sufficient vouchers; if so, Mr. Jones might be called upon to forward such accounts as may be required, and to shew what, according to the then prices, the same forage would have cost when he sent in his tenders. The difference between that estimated cost and the amount actually expended would, I conceive, be the sum which, under His Excellency's decision, Mr. Jones should receive on this account.

I have, &c.,
F. L. S. M.

The Colonial Secretary.

C.

General Post Office,
28 August, 1861.

Sir,

Having, in pursuance of your letter of the 12th instant, No. 51, requested Mr. Jones to furnish statements of the losses he alleges he has sustained by his contract for the conveyance of the Mails,—

2. I do myself the honor to enclose copies of two communications which I have received from him, in which he states, that for the forage used by his mail horses, on the road between Yass and Albury, during the first six months of the present year, he paid £2,140, and that according to the prices current when he took the contract he expected to pay for the same quantity of forage the sum of £230.

3. I would, therefore, recommend that Mr. Jones should be required to satisfy the Auditor General, by the production of sufficient vouchers, that the quantity of forage mentioned in his statement was consumed, and that the sum stated was paid for it.

4. In the meantime I will write to the Postmasters at Yass, Gundagai, Tarcutta, and Albury, to ascertain whether at the end of the year 1860, when the contract was taken, Mr. Jones could have obtained at their current prices, or could reasonably have expected to obtain, forage at the rates stated in his letter, viz., £2 per ton for hay, and 3s. per bushel for corn.

5. With respect to Mr. Jones' statement of losses by his contract between Melbourne and Albury, I would recommend that the Lieutenant-Governor of Victoria should be requested to take a similar course, to ascertain the anticipated and actual expenditure for forage used by him between those places.

6. This statement in respect to this portion of his alleged losses is, that he expected to have to pay only £235, and that he paid £2,425.

I have, &c.,
F. L. S. M.

The Colonial Secretary.

William

William Cummings, Esq., M.P., examined:—

370. *By the Chairman*: This Committee have understood that you have been a contractor, supplying the public service about the years 1850 and 1851? Yes, before 1851 I had been contracting for several years.

W. Cummings
Esq., M.P.

12 Feb., 1861.

371. Has it been the usual practice with the Government, in any case where unforeseen circumstances have varied the price of articles, to make any compensation to contractors for losses sustained in consequence? I cannot say whether it has been the usual practice of the Government or not; but I know, on one occasion, some short time before the discovery of gold, we had a very bad season, and I had then a contract for the supply of rations and forage between the Weatherboard and Bathurst; there were then numerous iron gangs upon the road about Blackheath. It was a very bad season, and, on account of the drought and bush fires, provisions of every kind, and especially forage, rose to a very high price after the tenders were accepted.

372. Did the Government make you any allowance in consequence of these circumstances? I had some correspondence with the Government relative to the unexpected rise in provisions and forage, and as I saw I should sustain severe loss by carrying out the contracts I had made up my mind to allow the Government to enforce payment of my bond, as the least of two evils, unless some compensation was allowed.

373. *By Mr. Parkes*: When was that? I cannot positively say, but I believe it was in 1849; it was a short time before the discovery of gold; it was the same drought that continued until September of the year that the gold was discovered in May. I think it was in May at Ophir, and in June on the Turon. The same drought continued in the Western District till after the discovery of gold.

374. *By the Chairman*: Then in your case you would have found it to your advantage to throw up the contract? I proffered to do so by giving notice to the then Colonial Secretary, Mr. Deas Thomson.

375. *By Mr. Parkes*: What did he say in reply? A long correspondence took place between me and Mr. Deas Thomson, and he held out some promises, but I did not think they were binding; and no certain promise of compensation being made to me I wrote a letter to Mr. Deas Thomson giving him notice that the Government should be prepared to issue rations on a certain day, as I would not issue them after that day, unless the Government guaranteed that I should get compensation for any loss I might be put to. A few days before my notice expired I received a letter from Mr. Deas Thomson guaranteeing to compensate me, and I continued the contracts to the end, and the Government compensated me.

376. To what amount? I do not recollect the amount, but they allowed me a fair compensation above the price that the same articles were at in the market at the date of my contract.

377. Were you satisfied with the compensation? I was perfectly satisfied.

378. *By the Chairman*: You were induced to continue the contract on that account? Yes, on the receipt of Mr. Deas Thomson's letter that I would get reasonable and just compensation.

379. You felt perfectly confident that letter was sufficient? Yes, the last letter was, I considered, a guarantee. I had received other letters, but I did not consider them binding, therefore I did not feel satisfied; they were only vague promises that the Government would take the matter into consideration.

380. You do not recollect the amount of compensation you received? I do not.

381. Would it amount to 75 per cent. of the amount of loss? I cannot state the actual amount; all I know is that I felt perfectly satisfied.

382. You would have thrown up the contract unless you had been guaranteed compensation? That was my determination; I gave notice to that effect.

383. What was the amount of your bond? £1,000.

384. You would have lost that if you had not continued the contract? I would have risked it, if the Government thought proper to enforce it. I would not have continued the contract without a *bonâ fide* promise.

385. By ceasing to issue provisions in accordance with the contract would you not have been liable to the extent of £1,000? Yes, I would, no doubt.

386. Are you aware whether any other contractors received compensation about that time on account of the circumstances that caused the rise in the prices? Several of the contractors wrote to me requesting me to press my case.

387. Are you aware whether any others did obtain compensation? Yes, I think they did; I think I can mention one in particular, Mr. William Nicholson, of Greenhills. I believe all the contractors received compensation at that time, but I cannot state it as a matter of fact.

388. *By Mr. Dalgleish*: In what year was this? In 1849 or 1850.

389. It was not in 1851—you can be sure of that? I believe it was in 1850. I think by applying to Mr. Lane, in the Colonial Treasurer's Office, the Chairman would obtain all necessary information.

390. *By Mr. Cunneen*: I suppose you would have expected the Government to make you the same allowance in whatever year this had happened—whether in 1851 or any other year? Yes; it was from the pressure of circumstances that I sought compensation.

391. The date had nothing to do with it? No; it was on account of the unexpected rise which took place in consequence of the drought and bush fires.

392. *By the Chairman*: These circumstances would fall with peculiar force on mail contractors at that period? I had nothing to do with mail contracts; all I can say is that forage, corn, and hay rose to a high price unexpectedly.

393. *By Mr. Dalgleish*: Your contract was for the supply of these articles? Yes, of these and other articles.

FRIDAY,

FRIDAY, 15 MARCH, 1861.

Present:—

MR. CUNNEEN,
MR. DALGLEISH,
MR. HART,MR. LEWIS,
MR. MATE,
MR. MORRICE.

ROBERT STEWART, ESQ., IN THE CHAIR.

Mr. Henry Middleton called in and examined:—

Mr. Henry
Middleton.
15 Mar., 1861.

394. *By the Chairman:* We have called upon you in reference to a petition of Mrs. Mary Jones asking compensation for losses sustained in carrying out a mail contract in the year 1851? I remember it well.

395. Had you an opportunity at that period of knowing something of the character of the mail line to Melbourne? I had been running it for ten years before, but that year I happened to lose it, and Mr. Jones got it.

396. You had an opportunity at the time of knowing the circumstances of the line of road? Yes.

397. Was there any change after the period of taking the contract in October or November, 1850—was there any considerable change in the price of fodder—of hay and corn? Yes, there was a great rise in 1851.

398. To what extent did prices rise—were they double? Above double.

399. Was that change brought about by circumstances that would not be likely to be taken into account by a person contracting? Yes; it was not to be foreseen. There was a great fire and a great drought, and there was not a bit of feed to be got after you passed Bowning till you got to Melbourne.

400. In fact the feed had to be carried there to supply the horses? Yes, I had an opportunity of seeing Mr. Jones with four or five teams loading forage to take up there.

401. Would you think it likely that £25 a ton would have to be paid for forage, or that it would cost that to get it up to the stations along that line of road? I do not think we could hardly get it up there for that sum.

402. Then if £25 has been named as the cost, you think it could not have been supplied below that? No, it could not, the carriage would almost come to that; it was £1 a hundred-weight.

403. Would you say that 10s. a bushel for maize would be above the price at which it could be supplied? I did not buy any that year, but I do not think it could.

404. If £25 a ton for hay, and 10s. a bushel for maize, are the prices named as the cost during the earlier part of that year, you do not think it is beyond the price at which they were purchased? I am certain it is not beyond Bowning, the other side of Yass. On this side there was a pretty good season, but that had nothing to do with the contract.

405. Can you inform the Committee what were the prices of hay and corn in October of the previous year, about the time these contracts were taken? I always paid £4 a ton. I had the contract the year before; but the diggings broke out in 1851.

406. This could not have been foreseen in the year you had your contract? No; if I could have foreseen it I would have made plenty of money.

407. Do you think the contractor would have been safe if the prices on which he had calculated had continued? He would not have got anything by it; for, at the time, he offered me 65 miles at the contract price, and I said, "No, I cannot do it." It was not worth my while to do it, even when hay was sold at £4 a ton.

408. Was the following season more favourable for the supply? No. The next year I got the contract, and what with floods and one thing or other, I lost money by it. I lost by my labor and horses above £200 for that 65 miles—that was the next year.

409. *By Mr. Morrice:* Did you calculate upon a higher rate than Mr. Jones did? No, about the same; but still I knew we could not get anything by it, but there was a little bit of ill-feeling that caused us to take it at that price.

410. *By the Chairman:* It was not likely a contractor could take into account the extreme destruction caused by fire along the road? That was impossible.

411. *By Mr. Morrice:* What part of the road had you? My brother, Mr. Green, and I, had it to Melbourne. I used to run from Yass to Gundagai.

412. Was the country very much burnt up? Yes.

413. By bush fires? Yes, and drought.

414. *By Mr. Mate:* You are not aware of the prices of forage any distance further than where your own contract extended? No, not for 1851 or 1852; but I have from Melbourne to Albury, in 1853 and 1854; the country was divided in 1852.

415. At the time Mr. Jones had it, it was divided? Yes.

416. *By Mr. Morrice:* Were you aware that Mr. Jones applied to the Government for authority to purchase from the squatters fodder for his horses? No; but I believe he applied to the Government for leave to give up the contract, and Mr. Green sent word he would take it off his hands if he could not do it.

417. *By the Chairman:* Are you aware whether the Government held out any encouragement to him, or made any promise to him to meet any of the expenses? Not that I am aware of. I know he applied for it.

418. If he did not get any additional amount he must have been a considerable loser? Yes.

419. To the extent of some thousands of pounds? He must.

420. If £1,500 is stated to have been the loss for the first quarter, do you think that is not an over-estimate? I know he lost a good many horses that year.

421. Would that be brought about by the scarcity of the feed? Yes. I think I heard him say he had eleven or twelve dead in one waterhole.
422. In the early part of the season the want of water was a great evil? Yes; the horses got bogged in trying to get water.
423. *By Mr. Morrice:* You mean that the horses were so weak for want of food that they could not get out? Yes; they could not get water, and in scrambling to get into it they stuck in the mud, and could not get out.
424. From want of food were any of the horses incapable of doing the work? They could take no passengers, they could only get the mail on; it stopped all passenger traffic.
425. *By the Chairman:* In addition to the extra price of fodder and the loss of horses, he had also to sustain loss from his inability to take passengers, in consequence of his horses being weak from want of food? Yes.
426. *By Mr. Morrice:* When the contract was taken did he calculate a great deal on the passengers? All on the passengers, the trifle of mail money was nothing.
427. *By Mr. Mate:* Did the scarcity of forage exist throughout the whole year? Yes; the whole of 1851, and the greater part of next year.
428. *By the Chairman:* It commenced with the great fires on the Melbourne side? Yes. After the floods there was a little bit of a spring of grass at Gundagai and round about there, but that was a mere nothing.
429. *By Mr. Morrice:* This drought commenced principally about Yass? Yes; from here to Yass you could not complain, but it was beyond Yass the difficulty arose.
430. *By the Chairman:* You are living out of business now? Yes; I had to give it up in 1854, when I lost my sight on the Melbourne side.
431. *By Mr. Cunneen:* In tendering for the conveyance of mails, you look to what you receive from carrying passengers as the great source of profit and income? Yes; the mail money alone would be a mere nothing.
432. You consider that Mr. Jones, in consequence of not being able to carry passengers, in 1851, lost that great source of income? Yes; I do not know how he stood it altogether.
433. Do you consider that a man, in a year, when he could carry passengers, would do better if he carried the mail for nothing, than he would do with the mail allowance when he could not carry passengers? Yes; I have known parties offer to carry the mail for nothing in order to keep others off the road.
434. Do you think that was Mr. Jones' case that year? Yes; he depended upon his passengers; the mail money was a mere nothing—not enough to pay the mailmen.
435. *By Mr. Mate:* Are we to understand from you that Mr. Jones did not take passengers through the whole year? No; I think he did the greater part of the first three months, but he had to stop it—at least that is what I was told.
436. You do not know of your own knowledge? I heard it from his own lips at the time when he went through to stop it.
437. *By the Chairman:* You, as an old contractor, thought it probable his statement was correct? Yes; I thought it would ruin him. I could hear it from other people—from the mailmen.
438. *By Mr. Cunneen:* Generally after the country is burned and there is rain, it is a profitable season? Yes.
439. I suppose there was a good deal of feed in 1852? Pretty fair.
440. You could carry a great many more passengers than Mr. Jones carried in 1851? For two months we could not get a bit of fodder, and we could not get a horse shod; we had to run them barefoot on horseback from Yass to Gundagai.
441. What was the reason you could not get them shod? The floods—that was the year of the great flood at Gundagai, when so many lives were lost.
442. *By Mr. Hart:* How long were you a mail contractor? As mail contractor and sub-contractor, about seventeen years.
443. Has any instance occurred within your knowledge where Government has made compensation to a contractor, by reason of his contract being a losing concern? I believe it has been done, but I cannot say for a fact.
444. You do not know yourself? They never found any fault with me, and I never had any occasion to do so; my biggest loss was at the time of the flood in 1852.
445. Is it your opinion that Mr. Jones took this contract at an unusually low sum, for the purpose of driving others off the road in 1850? I cannot say; I know he drove us off; we had to lay on our oars for a year.
446. Can you state what was the price of forage at Yass and Albury in 1850? Yes, I should say £3 and £4 a ton for hay.
447. And what the price of maize? About 4s.
448. *By Mr. Hart:* If Mr. Jones has stated that he purchased hay at £2 a ton, do you consider that an erroneous statement? He might have purchased it at that in some parts; I have purchased it in Yass at £2 a ton, in very good seasons.
449. I am speaking now of the end of 1850, or the beginning of 1851? I do not think he could.
450. *By Mr. Morrice:* Do you mean, delivered where you required? At my stations.
451. Could you not have purchased at £2 at the stack? I have had it delivered at £2 in good seasons.
452. But I mean in that year—if you could have it delivered where you required at £3, could you not purchase it without being delivered at £2? I do not think you could, because the people have waggons and teams, and would rather deliver it.
453. *By the Chairman:* Is it generally an advantage to buy it delivered to the contractors? Yes.

- Mr. Henry Middleton.
15 Mar., 1861.
454. *By Mr. Morrice*: Might not Mr. Jones be able to buy it at £2 without being delivered? He might; but it would not have answered my purpose, because I did not keep bullocks or horses for the purpose. I think that season Mr. Jones had to buy teams of his own to ake forage up to the different stages, as far as Albury.
455. *By the Chairman*: That would be an extra outlay beyond anything he could possibly calculate upon when tendering? It would be.
456. *By Mr. Lewis*: You calculate that Mr. Jones must have been a great loser by this contract? Yes.
457. Through unavoidable circumstances? Yes, and quite unforeseen.
458. *By Mr. Dalgleish*: Had the circumstances been the reverse, had prices fallen, do you think Government would have had any claim for compensation from Mr. Jones? No.
459. If they had claimed it could they have obtained it in any way? He took it at prices below which there could not be any fall.
460. He used his own discretion? Yes.
461. Is it usual for contractors to claim compensation for any loss after having sent in tenders which have been open to public competition? We never did, and I have never known it done.
462. *By the Chairman*: Having a knowledge of mail carrying for seventeen years, have you ever known a season when so many and such unforeseen casualties have overtaken a mail contractor? No.
463. *By Mr. Cunneen*: Have you ever known a case in which it has arisen that Government have promised that in the event of the contract being carried out they would compensate for any loss? No.
464. If the Government had promised compensation to you when you were a contractor would you have expected them to have kept faith? Yes. In Melbourne they promised if it were a bad season they would allow us some compensation, and we got £300 or £400 for its being a bad season.

Mr. Patrick Ryan called in and examined:—

- Mr. P. Ryan.
15 Mar., 1861.
465. *By the Chairman*: In 1851 you were in business on the Southern Road? Yes, on the southern line beyond Yass, at a place called Bogalong.
466. This Committee has been appointed to inquire into the petition of Mrs. Mary Jones, the widow of the late Joseph Henry Jones, mail contractor, praying compensation for losses said to have been sustained by him in carrying out a contract in the year 1851,—have you the opportunity of knowing the circumstances of that contract? I know very little about it.
467. Have you any recollection of the prices of hay and corn along the Southern Road from Yass? That very year, 1851, was the only one in which I bought hay.
468. What price did you pay for it? £27 a ton.
469. Was that very much in advance of the prices previously paid? Yes; in fact, I never bought any before, but it was a great deal in advance of any I had known to be bought previous to that.
470. *By Mr. Mate*: Are you aware of the prices of hay and corn in 1851 between Tarcutta and Melbourne? No.

Mr. James Grosvenor called in and examined:—

- Mr. James Grosvenor.
15 Mar., 1861.
471. *By the Chairman*: You reside in Goulburn, I believe? In Yass.
472. This Committee has been appointed to inquire into the petition of Mrs. Mary Jones in reference to a mail contract carried out by her late husband, Mr. Joseph Henry Jones, during the year 1851, do you know anything in reference to that? I know it was a very scarce year for I was sending some up to Albury that year.
473. What do you mean by a scarce year? A scarce year for feed, for hay and corn.
474. *By Mr. Hart*: Do you know anything of the contract itself? All I know is that forage rose to an enormous height by fire and drought.
475. *By Mr. Lewis*: Do you know whether Mr. Jones had a contract that year? I believe he had to the best of my knowledge.
476. *By Mr. Hart*: Are you a mail contractor? I am not.
477. Have you ever had any contracts? I have had horses staying with me for a year. When Mr. Middleton had the contract, the year following Mr. Jones, I often had his horses with me.
478. *By Mr. Mate*: Do you recollect about the value of horses in 1851, such horses as they would buy to run these mail carts? Horses ran up to £30 or £35. I know I bought some of Mr. Barber, on the Ovens. Corn, oats, and hay ran up very high. Hay was a very scarce thing from Yass to Albury. Very few used to grow it.
479. *By Mr. Hart*: Was it necessary that horses carrying the mail should be fed upon hay? Yes, they have plenty of work to do, and they would be of very little use without hay and corn.
480. Are there not any paddocks on the road to turn them into? Yes, there are paddocks but it is bad usage to turn a mail horse into a paddock.
481. *By the Chairman*: Suppose they had not hay would they be of much use for mail and passenger carrying? They would not. The gold breaking out that year made everything so dear.
482. *By Mr. Morrice*: You did not hear of Mr. Jones getting any promise from Government? I am not aware of anything of that kind.

1861.

Legislative Assembly.

NEW SOUTH WALES.

TELEGRAPHIC COMMUNICATION WITH EUROPE.

(CORRESPONDENCE RESPECTING—CONTINUED.)

Ordered by the Legislative Assembly to be Printed, 24 January, 1861.

COPY of Correspondence relative to Electric Telegraph Communication with Europe, from December, 1859, to August, 1860. Laid upon the Table of the Legislative Assembly, in continuation of the Correspondence on the same subject ordered by the Legislative Assembly to be printed on the 30th September, 1859.

SCHEDULE.

No.	PAGE.
1. F. Gisborne, Esq., submitting Estimate for Cable. December, 1859	2
2. Same to Colonial Secretary, forwarding copies of letters received by him from Auckland and London on this subject. 23 January, 1860	2
3. Same to same, respecting Telegraph to Java. 6 February, 1860	3
4. The Under Secretary to F. Gisborne, Esq., forwarding copy of Resolutions of Legislative Assembly, respecting a Subsidy for a Line from this Colony to East Java. 8 February, 1860	4
5. F. Gisborne, Esq., to Colonial Secretary, in reply, and to be informed of point where Line is to commence. 9 February, 1860	4
6. Colonial Secretary, New South Wales, to Colonial Secretary, Victoria, forwarding copy of Resolutions above referred to. 10 February, 1860	5
7. Same to Colonial Secretary, Queensland, forwarding copy of Resolutions above referred to. 10 February, 1860	5
8. Same to Colonial Secretary, New Zealand, forwarding copy of Resolutions above referred to. 10 February, 1860	6
9. The Under Secretary to F. Gisborne, Esq., in reply to letter No. 5, respecting point where Line is to commence. 10 February, 1860	6
10. F. Gisborne, Esq., to the Governor General, for information as to point where Submarine Telegraph shall terminate. 10 February, 1860	6
11. Same to Colonial Secretary, further as to point where Line is to commence. 10 February, 1860	7
12. The Under Secretary to F. Gisborne, Esq., in reply. 13 February, 1860	8
13. Colonial Secretary of Queensland to Colonial Secretary, New South Wales, acknowledging receipt of Resolutions relative to Telegraph to Java, with remarks thereon. 17 February, 1860	8
14. Colonial Secretary, Victoria, to same, acknowledging receipt of Resolutions referred to, and requesting further information. 29 February, 1860	8
15. Colonial Secretary, New Zealand, to same, acknowledging receipt of Resolutions, with observations thereon. 19 March, 1860	9
16. Colonial Secretary, Victoria, to same, respecting establishment of Telegraphic Communication with India and Europe, with copy of Resolutions adopted by the Victorian Parliament. 14 June, 1860	9
17. F. Gisborne, Esq., to the Governor General, forwarding copy of above Resolutions. 17 June, 1860	10
18. Under Colonial Secretary, Queensland, to The Under Secretary, New South Wales, respecting erection of Line of Telegraph between Queensland and New South Wales. 4 July, 1860	11
19. Same to same, further on this subject. 1 August, 1860	11
20. Colonial Secretary, Victoria, to Colonial Secretary, New South Wales, requesting reply to his letter of 14 June (see No. 16). 14 August, 1860	12

TELEGRAPHIC COMMUNICATION WITH EUROPE.

No. 1.

SINGAPORE-BATAVIA TELEGRAPH.

ESTIMATE of a Cable similar to that adopted by the Red Sea and India Telegraph Company:—

Distance over the water	557 knots	
25 per cent. slack	139	
	696 @ £105...	£73,080
Shore end, 20 miles, @ £55		1,100
		£74,180
20 per cent. risk of laying		14,835
		£89,015
Ships and coals		31,500
Fittings and instruments		4,000
		£124,515
Insurance, 6 per cent. on £125,000		7,500
Staff.....		4,545
		£136,560
		£136,560

SHIPS.

1 steamer, 1,700 tons, for 9 months, at £2,000* per month ...	£18,000
Coals, 180 days, at 25 tons; average, 60s. per ton	13,500
	£31,500
TOTAL	£31,500

The above is the estimate communicated by me to Mr. Wenckebach, Telegraph Engineer-in-Chief to Netherlands Government, on 8th November, 1858.

F. GISBORNE.

Sydney, 15 December, 1859.

The above estimate was adopted by the Dutch Government Engineer, and the Dutch Government made a contract for the line at £136,560.

F. GISBORNE.

* This is under 24s. per ton per month.

No. 2.

F. GISBORNE, ESQ., to COLONIAL SECRETARY.

Sydney, 23 January, 1860.

SIR,

I beg to enclose, in connection with my proposal to establish Telegraphic Communication between the Australian Colonies and England, copy of a letter dated the 26th December last, written to me from Auckland by the direction of Mr. Stafford, explaining the views of the New Zealand Government upon the project; also, copy of a letter dated London, 16th November last, addressed to me, and signed by the principal promoters of the line.

I have, &c.,
F. GISBORNE.

[Enclosure 1 in No. 2.]

New Zealand,
Colonial Secretary's Office,
Auckland, 26 December, 1859.

Sir,

I have the honor, by the direction of Mr. Stafford, to acknowledge the receipt of your letter to His Excellency the Governor, of the 6th July last, with its enclosures, on the subject of the proposed Telegraphic Communication between England and Australia *via* India.

In reply, I am to inform you that the Government of New Zealand regards the projected establishment of such communication favorably, and would be prepared to propose a contribution on the part

part of that Colony to such a work, it being borne in mind that the amount of liability to devolve on that account on New Zealand would be governed by the circumstance, whether or not the Telegraphic Line were carried to its coasts. In the latter case, although the Colony would undoubtedly benefit if the line terminated at Sydney, its contribution could not be so large as it might be fairly required to be in the former case.

The mode of determining the respective contributions is a question for the consideration of the Governments concerned, and this Government cannot finally decide in the matter until the details of your scheme are fully known, especially as it is understood that some alterations of your original proposition are contemplated.

F. Gisborne, Esq.,
Australian Club,
Sydney, New South Wales.

I have, &c.,
W. GISBORNE,
Under Secretary.

[Enclosure 2 in No. 2.]

London, 16 November, 1859.

Francis Gisborne, Esq., Melbourne or Sydney.

Dear Sir,

The undermentioned gentlemen will join me in using their best effort to carry out, through the medium of a private Company, a line of Telegraph between the Australian Colonies and Java, upon the terms which may be agreed upon between you and the respective Australian Governments.

I remain, &c.,
WM. GLADSTONE.

R. CAMPBELL.
JAS. J. CUMMINS.
T. M. WEGUELIN.
WM. GLADSTONE.
CHAS. BELL.
JAS. ED. COLEMAN.

No. 3.

F. GISBORNE, ESQ., to COLONIAL SECRETARY.

Sydney, 6 February, 1860.

SIR,

The Legislative Assembly having, on your motion, passed certain Resolutions, authorizing the Government to subsidise a Telegraphic Line to East Java, I will state for your information the further steps I am about to take to realize the undertaking I have had the honor to submit to the several Governments of Australia.

The Resolutions just passed are based upon the assumption, that a subsidy not exceeding £35,000 per annum will be required to enable the necessary capital to be raised in England, and empower the Government to pledge this Colony to contribute £9,625 per annum, or 27½ per cent. of the total amount.

The first condition annexed to any grant by the Government of this Colony is, that the Government of Victoria shall make arrangements with the Company for the residue over and above the annual subsidy of this Colony, necessary for the carrying out of the work.

The obligation, therefore, to obtain the contribution required from the Colony of Victoria would appear to be thrown upon the promoters of the line.

I, therefore, purpose leaving immediately for Melbourne.

I would further direct your attention to the third condition, which provides that the whole work shall be completed in three years from the 2nd instant.

As the line may take as long as two years in constructing, one year is left to the promoters to complete their negotiations with Victoria, to raise the capital, and to let the contract in England.

Much can be done with respect to raising the capital and letting the contract, even before the conclusion of any negotiation with Victoria; much time will thus be gained, and the period within which this great project may be realized materially shortened.

I trust, therefore, that you will put me in a position to state to the promoters, by the next mail, that, on the Government of Victoria making the arrangements alluded to in the first condition, the Government of New South Wales will be prepared to enter into an arrangement with them on the basis of the Resolutions.

I have had the honor of communicating to you a letter addressed to me; dated London, 16th November, 1859, and signed by the principal promoters of the line, undertaking to use their best efforts to carry it out upon the terms which may be agreed upon between me and the Australian Governments. An intimation from you like that I have asked for will place the promoters in the position at once to set about fulfilling their promise. I would also observe, that I have been six months in Sydney conducting this negotiation without having, as yet, received any answer from the Government.

I have, &c.,
F. GISBORNE.

No. 4.

No. 4.

COLONIAL SECRETARY to F. GISBORNE, ESQ.

*Colonial Secretary's Office,
Sydney, 8 February, 1860.*

SIR,

I am directed by the Colonial Secretary to transmit to you a copy of the Resolutions passed by the Legislative Assembly of this Colony, on the 2nd instant, respecting a subsidy for a Telegraphic Line from this Colony to East Java, and to state that the Government is prepared to enter into an arrangement for effecting this object upon the basis of these Resolutions.

2. I am at the same time desired to intimate to you, that the Resolutions appear to the Government to cast upon you the duty of obtaining the co-operation of the Government of Victoria.

I have, &c.,
W. ELYARD.

[Enclosure in No. 4.]

No. 58.—On motion of Mr. Forster, Thursday, 2nd February, 1860. Votes, No. 54.

LEGISLATIVE ASSEMBLY.

To His Excellency Sir William Thomas Denison, Knight Commander of the Most Honorable Order of the Bath, Governor General in and over all Her Majesty's Colonies of New South Wales, Tasmania, Victoria, South Australia, and Western Australia, and Captain General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same.

May it please your Excellency:—

We, Her Majesty's loyal and dutiful subjects, the Members of the Legislative Assembly of New South Wales, in Parliament assembled, beg to communicate to your Excellency the following Resolutions, adopted to-day by this House:—

1. "That this House is of opinion that the Government of this Colony should be authorized to grant a subsidy not exceeding £9,025 per annum, for a term not exceeding twenty-one years, to any Company, of the stability of which satisfactory assurance shall be given, to induce such Company to construct and maintain a Telegraphic Line from this Colony to East Java, upon the following conditions, that is to say:—
 - (1.) "That the Government of Victoria shall make arrangements with such Company, by subsidy or otherwise, for the residue over and above the annual subsidy of this Colony, necessary for the carrying out of the work.
 - (2.) "That the period, within which the first call of the subscribed capital of the Company shall be made, shall be limited to twelve calendar months, from the date of the concurrence of the Colony of Victoria in the preceding condition.
 - (3.) "That the whole work shall be completed, and in effective operation, within three years from the present date—subject, however, to such extension of the time, to meet possible contingencies, as may hereafter be agreed upon.
 - (4.) "That the proposed subsidy shall be proportionally payable on the capital of the Company as paid up.
 - (5.) "That the payment of the said subsidy shall be conditional on the maintenance of the line in effective working order, and that no payment shall be made until the line is completed.
 - (6.) "That no tariff of charges shall be established without the concurrence of this Colony.
 - (7.) "That, in the event of the net profits of the Company exceeding in any year the rate of ten per cent. per annum, such excess shall be ratably applied to reduce the respective contributions of this Colony and of Victoria."
2. "That steps be taken without delay to communicate with, and settle the proportionate contributions of, the other Colonies, in aid of the respective contributions of New South Wales and Victoria."

T. A. MURRAY,
Speaker.

*Legislative Assembly Chambers,
Sydney, 2 February, 1860.*

No. 5.

F. GISBORNE, ESQ., to COLONIAL SECRETARY.

Sydney, 9 February, 1860.

SIR,

Referring to your letter to me of the 8th instant, and to the enclosed Resolutions, I would beg to be informed upon one material point, which is not accurately determined, namely:—From what point on the northern boundary of this Colony it is the desire of the Government that the land line shall commence, connecting the Telegraph System of New South Wales with the proposed submarine line from Moreton Bay to East Java.

As this land line will involve additional expense on the Company, outside the estimated outlay of £720,000 for the submarine line, which outlay formed the basis for the calculation of the subsidy, I trust the nearest practicable point of the frontier to Moreton Bay will be selected.

I would, however, urge upon you, sir, to spare the Company any additional expense, and the difficulties that may possibly attend the management of a land line by an English Company, and, if possible, to rest satisfied with what will notoriously soon be done, namely, the construction by the Government of Queensland of a Telegraph Line from Brisbane to meet the New South Wales Line now in course of construction towards the Queensland frontier.

If

If New South Wales sets the example of insisting upon having a Telegraph Line to Java, independent of any Colonial management, the other Southern Colonies may insist upon the same thing, and thus stifle the undertaking; besides, that principle cannot be carried out beyond Java.

A separate wire for through messages to and from Java, commencing at Moreton Bay and terminating at Adelaide, will probably answer all purposes.

I have, &c.,
F. GISBORNE.

No. 6.

COLONIAL SECRETARY, NEW SOUTH WALES, to COLONIAL SECRETARY, VICTORIA.

*Colonial Secretary's Office,
New South Wales,
Sydney, 10 February, 1860.*

SIR,

I have the honor to transmit to you a copy of Resolutions passed on the 2nd instant by the Legislative Assembly of this Colony, respecting a subsidy in aid of the construction and maintenance of a Telegraphic Line to East Java, and to state that it has been intimated to Mr. F. Gisborne, who has come to Australia for the purpose of furthering the establishment of such a line, that this Government will be prepared to enter into an arrangement with any Company, of approved stability for carrying out the object in question, upon the basis of the Resolutions.

2. You will observe that the Resolutions make it a condition that the concurrence of the Colony of Victoria to such an extent as may be necessary for carrying out the proposed work, shall be obtained, and I have accordingly to request that you will be good enough to inform this Government of any arrangements which may be made in consequence by the Government of Victoria.

3. The Resolutions have been communicated by me to the Governments of New Zealand and Queensland, with a view to ascertain their willingness to co-operate in the proposal.

4. I enclose for your information printed copies of the papers on this subject, which have been laid before the Legislature of this Colony.

I have, &c.,
WILLIAM FORSTER.

No. 7.

COLONIAL SECRETARY, NEW SOUTH WALES, to COLONIAL SECRETARY, QUEENSLAND.

*Colonial Secretary's Office,
Sydney, New South Wales,
10 February, 1860.*

SIR,

I have the honor to transmit to you a copy of Resolutions passed on the 2nd instant by the Legislative Assembly of this Colony, respecting a subsidy for the construction and maintenance of a Telegraphic Line to East Java, and to state that it has been intimated to Mr. F. Gisborne, who has come to Australia for the purpose of furthering the establishment of such a line, that this Government will be prepared to enter into arrangements with any Company, of approved stability for carrying out the object in question, upon the basis of the Resolutions.

2. You will observe that the Resolutions make it a condition that the concurrence of the Colony of Victoria to such an extent as may be necessary for carrying out the proposed work, shall be obtained, and that the co-operation of the other Colonies interested in such a project shall also be invited. A communication has been made by me to the Government of Victoria on the subject, and I have to request that you will favor me by stating whether Queensland will co-operate in the way suggested; and, if so, whether your Government would be disposed to leave with the Government of this Colony the details of such negotiation as may be necessary for completing the arrangement. I have also to request that you will inform me whether the Government of Queensland, in the event of the construction of a submarine line commencing at Brisbane, would guarantee within the required time the continuance of the overland line from the northern frontier of this Colony.

3. I enclose for your information printed copies of the papers on this subject, which have been laid before the Legislature of this Colony.

I have, &c.,
WILLIAM FORSTER.

No. 8.

COLONIAL SECRETARY, NEW SOUTH WALES, to COLONIAL SECRETARY, NEW ZEALAND.

*Colonial Secretary's Office,
Sydney, New South Wales,
10 February, 1860.*

SIR,

I have the honor to transmit to you a copy of Resolutions passed on the 2nd instant by the Legislative Assembly of this Colony, respecting a subsidy for the construction and maintenance of a Telegraphic Line to East Java, and to state that it has been intimated to Mr. F. Gisborne, who has come to Australia for the purpose of furthering the establishment of such a line, that this Government will be prepared to enter into an arrangement with any Company, of approved stability for carrying out the object in question, upon the basis of the Resolutions.

2. You will observe that the Resolutions make it a condition that the concurrence of the Colony of Victoria to such an extent as may be necessary for carrying out the proposed work, shall be obtained, and that the co-operation of the other Colonies interested in such a project shall also be invited. A communication has been made by me to the Government of Victoria on the subject, and I have to request that you will favor me by stating whether New Zealand will co-operate in the way suggested; and, if so, whether your Government would be disposed to leave with the Government of this Colony the details of such negotiation as may be necessary for completing the arrangements.

3. I enclose for your information printed copies of the papers on this subject, which have been laid before the Legislature of this Colony.

I have, &c.,
WILLIAM FORSTER.

No. 9.

THE UNDER SECRETARY to F. GISBORNE, ESQ.

*Colonial Secretary's Office,
Sydney, 10 February, 1860.*

SIR,

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of yesterday's date, requesting information as to the point on the northern boundary of this Colony at which the land line to connect the Telegraphic System of New South Wales with the proposed submarine line to East Java is to commence, and to inform you, that in the event of this Government consenting to the commencement of the submarine line at Brisbane, it would be essential that the Government of Queensland, or the contracting Company, should guarantee the continuance of the overland line from the frontier of this Colony to Brisbane.

I have, &c.,
W. FLYARD.

No. 10.

F. W. GISBORNE, ESQ., to GOVERNOR GENERAL.

Sydney, 10 February, 1860.

SIR,

A difficulty of great moment has arisen in the effective prosecution of the proposed Submarine Telegraph from Moreton Bay to East Java, in consequence of the form in which the first Resolution, subsidising the undertaking, was ultimately passed by the Legislative Assembly.

The first Resolution states that the subsidy shall be granted "to induce such Company to construct and maintain a Telegraphic Line from this Colony to East Java."

This leaves the terminus of the submarine portion of the line undetermined.

The Government have informed me that they have not determined that point, but in case they fix upon Moreton Bay, they have it in their option either to stipulate that the Company shall connect the submarine line with the New South Wales northern frontier by a land line, or to see that the Government of Queensland do so.

This position of the question assumes great importance and significance, when it is borne in mind that in this Colony there are many who desire that the submarine portion of the line shall terminate at Shoal Bay; that in Queensland many desire to see it terminate at Broad Sound, or rather Gulf Carpentaria, or even Port Essington; and that in South Australia there is a strong desire to see it terminate at Cambridge Gulf.

The advocates of these several termini of course desire to have the submarine line continued overland to New South Wales, or, in the case of Cambridge Gulf, to South Australia.

It is contended, in each case, that the overland line will be cheaper than the submarine cable; but it is admitted that one main object is to get police stations established, say every 30 miles, to protect the line, and at the same time to form nuclei for population to settle about.

Thus several hundred thousands of pounds will be spent in exploring and settling unknown and waste country.

Your

Your Excellency is so thoroughly acquainted with the objects of this movement for an overland line, and with its effect on the question of an immediate establishment of Telegraphic Communication with England, that I will only indicate the position of the question so as to make myself understood.

Unless the terminus of the submarine line is now and at once settled, it will be hopeless to conclude the negotiation with Victoria during the present Session, or to complete the line within the three years provided for in the Resolutions.

Moreton Bay was fixed upon because, up to that point, land lines are as good as provided for.

If Broad Sound be fixed upon, the intermediate land line will have to be paid for by Queensland, and your Excellency will easily judge whether that Colony will be in a position to do so within the next two years.

To any more northerly terminus the same objection applies, besides the extreme difficulty, if not impossibility, of executing or maintaining the line.

As regards Shoal Bay, which will increase the length of the submarine line, I wish to observe, that the subsidy was carefully calculated to provide for a line only as far as Moreton Bay, and that it is perfectly unnecessary to extend it south of that point, as land lines are in course of construction towards it.

If each Colony is to stipulate that the Telegraph shall be brought to its door, and existing lines through other Colonies made no use of, vastly increased and unnecessary expense will be incurred, and the Colonies not accommodated by the extension will refuse to contribute to it.

I would further earnestly ask your Excellency to consider, whether an English Company will not meet with great difficulty in managing a long land line in this country?

I believe all the lines of Telegraph are in the hands of Government.

Many causes of delay and intricacy in this great question will be avoided, if a few points, which I believe are essential at present, be constantly borne in mind; for instance, to leave to the Company the submarine portion, and to Queensland the land portion of the line; to bring the submarine line to the point up to which a land line can without dispute be completed by Queensland within the next two years; and not to ignore the existence of land lines by bringing the submarine cable south of any point they are likely to reach.

I think, sir, under all the circumstances, it is not an unreasonable request on my part to ask the Government to come to an immediate decision upon the point at which the submarine line shall terminate. This question has been actively discussed in every Colony for the last seven months, and the Resolutions just passed will be rendered inoperative, unless an immediate decision be come to.

I will ask your Excellency's good offices for the solution of this preliminary question. The decision of this Colony will, I believe, be acquiesced in by the other Colonies.

I have, &c.,

F. GISBORNE.

No. 11.

F. GISBORNE, ESQ., to COLONIAL SECRETARY.

Sydney, 10 February, 1860.

SIR,

I have the honor to acknowledge the receipt of your letter of this day. You inform me that the Government have not yet determined that Moreton Bay, near Brisbane, shall be the starting point of the proposed Submarine Line of Telegraph to Java.

I feel it my duty to point out to you, that no action can possibly be taken, either by the promoters in England, or by me with the Victorian Government, to obtain that co-operation which the Resolutions cast upon us to obtain, until the important question as to which shall be the terminus of the submarine portion of the line is settled.

You are well aware, sir, that Shoal Bay, Moreton Bay, Broad Sound, Gulf Carpentaria, Port Essington, and Cambridge Gulf, have all their strenuous advocates as proper termini for the submarine portion of the line.

You will, I trust, also bear in mind, that three years is the time limited for concluding all the negotiations and completing the line. The Parliamentary Session at Melbourne is not expected to last much longer, and if my negotiation is not concluded there during the present Session, I do not see the least likelihood of the time provided for in the Resolutions being kept to. Indeed, undue delay always throws discredit upon such undertakings and discourages the promoters.

Moreton Bay is selected, because land lines actually determined upon are in progress to that point. But I do not now intend to enter upon a comparison of the different proposed termini, but merely to state that, in the opinion of the promoters, Moreton Bay is the most convenient point, to urge upon you to adopt it, and at any rate to communicate to me your decision at your earliest convenience.

I would again urge upon you that difficulties may attend the management of a long land line by an English Company.

No estimate can be formed of the outlay, or of the amount of financial assistance to be asked of Victoria, until the length of the submarine line, and, if the Company is to undertake it, of the land portion of the line, is determined upon.

I have, &c.,

F. GISBORNE.

No. 12.

THE UNDER SECRETARY to F. GISBORNE, ESQ.

*Colonial Secretary's Office,
Sydney, New South Wales,
13 February, 1860.*

SIR,

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of the 10th instant, in which you represent that it is of importance that the starting point of the proposed Submarine Line of Telegraph to Java should be determined at the present time.

2. The Colonial Secretary desires me to state in reply, that the Government of this Colony are willing that the line should be understood to commence at Brisbane, simply as the basis of calculation for a future contract with an approved Company, provided the continuance of the overland line from the frontier of New South Wales to that place is guaranteed.

I have, &c.,

W. ELYARD.

No. 13.

COLONIAL SECRETARY, QUEENSLAND, to COLONIAL SECRETARY, NEW SOUTH WALES.

*Queensland,
Colonial Secretary's Office,
Brisbane, 17 February, 1860.*

SIR,

I have had the honor to receive, and to submit to His Excellency the Governor, in Council, your letter of the 10th instant, transmitting a copy of Resolutions passed by the Legislative Assembly of New South Wales, with reference to a proposal that a subsidy should be granted for the construction and maintenance of a line of Electric Telegraph to East Java, and apprising me of the communication which you had made upon the subject to Mr. F. Gisborne, by whom the proposal has been brought forward.

2. I have now the honor, by direction of His Excellency, and under the advice of the Executive Council, to inform you that the Government of this Colony will lend its willing co-operation in a project which promises results so important to the whole of the Australian Colonies, and that the earliest opportunity will be taken of bringing the subject under the favorable notice of the Legislature of Queensland.

3. It will, without doubt, be the most convenient arrangement to leave, as you propose, to your Government the details of such negotiations as may be necessary for completing the arrangement with any Company, of approved stability, to whom the undertaking may be committed; but I am to state, that the Government of Queensland, while availing themselves of your proposal on this head, must of course be understood as reserving to themselves the right of ratifying any arrangement which may be made before its conditions can be held to be binding upon this Colony.

4. I have here to state, that local information and experience in this Colony point to an overland line of Telegraph from Brisbane to the Gulf of Carpentaria, as the plan which would be the most practicable of any that have been suggested, while it would be attended with largely increased collateral advantages. This Government would much prefer the adoption of such a line; but I beg to be understood that this is meant as a suggestion, and not as essential to the concurrence of Queensland in any plan that may eventually be decided upon, and that will secure the objects which are common to all the Colonies of the Australian Group.

5. With reference to your further inquiry, as to whether the Government of Queensland, in the event of the construction of a submarine line commencing at Brisbane, would guarantee the continuance within the required time of the overland line from the northern frontier of New South Wales, I am to state, that the subject will be submitted for the favorable consideration of the Legislature. In the meantime, as it will, of course, be an object that the work while in progress should be under proper scientific supervision (which is not readily available here at present), and as it will be one not alone for the benefit of this Colony, I beg to inquire whether the Government of New South Wales would be prepared to undertake the construction of the line—it being, of course, understood that the expenditure will be defrayed by this Colony?

I have, &c.,

ROBERT G. N. HERBERT.

No. 14.

COLONIAL SECRETARY, VICTORIA, to COLONIAL SECRETARY, NEW SOUTH WALES.

*Victoria,
Chief Secretary's Office,
Melbourne, 29 February, 1860.*

SIR,

In reference to your Despatch of the 10th instant, I have the honor to state, that the whole subject of European and Australian Telegraphic Communication having been submitted by the Honorable the Postmaster General of Victoria to the Government, it has been decided, after mature deliberation, to be essential that accurate information should be obtained

obtained as to the tariff of charges for the transmission of messages through the line of Telegraph proposed to be established.

It is therefore considered requisite that the Government should be supplied with the actual charges now levied for through messages at the stations already opened on the proposed route from Australia to Europe, the charges it is proposed to levy for similar messages over the lines in process of construction and over those contemplated, whether under the control of the British Government or Foreign powers, and also the proposed tariff for the transmission of messages over the submarine line from Moreton Bay to Java, and over the land line from Albury to Moreton Bay.

It is deemed absolutely necessary that it should be ascertained what will be the actual cost for the transmission of messages from Victoria to Great Britain, as upon that must rest the probability of any profit being derived from the undertaking, as well as of any adequate advantage resulting from the expenditure of so large an annual sum as it would appear this Colony is expected to contribute in the event of its being decided to adopt the scheme in question.

I have further to state, that it has been determined, in the event of the concurrence of the Government of this Colony being given to the scheme, the guarantee of the subsidy required from New South Wales and Victoria respectively should, in the first instance and throughout, be a joint and equal one, and that the actual payments of each should be in proportion to the use made of the Telegraph by each Colony.

I have, &c.,
WILLIAM NICHOLSON.

No. 15.

COLONIAL SECRETARY, NEW ZEALAND, to COLONIAL SECRETARY, NEW SOUTH WALES.

*New Zealand,
Colonial Secretary's Office,
Auckland, 19 March, 1860.*

SIR,

I have the honor to acknowledge the receipt of your letter of the 10th ultimo, transmitting a copy of Resolutions passed by the Legislative Assembly of New South Wales, respecting a subsidy for the construction and maintenance of a Telegraphic Line to East Java, and inquiring whether the Government of New Zealand will co-operate in the way suggested, and, if so, whether it would be disposed to leave with the Government of New South Wales the details of such negotiations as may be necessary for completing the arrangements.

This Government fully recognizes the importance of the projected Telegraphic Communication between Europe and Australia, both as a means for the present of greatly accelerating communication between England and New Zealand, and especially as offering an almost certain guarantee, if successfully established, that complete Telegraphic Communication would at an early period be secured to this country.

The Government will accordingly submit the subject to the consideration of the Legislature, with a view to provision being made, in the meantime, for a contribution on the part of New Zealand towards any subsidy paid on account of the proposed communication, so long as it is maintained. The amount, however, which this Colony may be expected to contribute in the first instance, will manifestly be governed by the circumstance to which I have before referred, viz., whether the Telegraphic Line is carried to its coasts, or terminated in Australia. In the latter case, although the Colony would undoubtedly be benefited, its contribution cannot be so large as it might fairly be required to be in the former case.

I have every confidence that the Government of New South Wales will take all necessary precautions in negotiating the details of the project in question, which is especially a matter for its consideration.

I have, &c.,
E. W. STAFFORD.

No. 16.

CHIEF SECRETARY, VICTORIA, to COLONIAL SECRETARY, NEW SOUTH WALES.

*Victoria,
Chief Secretary's Office,
Melbourne, June, 1860.*

SIR,

I have the honor to bring under your notice the enclosed copy of an Address from the Legislative Assembly of Victoria to His Excellency Sir Henry Barkly, submitting certain Resolutions of the House on the subject of the establishment of Telegraphic Communication with India and Europe, and I am to invite the concurrence of the Government of New South Wales in the views expressed therein.

One or two points in these Resolutions may seem to require some explanation. In the first place, as regards the lowest tender, which it is affirmed should be accepted—what is intended to be conveyed is, the lowest which shall be satisfactory to the Electricians who may be appointed to consider the tenders; and with reference to the limit of Thirteen thousand pounds, fixed for the liability of this Colony, I would observe, it is intended to

cover the liabilities of the Colonies of Tasmania, South Australia, Western Australia, and Queensland, upon the basis of the proportions contributed to the postal subsidy, and in the event of such proportions being subscribed by the Colonies enumerated, such contributions are to be applied in reduction of the liability of Victoria as one of the chief contracting parties.

Should any of the matters referred to in these Resolutions not meet the concurrence of your Government, I have to request that you will be good enough to communicate its views upon the subsidy generally as early as convenient, as it is desirable they should be known prior to the Resolutions being forwarded to the Home Government.

I have, &c.,
WILLIAM NICHOLSON.

[Enclosure in No. 16.]

To His Excellency Sir Henry Barkly, Knight Commander of the Most Honorable Order of the Bath, Captain General and Governor-in-Chief of the Colony of Victoria, and Vice-Admiral of the same, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY:—

We, Her Majesty's most dutiful and loyal subjects, the Members of the Legislative Assembly of Victoria, in Parliament assembled, beg respectfully to forward to your Excellency the following Resolutions, agreed to by the Assembly:—

1. That in the opinion of this House it is desirable that Telegraphic Communication should be established with India and Europe.
2. That the Government of this Colony be authorized to grant a conjunction with the Imperial Government, and with all or any of the Australian Colonies, an annual subsidy, not exceeding in the whole £35,000, for a term not exceeding twenty-one years, to any Company, of whose stability satisfactory assurance shall be given, to induce such Company to construct and maintain a Line of Telegraph which shall connect this Colony with any portion of the Indian and European Telegraph Lines at present in working, or that may hereafter be constructed, upon the following conditions:—
 1. That such Company shall, within two years after a contract has been entered into, construct such Line of Telegraph, unless prevented by war or the dangers or accidents of the seas, and afterwards maintain it in working order at its own expense.
 2. That the proposed subsidy shall be proportionately payable on the capital of the Company actually paid up and expended, and shall not exceed five per cent on such capital. And the contract for the manufacture and laying of the cable shall be open to public tender, and the lowest tender accepted, the satisfactory nature of which competent Electricians in England shall determine.
 3. That no payment of such subsidy shall be made until the Line of Telegraph to be constructed has been in working order for three consecutive months, and such payments shall be made ratably only for the period during which the line so constructed is open for the transmission of messages.
 4. If such line shall be closed, unless by reason of war, or shall not be in a state of efficiency for the transmission of messages for any eighteen consecutive months, then the contract with such Company shall be void.
 5. That a tariff of charges for the transmission of messages over such line shall be agreed to by the several contracting Governments and the Company before any contract is entered into, and such tariff shall not afterwards be altered without the concurrence of such Governments.
 6. That in the event of the net profits of the Company exceeding in any year the rate of ten per cent. per annum, inclusive of the subsidy, such excess shall be ratably applied to reduce the respective contributions of the contracting Governments.
3. That the proportion of the entire annual subsidy to be granted as the contribution of this Colony shall not exceed the sum of £13,000 in any one year.
4. That in any agreement which may be entered into with any other Colony for the purpose of making up the amount of subsidy required, it shall be an express stipulation that the actual annual payments of such Colony, and of this Colony, shall be in proportion to the value of the messages transmitted by each along the line in every year.
5. That upon the completion of the preliminary arrangements for a contract in terms of the foregoing Resolutions, a Bill be brought in for the purpose of authorizing the annual expenditure required.
6. That these Resolutions shall be in force only for two years, and shall be forthwith published in the United Kingdom.

I have, &c.,
FRAS. MURPHY,
Speaker.

No. 17.

F. GISBORNE, ESQUIRE, to GOVERNOR GENERAL.

17 June, 1860,
Melbourne.

SIR,

I have the honor to enclose the Resolutions passed by the Legislative Assembly of Victoria, granting a subsidy towards the establishment of Telegraphic Communication with England.

The first condition annexed to the corresponding Resolutions of New South Wales was, that the Government of Victoria should grant the residue of the subsidy required for the undertaking over the amount voted by New South Wales.

The Legislature of Victoria having, however, decided that the Home Government should be asked to contribute, a smaller amount was voted here than would otherwise have been the case.

The basis upon which both sets of Resolutions proceed is, that £35,000 a year will be required to enable the necessary capital to be raised in England. Of that amount New South Wales has granted 27½ per cent., or £9,625; Victoria, £13,000; Tasmania has promised a contribution

contribution which I understood is likely to amount to £4,000 a year. These different sums leave a deficit of £8,375 to be provided for.

In case, however, the Home Government contribute, the basis of the New South Wales Resolutions would in strictness reduce the amount named in them to $27\frac{1}{2}$ per cent. of the whole subsidy, less the amount contributed by the Home Government; but I trust this will not be insisted on, even should the case arise. Moreover, the contribution of New South Wales covers the shares of Queensland and New Zealand, that of Victoria only represents her own share.

The deficit of £8,375 must be ultimately provided for by South Australia and the Home Government, which has not yet been applied to.

Should, however, a mutual understanding be come to at once by all the Colonies to provide amongst themselves the whole subsidy, leaving the actual payments of each to be determined in every year by the value or number of its messages, one or two Colonies might then safely undertake the contract with the Company for the entire amount.

In that case the contracting Colonies would have to appoint agents in London to put themselves into communication with an approved Company. Each side would appoint engineers to decide upon the class of cable, tenders would then be called for, and the whole outlay and capital being thus fixed, the agents should have power to enter into a provisional agreement, undertaking to give the Company a certain subsidy on certain conditions, if by a day named the whole amount of capital was subscribed for, and a certain per centage of it paid up.

Such was the course adopted by the Imperial Government in the case of the Red Sea and Indian Line.

I can see no necessity for delay, considering the small amount still unprovided for, if the machinery of an Intercolonial agreement be adopted at once.

Now that all the lines between Java and England are either completed or in rapid progress, and Telegraphic Communication is brought within 1,000 miles of the northern coast of Australia, I trust no delay will take place in extending them to the Colonies.

I have, &c.,

F. GISBORNE.

No. 18.

UNDER COLONIAL SECRETARY, QUEENSLAND, to THE UNDER SECRETARY, NEW SOUTH WALES.

*Queensland,
Colonial Secretary's Office,
Brisbane, 4 July, 1860.*

SIR,

Reverting to the concluding paragraph of Mr. Herbert's letter to the Honorable the Colonial Secretary, of the 17th February last, in which he stated that the subject of the continuance of the Electric Telegraph from the northern frontier of New South Wales would be submitted for the favorable consideration of the Legislature of this Colony, I am now directed to state, for the information of your Government, that the necessary provision has now been made for the construction of a Line of Telegraph from Brisbane to the boundary of this Colony, and that the work will be entered upon without loss of time.

I am therefore to request that you will be good enough to move Mr. Cowper to cause a reply to be made to Mr. Herbert's inquiry, as to whether the Government of New South Wales would be prepared to undertake supervision of the construction of the line, it being understood that the expenditure will be defrayed by this Colony.

I have, &c.,

A. ORPEN MORIARTY,
Under Colonial Secretary.

No. 19.

UNDER COLONIAL SECRETARY, QUEENSLAND, to THE UNDER SECRETARY, NEW SOUTH WALES.

*Queensland,
Colonial Secretary's Office,
Brisbane, 1 August, 1860.*

SIR,

With reference to former correspondence on the subject of the construction of a Line of Electric Telegraph from Brisbane to the frontier of New South Wales and Queensland, to unite with the systems of Telegraphic Communication of the other Colonies, I am directed to inform you that it is now the intention of the Government of Queensland to proceed without delay in the construction of the Line of Telegraph, and that it will, therefore, now be unnecessary that your Government should reply to the communications which have been addressed to it on the subject.

I have, &c.,

A. ORPEN MORIARTY,
Under Colonial Secretary.

No. 20.

CHIEF SECRETARY, VICTORIA, to COLONIAL SECRETARY, NEW SOUTH WALES.

*Victoria,
Chief Secretary's Office,
Melbourne, 14 August, 1860.*

SIR,

On the 14th June last I had the honor to communicate with you relative to the establishment of Telegraphic Communication between the Australian Colonies and England, *via* India, and to bring under your notice a copy of an Address from the Legislative Assembly of Victoria to His Excellency Sir Henry Barkly on the subject.

As no reply to the letter referred to has yet reached this Office, and as it is considered very desirable that early action should be taken in the matter, I would now invite your attention to the correspondence, and shall be glad to know whether the New South Wales Government have arrived at any decision, and to be favored with their views upon the subject at as early a date as may be convenient.

I have, &c.,

WILLIAM NICHOLSON.

1861.

Legislative Assembly.

NEW SOUTH WALES.

TELEGRAPHIC COMMUNICATION WITH EUROPE.

(DESPATCH.)

Ordered by the Legislative Assembly to be Printed, 1 May, 1861.

SECRETARY OF STATE FOR THE COLONIES to ADMINISTRATOR OF THE GOVERNMENT.

Downing-street,

12 February, 1861.

SIR,

With reference to previous correspondence on the subject of the establishment of Telegraphic Communication between Europe and Australia, and more especially with regard to Mr. F. Gisborne's recent mission to Australia as Agent for the Promoters of a scheme *via* Java and Moreton Bay, I have the honor to inform you that the Lords Commissioners of the Treasury have intimated to me their inability to co-operate with the Governments of Australia to establish the proposed communication.

Their Lordships further stated that, as the chance of such an undertaking being successfully carried out was at present so uncertain, they would not feel themselves justified in applying to Parliament to add to the various liabilities which Her Majesty's Government have already incurred in respect of lines of Telegraph which, it was supposed, could easily be established, but which have, as yet, resulted only in failures, owing to the unforeseen difficulties which have attended the maintenance and laying of submarine cables.

I have, &c.,

NEWCASTLE.

1861.

Legislative Assembly.

NEW SOUTH WALES.

PROPOSED EXTENSION OF GREAT NORTHERN RAILWAY.
(FROM MAITLAND TO MORPETH.)

Ordered by the Legislative Assembly to be Printed, 18 January, 1861.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.
The Memorial of the undersigned Inhabitants of East Maitland and its vicinity,—

HUMBLY SHEWETH:—

That your Memorialists observe a Petition has been presented to your Honorable House, praying your favorable consideration of a proposal for extending a branch of the Great Northern Railway to the Town of Morpeth.

That your Memorialists believe surveys have been made, and that one, extending from the Government Wharf, Morpeth, to the Station at East Maitland, was proposed to be adopted, but that since a deviation has been made, and the line made to avoid the township of East Maitland, notwithstanding the deviation is estimated at a cost of upwards of three thousand pounds beyond the cost of the proper line.

That many of your Petitioners signed the said Petition on the faith of the survey, and they deprecate the use of their Petition to support any deviation from the plan on faith of which their signatures were obtained.

That your Memorialists deem it right to apprise your Honorable House that they entertain very great doubts whether the proposed line will be advantageous, for the following reasons:—

- 1st. The proposed terminus at Morpeth, near the Government Wharf, is subject to flood, and is contiguous to the wharf of the Australian Steam Navigation Company, which has been abandoned by the Company since the floods of 1857, at which period there was from nine to twelve feet water over the spot.
- 2nd. The proposed terminus is about a mile from the wharves, and as the only gain to the Government will be the carriage of goods brought by the steamers, the double carriage by drays will militate much against the success of the undertaking. It would be very inconvenient to cart goods for one mile to the Morpeth Station, and then, after carriage by train of about two or three miles, to re-cart the goods from the line to the merchants' stores.
- 3rd. That, unless the line be taken to a spot where tramroads may be laid down to the steamer's wharf, no remunerative return for the outlay will come to the Government if the present proposed line and terminus be adopted; this will be found out when too late, for there cannot possibly be any continuation of the present proposed line without taking the river frontages from many proprietors (some of whom promoters of this plan), and building the line for the most part on piers, and such work would be ruinously costly.
- 4th. That the line from the proposed Morpeth Station towards Maitland is mostly far under flood level, and the attempted deviation crosses the flood course by a viaduct, alone estimated at £3,000, and joins the line at Pitnacree; whereas by keeping on the high road to the present station, the flood course would not be crossed, and liability to damage by flood and the cost of the viaduct would be avoided. Moreover, this line runs parallel and close adjoining to the high road, whereby frequent accidents would probably be occasioned; and passing, as it does, through the lands of numerous proprietors, many crossings will be required.
- 5th. That your Memorialists respectfully submit whatever line is eventually adopted, it should be so connected with the Great Northern Line as to make the present station at East Maitland available, and that the Town of East Maitland should not be passed by.

2 PROPOSED EXTENSION OF GREAT NORTHERN RAILWAY—PETITION.

6th. That your Memorialists believe your Honorable House should not hastily adopt the proposed plan, but should, by Committee, ascertain the best and most economical route, as your Memorialists are of opinion a line which has not, they believe, been surveyed, would prove to be the most desirable. Such line should commence near the river, contiguous to the wharves of the two Companies, and should proceed along the margin of the low land (all bush land) joining the Great Northern Line on or near the Town Reserve. This line would not pass over any private lands (excepting that of Mr. Close, who, it is understood, will make no claim for compensation), and would insure all the coal traffic, which, both for the steamers and for export, is very considerable; the East Maitland coal mines being celebrated for the extent of the field and quality of coal, the steamers at Morpeth having been supplied from this source for fifteen years. Moreover, it would commence from or near the river by the Company's Wharves, trams could be laid down by the Companies and by all other proprietors if they pleased; but it would then be a private and personal work for the improvement of their property, and not a work forced on the Government by necessity. This line, your Petitioners believe, would be shorter, far less expensive, and far more remunerative than the contemplated line.

7th. The promoters of the present plans have, we believe, in the date forwarded to the Government, based all their computations of probable profit on the proceeds of the carriage of the goods brought by the steamers, and we would warn your Honorable House that this profit must fail unless the line is taken near the wharves and stores of the Companies.

Your Memorialists, therefore, humbly pray that your Honorable House will take into consideration the matters referred to, and will, before any sums be voted for a branch railway to Morpeth, cause a survey to be made of the route before mentioned, and will cause special inquiry to be made whether any line will be remunerative unless it be made closely to approach the wharves of the Steam Companies, and will take such other action in the premises as to your Honorable House may seem meet.

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

[Here follow 498 Signatures.]

1861.

Legislative Assembly.

NEW SOUTH WALES.

HENRY WILLIAM DUDLEY.

(PETITION.)

Ordered by the Legislative Assembly to be Printed, 12 February, 1861.

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

The humble Petition of Henry William Dudley, of the Refreshment Room, Sydney Railway Station,—

SHEWETH :—

That your Petitioner considering himself, under the circumstances hereinafter stated, to have been unfairly and oppressively dealt with, is advised that he can obtain no redress otherwise than by Petition to your Honorable House.

That, on or about the first day of November, one thousand eight hundred and fifty-five, your Petitioner applied to the then Manager of the Great Southern Railway, Mr. Terry, to rent a room at the Sydney Terminus, as a Refreshment Room.

That, after waiting on Mr. Terry nearly every day for three months, your Petitioner, finding the summer season passing away, and being unable to obtain a reply, applied to the then Commissioners of Railways on the subject.

That the said Commissioners approved of the application, and agreed to rent to your Petitioner the room now occupied by him at the Sydney Station for three months certain, at the rent of two pounds per week; your Petitioner to fit up the said room with his own fixtures at his own expense, and at the expiration of that three months to become a tenant thereof from year to year, with a promise that your Petitioner was not to be turned out in favor of any person whomsoever, so long as the said room and the business thereof should be conducted in a respectable manner; and it was part of the contract that your Petitioner's wife was to act as female searcher in case of necessity, or to attend on any female in case of sickness at the Station.

That the terms on which the holding was arranged will be found in your Petitioner's letter to the said Commissioners, dated in February, 1856, and that on the first day of March, one thousand eight hundred and fifty-six, your Petitioner entered into occupation of the said room in pursuance of that letter, and on the terms therein stated.

That your Petitioner found the accommodation of the room insufficient to meet the requirements of the public, especially as no fire-stove was allowed on the Railway premises, and the public wanted hot tea and coffee, and your Petitioner consequently applied for and obtained permission from the said Commissioners to erect a tent on the waste ground belonging to the Station, and the rent paid by your Petitioner was then fixed at six pounds ten shillings per month.

That in March, one thousand eight hundred and fifty-seven, the said tent having been blown down, and on two occasions narrowly escaped destruction by sparks from the engines, your Petitioner obtained permission to erect an iron house, quite as much for the convenience of the public as of your Petitioner, at a ground rent of sixteen shillings and eight-pence per month, until the Commissioners should require the ground for Railway purposes; and the then engineer, Mr. Brady, pointed out the exact site of such building to your Petitioner, being a portion of ground near the Chippondale Gate, not likely to be required for Railway purposes for many years; and Captain Mann, then one of the said Commissioners, promised your Petitioner that the Refreshment Room should be fresh papered and painted before the ensuing spring, and gave orders to that effect to the said Mr. Brady in your Petitioner's presence; but although in the ensuing September a storm so much damaged the Station, especially over the Refreshment Room, that your Petitioner's property was continually injured by rain, no steps were taken to perform this promise, or to repair these damages, in spite of your Petitioner's remonstrances, and to his great loss and injury.

That, shortly after this, Captain Martindale became the virtual Manager of the Railway, and in October, one thousand eight hundred and fifty-seven, an advertisement appeared calling for Tenders for renting the Refreshment Room, although your Petitioner held the same as a tenant from year to year, and had received no notice to quit, whether sufficient or insufficient.

That your Petitioner had expended about one hundred and fifty pounds in manner aforesaid on the premises, and accordingly had two interviews with Captain Martindale on the subject, and afterwards with Mr. Rae, to whom the said Captain Martindale referred me, giving them notice of your Petitioner's position, and claiming his rights, and protesting against the injustice contemplated. These remonstrances were of no avail, and in December, one thousand eight hundred and fifty-seven, your Petitioner received notice to quit, on the first January, one thousand eight hundred and fifty-eight, then next ensuing, to a person of the name of Gale, who was not even willing, in case of your Petitioner's abandoning his rights, to purchase your Petitioner's stock and fixtures at a fair or at any valuation, and your Petitioner refused to give up possession.

That, during the first fortnight of January, one thousand eight hundred and fifty-eight, your Petitioner was exposed to all sorts of threats and annoyances from the Railway authorities, trying to make your Petitioner give up possession. On the fourteenth of that month, the Commissioners sent for your Petitioner and admitted his right to remain until legal notice could be given, but stated that they wanted to commence fresh plans from the new year, that the threats and annoyances aforesaid were not with the Commissioners' sanction, and held out that the traffic would largely increase with the extension to Campbelltown; and, in fact, induced your Petitioner to consent to pay the rent offered by Gale, namely, one hundred and twenty pounds per annum, allowing out of it ten pounds per annum for the services of your Petitioner's wife in attending to the Ladies' Waiting Room. That agreement is dated thirteenth January, one thousand eight hundred and fifty-eight, for one year certain, at one hundred and ten pounds per annum, and Mrs. Dudley's services as aforesaid, considered equivalent to ten pounds more, and ten pounds eight shillings per annum ground rent for the ground held by your Petitioner. But in making to your Petitioner the statements that induced your Petitioner to consent to this arrangement, the said Commissioners concealed from your Petitioner the intended heavy increase of fares, which, if your Petitioner had known, he would never have consented thereto, and which has in fact so diminished the traffic as to prove in the highest degree injurious to your Petitioner, inasmuch that your Petitioner's receipts for the twelve months following that increase was less than for twelve months before by the sum of one hundred and seventy-eight pounds five shillings and two-pence, although in the latter period an additional twelve miles of rail have been open to the public.

That, in not more than a month after this agreement was signed, the said Commissioners actually leased the same ground, for which your Petitioner was and is paying ground rent, to Messrs. Scott and Jolly, for a timber yard, who are now, as well as your Petitioner, paying rent for the same, and allowed a six-foot fence to be put up within three feet of the said iron house, all round it, and one foot only in the top for air, until your Petitioner himself cut down another foot thereof.

That your Petitioner has made complaint on these points to the Commissioner, without redress, and has also applied for a reduction of rent, and to have the said Refreshment Room papered and painted, of which it stands much in need, nothing having been done to it since the said storm; to all which the reply given to your Petitioner is, that the Commissioner could not accede to my request.

That, moreover, since the extension to Campbelltown, the Gentlemen's Waiting Room has been converted into a Parcel Office, so that passengers waiting are obliged to wait in the room rented by your Petitioner, to which it is not fitted, and which is an inconvenience to your Petitioner and to his customers, and which ought not to be imposed upon your Petitioner, paying a rent for the said room four times greater than that paid by a stall-holder in the George-street Markets.

That, on the seventh day of December, one thousand eight hundred and fifty-eight, your Petitioner, at the request of a number of very influential gentlemen, and supported by a memorial of recommendation more numerous and respectably signed than anything of the kind ever done in Sydney, applied for a General License for the said Refreshment Room; and your Petitioner refers to the Memorial presented to His Excellency the Governor General and the Executive Council, on the fifth January, one thousand eight hundred and fifty-nine, for a Special License for the same purpose, as evidence of the extraordinary support afforded by the highest classes to this application, such Memorial being signed by Members of all the Legislative Bodies, by gentlemen of high station familiar with the management of such matters in England and on the Continent of Europe, by Magistrates, Ministers of Religion, and others, who had known your Petitioner for twenty years past and upwards.

That, on your Petitioner's said application, the said Mr. Rae appeared on behalf of the Commissioner, and took it upon him to inform the Bench that it would be of no use to grant your Petitioner a license, as your Petitioner should not rent the Refreshment Room after the end of the year; and a notice appeared, as before, calling for tenders to rent the Sydney Refreshment Room, but no such notice relative to the room at Parramatta until a day or two afterwards, when the Commissioners had seen, upon reflection, the position in which they had placed themselves; and, upon your Petitioner applying to the Commissioner to know whether, if the Refreshment Room were let to a third party, any arrangement was to be made about the building erected by your Petitioner, your Petitioner was told in reply that, in that case, your Petitioner must pull it down.

That

That your Petitioner applied for the ordinary Confectioner's License, on the twenty-second December, one thousand eight hundred and fifty-eight, when one of the Magistrates stated that it was no use to grant it, as the Commissioner would not let your Petitioner continue in the Refreshment Room after the end of the year.

That, in consequence, your Petitioner was compelled, though at a loss, to tender the same rent as before.

That it abundantly appears from the foregoing statement that the Commissioner now keeps your Petitioner in this position, that either he must pay an exorbitant rent, at a loss, or lose the benefit of his investment and connection, contrary to the understanding on which that investment was originally made; and your Petitioner will be obliged to abandon the said Refreshment Room, and to lose the benefit of such investment and connection, unless some redress be afforded to him, being unable to pay the present rent while the present rate of fares is maintained.

Your Petitioner, therefore, humbly prays, that your Petitioner's case may be so dealt with by your Honorable House, that the Commissioner of Railways may be instructed to grant to your Petitioner a lease for a term of years, at a reasonable rate, subject to your Petitioner's good management of the said Refreshment Room, or that such other redress may be afforded to your Petitioner as to your Honorable House may seem meet.

And your Petitioner shall ever pray, &c., &c., &c.

Dated this eighth day of October, in the }
year of our Lord, one thousand eight }
hundred and fifty-nine. }

HENRY WM. DUDLEY.

1861.

Legislative Assembly.

NEW SOUTH WALES.

WILLIAM DIXON.

(PETITION.)

Ordered by the Legislative Assembly to be Printed, 9 April, 1861.

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

The humble Petition of William Dixon, late timekeeper in the Locomotive Department of the Great Southern Railway,—

SHEWETH :—

That your Petitioner, considering himself, under the circumstances herein-after stated, to have been unfairly and oppressively dealt with, is advised that he can obtain no redress otherwise than by Petition to your Honorable House.

That your Petitioner held the situation of timekeeper for a period of four years up to the 3rd of September last past, on the morning of which day Mr. Thomas, the assistant engineer and locomotive superintendent, suspended your Petitioner, because your Petitioner was not there on the Sunday.

That your Petitioner was told by Mr. Thomas to take charge of the works, and look after the men until Mr. Scott came from Newcastle to take charge, as foreman, in place of Mr. Twiss, who had resigned.

That your Petitioner did take charge of the works on the 1st day of September last past, and looked after the same, and your Petitioner did not leave the works the whole day, it being the Champion Race Day; your Petitioner did see the last train, the 6-45, out to Parramatta, and, before the men left, your Petitioner gave one of the engine drivers (namely, John Cobb) orders to attend and shunt the last train in from Campbelltown, and also to attend and get her ready for the first train out on the Sunday morning; and your Petitioner also gave one of the engine fitters (namely, John Cahill) instructions to go on with and get No. 5 engine ready by Monday morning, so that she might go out with the ballast train, and, if anything occurred on the Sunday the 2nd of September as aforesaid, to let your Petitioner know immediately; but no information was given to your Petitioner of anything occurring until the evening, when your Petitioner heard that the fire bars of No. 8 had dropped, and that the train had been delayed about one hour and twenty minutes between Liverpool and Campbelltown, a thing your Petitioner had no control over; but Mr. Thomas thought as there had been an accident on the line on the 1st of September, and this happened on the 2nd, that it would be a good opportunity to suspend your Petitioner, as Mr. Thomas had got a friend and shipmate waiting for your Petitioner's situation, although your Petitioner had nothing to do with the matter; Mr. Thomas, being locomotive superintendent, ought to have taken the fault to himself, and not suspended your Petitioner as an excuse for not being there on the Sunday, your Petitioner being timekeeper and not locomotive foreman.

That your Petitioner called on Monday the 10th of September last past to see Mr. Thomas, and ask him if your Petitioner was still under suspension, and he told your Petitioner he was, and that he had sent a report respecting your Petitioner in to Captain Martindale, and that he had not received an answer; and as your Petitioner knew that Mr. Thomas was one of the captain's favourites, your Petitioner would be discharged, as Mr. Thomas had immediately after your Petitioner's suspension put his friend into your Petitioner's situation; and, as your Petitioner did not wish to be discharged, your Petitioner immediately sent in his resignation to Captain Martindale in a letter dated the 10th of September last past.

That your Petitioner called at the works on the 14th of September last past, being pay day; your Petitioner saw Mr. Thomas in the yard, and asked him whether there would be any pay that afternoon, and he would not answer your Petitioner, but walked on; and your Petitioner followed him up the stairs and asked him for a character, and he turned round upon your Petitioner and told your Petitioner that he would throw your Petitioner

over

over the balusters if your Petitioner dared to follow him, which your Petitioner did not; for after such behaviour, and knowing Mr. Thomas' violent temper, your Petitioner returned down again.

That your Petitioner not having been able to get a settlement of wages which your Petitioner was entitled to up to his resignation, your Petitioner wrote to Captain Martindale respecting the same in a letter dated the 3rd day of October last past.

That your Petitioner called at the office of Minister for Works on the 22nd day of October last past, and saw Mr. Moody, the chief clerk, for your Petitioner's wages, but could not get them, but was to call again; and Mr. Moody told your Petitioner that Mr. Thomas only wanted to get rid of your Petitioner, and now he had done so, he would do anything for your Petitioner.

That your Petitioner wrote to Captain Martindale on the 29th day of October last past, to know if there would be any objection to your Petitioner being employed again in the Government service, and your Petitioner received a letter on the 30th, favourable to your Petitioner's application.

That your Petitioner having received the letter from Captain Martindale of the 30th of October last past, your Petitioner wrote to the Minister of Works (Mr. Arnold) requesting him to look into your Petitioner's case, and, if he thought your Petitioner worthy of such, either to reinstate your Petitioner in his old situation, or put your Petitioner into another, and which letter is dated the 17th of November last past.

That your Petitioner, not receiving any answer to the said letter of the 17th of November last past, your Petitioner waited upon Mr. Arnold at the Office of Works on the 28th day of November, and, as your Petitioner was explaining to him the general behaviour of Mr. Thomas towards your Petitioner, Captain Martindale entered the room, who, knowing your Petitioner, immediately pointed to some minute, and said that he had made that inquiry for his own information. Mr. Arnold did not seem to take much notice of it, but the captain forced it on Mr. Arnold's notice; so much so, that at last Mr. Arnold told your Petitioner that he could not then remove the timekeeper, as he was then in your Petitioner's place, and there was no fault against him. Your Petitioner told Mr. Arnold that he did not want him to remove the man, but to give your Petitioner another situation, if he pleased. Your Petitioner told Mr. Arnold that Mr. Whitton would give your Petitioner a character during the time he was under him, and your Petitioner immediately turned round to the captain, and asked him if there was any fault against your Petitioner during the time your Petitioner had been under him, or in his department, and he said certainly not—he never had any fault against your Petitioner; and your Petitioner also told Mr. Arnold that he had seen Mr. Whitton, and he had told your Petitioner that he had not then any vacancy, but that he would not forget your Petitioner; and Mr. Arnold replied, that, if Mr. Whitton had a situation to put your Petitioner into, he should not object to your Petitioner fulfilling it.

That your Petitioner waited for a considerable time (to wit) till the 21st day of January, 1861, and then waited upon Mr. Rae, the Commissioner, to put your Petitioner into some situation, if he then had a vacancy; but he told your Petitioner that he had not then any vacancy, but that your Petitioner was to write to him, and he should not then forget your Petitioner, who wrote a letter to Mr. Rae on the 24th day of January, 1861.

That your Petitioner, in answer to the above-mentioned letter, received a reply on the 5th day of February, 1861, from Mr. Rae, informing your Petitioner that his services would not be required by the Government.

That your Petitioner has written and made application for a situation under Government, but through Captain Martindale and Mr. Thomas, the locomotive superintendent, is prevented from being again employed, by the falsehoods that have been reported against the character of your Petitioner.

That your Petitioner humbly prays that your Petitioner's case may be so dealt with as your Honorable House may think fit, or that such redress may be afforded to your Petitioner as to your Honorable House may seem meet.

And your Petitioner shall ever pray, &c., &c., &c.

WILLIAM DIXON.

Dated this 4th day of March, 1861.

1861.

Legislative Assembly.

NEW SOUTH WALES.

MINMI AND HEXHAM RAILWAY ACT AMENDMENT BILL.

REPORT FROM THE SELECT COMMITTEE

ON THE

MINMI AND HEXHAM RAILWAY ACT
AMENDMENT BILL ;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
22 *March*, 1861.

SYDNEY :

THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1861.

1861.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 19. TUESDAY, 12 FEBRUARY, 1861.

20. Minmi and Hexham Railway Act Amendment Bill :—Mr. Parkes moved, pursuant to notice,—
- (1.) That the Minmi and Hexham Railway Act Amendment Bill be referred for consideration and report of a Select Committee.
- (2.) That such Committee consist of Messrs. Allen, Cowper, junr., Dickson, Laycock, J. T. Ryan, Walsh, and the Mover.
- Question put and passed.

VOTES No. 20. WEDNESDAY, 13 FEBRUARY, 1861.

9. Minmi and Hexham Railway Act Amendment Bill :—Mr. Walsh presented a Petition from Henry Burton Bradley, of Sydney, in the Colony of New South Wales, Solicitor, against the passing of the said Bill, so far as it may affect certain private interests therein set forth, and praying to be heard by himself, his Counsel, or Agent, against the said Bill.
- Petition received.
- Mr. Walsh then moved, That this Petition be referred to the Select Committee now sitting on the said Bill.
- Question put and passed.

VOTES No. 42. FRIDAY, 22 MARCH, 1861.

3. Minmi and Hexham Railway Act Amendment Bill :—Mr. Parkes, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report this Bill was referred on the 12th February last.
- Ordered to be printed.
- * * * * *

CONTENTS.

	PAGE.
Extracts from the Votes and Proceedings	2
Report	3
Proceedings of the Committee]	4
Schedule of Amendments	7
List of Witnesses	10
Minutes of Evidence	11

1861.

MINMI AND HEXHAM RAILWAY ACT AMENDMENT BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred on the 12th February last, the "*Minmi and Hexham Railway Act Amendment Bill*," and to whom was also referred on the 13th February, "*a Petition from Henry Burton Bradley, of Sydney, in the Colony of New South Wales, Solicitor, against the passing of the said Bill, so far as it may affect certain private interests therein set forth, and praying to be heard by himself, his Counsel, or Agent, against the said Bill*,"—beg leave to report to your Honorable House:—

That they have examined the Solicitor for the Bill* and other Witnesses† named in the margin (whose respective evidence will be found appended hereto), and that the Preamble, as *verbally* amended,‡ having been proved to the satisfaction of your Committee, they considered the Clauses and the Schedule of the Bill, and deemed it expedient to introduce the *new Clause* and other Amendments shewn in the accompanying Schedule thereof.

* Mr. F. Burton.
† Mr. W. Cork, Mr. A. Brown, Mr. H. B. Bradley.
‡ *Vide* Schedule of Amendments.

New Clause 19. *Vide* page 8.

The Petitioner, Mr. H. B. Bradley, duly appeared before your Committee in support of his Petition, but the private interests confided to that gentleman have been since accommodated with those of the Promoters in respect of the lands proposed to be taken, by an amendment of Clause 4, securing a minimum amount of compensation, and particularly by an alteration in the Schedule to the Bill affecting two other lots of land, instead of four out of the five lots therein described; the lands so affected being contiguous to, and part of the same Estate with those originally applied for, and held by your Committee to be within the import of the notice formerly given by the parties.

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

HENRY PARKES,

Chairman.

*Legislative Assembly Chamber,
Sydney, 21 March, 1861.*

PROCEEDINGS OF THE COMMITTEE.

FRIDAY, 22 FEBRUARY, 1861.

MEMBERS PRESENT:—

Mr. Laycock, | Mr. Parkes,
Mr. J. T. Ryan.

H. Parkes, Esq., called to the Chair.

Printed copies of the Minmi and Hexham Railway Act Amendment Bill, before the Committee.

Original Petition from Henry Burton Bradley, of Sydney, in the Colony of New South Wales, Solicitor, against the passing of the said Bill, so far as it may affect certain private interests therein set forth, and praying to be heard by himself, his Counsel, or Agent, against the said Bill, referred to the Committee,—*produced*.

Parties called in:—

Solicitor for the Bill, Mr. E. Burton.*Petitioner against the Bill*, Mr. H. B. Bradley, *Solicitor*, as Agent and Attorney of Wm. Dougal Christie, Esq., absent from the Colony.*Promoters*, Minmi and Hexham Railway Company, by Mr. Alexander Brown.*Surveyor to Company*, Mr W. Cork.Petition against the Bill,—*read*,

When Mr. H. B. Bradley signified his appearance in support of the same.

Mr. E. Burton, *Solicitor*, then stated the course proposed to be pursued in proving the case for the Promoters.*Solicitor produced* Original Deed of Conveyance from Messrs. J. Eales and J. Christian (the Promoters of the Company's Act of 1854) to Messrs. J. and A. Brown, now constituting the Company applying for this Bill.

(Vide again, Mr. Burton's evidence.)

Mr. W. Cork, *Surveyor*, examined by Mr. Burton.

Witness produced two plans in reference to the site of land required by the Promoters.

The same handed in, and severally marked A and B.

Witness cross-examined by Mr. Bradley, *Petitioner*.

And, in cross-examination, a question having been put to witness relative to the estimated advantage derivable from the possession of the lands applied for,—

And the witness being unable to furnish the information, but undertaking to answer approximately if a future opportunity occurred,—

Mr. Bradley preferred a request to the Committee that his cross-examination might be allowed to proceed upon this point, at another sitting.

Request to be afterwards considered.

Cross-examination of the witness having been resumed, and Mr. Bradley inquiring whether the Promoters had not encroached upon the lands sought by this Bill,—

Solicitor for the Bill objected to the relevancy of the matter so introduced, referring same for decision.

The Chairman ruled that the matter of this interrogation not appearing in the Petition, the cross-examination should be confined to the grounds of opposition set forth therein.

Petitioner (Mr. Bradley) acquiesced, but explained the view under which the evidence about to have been elicited was relevant to the question at issue, and bound up with the objections stated in his Petition.

Witness cross-examined further, re-examined by Mr. Burton, and examined by the Committee.

Mr. E. Burton, *Solicitor*, examined.Witness (again) *produced* Deed above referred to.Mr. A. Brown, *representing the Company*, examined.

And the case for the Promoters closing,—

And Committee proceeding to deliberate upon the request of Mr. Bradley for permission to cross-examine Mr. Cork on a subsequent day, in reference to the approximate amount of pecuniary advantage which the Promoters would obtain under the Bill,—

Petitioner consented to seek the information required, by examining Mr. Brown.

Whereupon, Mr. A. Brown cross-examined by Mr. Bradley, and further by Committee; but witness being unprepared to furnish a direct reply in the above particular, the further cross-examination of Mr. Cork remained for consideration.

Mr. H. B. Bradley, *Solicitor* (*Petitioner* on behalf of W. D. Christie, Esq.), examined, in support of the allegation that "there are no persons in this Colony competent " to sell and convey the said land so as to make a good title thereto."

And Committee requiring to deliberate,—

Room cleared.

Committee

Committee deliberated respecting the further cross-examination of Mr. Cork, desired by Mr. Bradley, and *Resolved* :—

That the Petitioner may require the attendance of Mr. Cork at the next meeting, for the purpose of the further cross-examination requested of the Committee. Parties called in and informed accordingly.

[Adjourned till Friday, 1st instant, at *Eleven* o'clock.]

FRIDAY, 1 MARCH, 1861.

MEMBERS PRESENT :—

Mr. Parkes, | Mr. Allen.

The several parties and witnesses in attendance.

A Quorum of Members not being present within one hour of the time to which Committee adjourned, the meeting this day *lapsed*.

TUESDAY, 5 MARCH, 1861.

MEMBERS PRESENT :—

H. Parkes, Esq., in the Chair.

Mr. Allen, | Mr. Walsh.

Committee met pursuant to summons.

Parties called in :—

Solicitor for the Bill, Mr. E. Burton.

Petitioner against the Bill, Mr. H. B. Bradley, *Solicitor*, as Agent and Attorney of Wm. Dougal Christie, Esq., absent from the Colony.

Promoters, Minmi and Hexham Railway Company, by Mr. Alexander Brown.

Surveyor to Company, Mr. W. Cork.

Mr. W. Cork, *Surveyor*, attending in pursuance of Resolution communicated at the previous sitting, further cross-examined by the Petitioner (Mr. Bradley).

And the Petitioner proceeding,—

Solicitor for the Bill submitted, that, consistently with rule, it was not open to the Petitioner to cross-examine witness otherwise than upon the single point specially reserved at the former sitting.

When—the Petitioner having been heard—

Witness examined again by the *Solicitor for the Bill*, and further by Committee.

Committee desiring to deliberate,—

Room cleared.

Committee deliberated.

Preamble considered, and verbal amendment therein *agreed to*. (*Vide Schedule of Amendments*.)

Motion made (*Chairman*) and *Question*,—That the Preamble, as amended, stand part of the Bill,—*agreed to*.

[Adjourned till Thursday, 7th instant, at *Eleven* o'clock.]

THURSDAY, 7 MARCH, 1861.

MEMBERS PRESENT :—

H. Parkes, Esq., in the Chair.

Mr. Allen, | Mr. Laycock,
Mr. Dickson, | Mr. J. T. Ryan.

Parties called in :—

Solicitor for the Bill, Mr. E. Burton.

Petitioner against the Bill, Mr. H. B. Bradley, *Solicitor*, as Agent and Attorney of Wm. Dougal Christie, Esq., absent from the Colony.

Promoters, Minmi and Hexham Railway Company, by Mr. Alexander Brown.

The Chairman informed the parties that, prior to the last adjournment, Committee had resolved the *Question* upon the Preamble in the affirmative.

Petitioner (Mr. Bradley), being then requested to indicate those portions of the Bill to which he desired to offer opposition, stated that it would be his duty to stand upon the grounds alleged in the Petition before the Committee, and oppose, with small exception, the several clauses in succession.

Committee so desiring,—

Room cleared.

Deliberation ensuing in respect to the *locus standi* of Petitioner, and the proper mode of procedure,—

Committee Resolved :—

- (1.) That the position of the Petitioner, as representing private interests exclusively, be strictly confined, in addressing the Committee, to matters within the scope of the allegations of his Petition.
- (2.) That in proceeding with the several clauses in succession, the Committee will first hear the *Solicitor for the Bill*, then the Petitioner, to whom the former will reply, if needful, the room being afterwards cleared during the decision of the Committee.

Parties

Parties called in, and severally acquainted to the above effect.

Solicitor for the Bill then heard on Clause 1.

Petitioner, in answer thereupon, made reference to the Preamble, as not containing any allegation of the desirability of vesting the lands described in the Schedule in the manner proposed by the Clause.

The Chairman explained, that in this matter the Preamble might be held to adopt that of the original Act.

And Petitioner requesting the same might be recorded,—

Clerk directed accordingly.

After which Petitioner, in proceeding, objected to the Clause as enacting the existing Schedule.

When Solicitor for the Bill being heard, disclaimed both the fact and the intention of thus anticipating a decision upon the contents of the Schedule.

Petitioner, pursuing the objection, submitted that the acceptance of the Clause would be equivalent to settling the Schedule without an opportunity of producing evidence against it—

And the Chairman excepting thereto, as being in the nature of a reflection upon the Committee,—

The same withdrawn.

Solicitor for the Bill further heard.

Petitioner further heard.

And thereafter, Mr. Brown, on part of the promoters, offering to produce a plan shewing the relative eligibility of the lands suggested by the Petitioner for the extension of the Company's works,—

The Chairman stated that it would be more regular to possess the Committee on behalf of the Promoters, through the Solicitor for the Bill.

The Chairman inquired of the Petitioner when he would be prepared with the evidence desired to be brought before the Committee.

And in answer to a further question, Mr. Bradley (Petitioner) replying that it would be impracticable to do so on the morrow, and inconvenient within the next fortnight, Committee desiring,—

Room cleared.

Committee then deliberated in reference to Clause 1, whether to proceed therewith, or to wait the further evidence proposed by Mr. Bradley.

It was Resolved:—

That the evidence already before the Committee is sufficient to enable a proper decision upon Clause 1, but that the Committee are prepared to take further evidence, at the instance of the Petitioner, prior to arriving at any determination in regard to the Schedule therein referred to.

Clause 1 then read, and agreed to without amendment.

Parties called in and informed of the prior Resolution and subsequent agreement to Clause 1.

When the Solicitor for the Bill and the Petitioner severally intimated that during the deliberation of the Committee an arrangement had been effected by which the interests of the Promoters and the Petitioner were mutually satisfied; and that at the next meeting the parties would be able to furnish copies of the necessary amendments in the Bill.

[Adjourned till Tuesday, 12th instant, at *Eleven* o'clock.]

TUESDAY, 12 MARCH, 1861.

MEMBER PRESENT:—

Mr. Parkes.

Parties in attendance, viz.:—

Solicitor for the Bill, Mr. E. Burton.

Agent for Petitioner against the Bill, Mr. Robertson.

A Quorum of Members not being present within one hour of the time to which Committee adjourned, the meeting this day *lapsed*.

THURSDAY, 21 MARCH, 1861.

MEMBERS PRESENT:—

H. Parkes, Esq., in the Chair.

Mr. Allen,

|

Mr. C. Cowper, junr.

Committee met pursuant to summons.

Parties called in.

Solicitor for the Bill, Mr. E. Burton.

Agent for Petitioner against the Bill, Mr. Robertson.

In the absence of Mr. Bradley, the Petitioner, Mr. Robertson permitted to appear as Agent for that gentleman.

Solicitor

Solicitor for the Bill handed in copies of the Clause, as mutually agreed upon by the parties interested, proposed to be substituted for original Clause 4; also, of new Clause (20) proposed to follow Clause 19, and descriptions of other lands to be taken in lieu of certain of those described in the Schedule.

Clause 2 then read, and agreed to without amendment.

Clause 3 read, on motion of Mr. Allen amended and *blank* supplied (*Vide Schedule of Amendments*), and agreed to.

Clause 4 read and *negatived*, with a view to the substitution of new Clause submitted by the Solicitor for the Bill.

Proposed Clause, as amended by consent, then read and agreed to without amendment. (*Vide Schedule*.)

Clause 5 read, on motion of Mr. C. Cowper, junr., amended (*Vide Schedule*), and agreed to.

Clauses 6 and 7 severally read and agreed to without amendment.

Clause 8 read, on motion of Mr. Allen, amended (*Vide Schedule*), and agreed to.

Clause 9 read, amended (*Vide Schedule*), and agreed to.

Clauses 10 to 19, severally read and agreed to without amendment.

Clause 20 read, on motion of Mr. C. Cowper, junr., amended (*Vide Schedule*), and agreed to.

Clause 21 read, amended, (*Vide Schedule*) and agreed to.

Schedule then read.

And Mr. C. Cowper, junr., moving to amend the same, in order to substitute the descriptions of other lands, lots 1 and 2, as arranged between the parties, in lieu of the four descriptions first stated therein,—

Committee considered the force of the Standing Orders 60 and 69, in reference to the proposed Amendment.

It was Resolved:—

That, in the opinion of this Committee, the amendment proposed in the Schedule will not be foreign to the import of the Notice alluded to in Sections 60 and 69 of the Standing Orders; the lands affected thereunder, being contiguous to, and part of the same estate with those described in the Schedule, and in regard to which the requisite notice has been duly given by the Promoters of the Bill.

Whereupon Schedule amended on motion of Mr. C. Cowper, junr. (*Vide Schedule of Amendments*.)

New Clause, solicited by the parties, to stand Clause 20, then read, agreed to without amendment, and ordered to stand Clause 20 of the Bill. (*Vide Schedule*.)

On motion of Mr. Allen, Chairman requested to report the amended Bill to the House, with a special notice of the Amendment made in the Schedule thereto.

SCHEDULE OF AMENDMENTS.

- Page 1, Preamble, line 24. — Omit "the."
 Page 1, Clause 3, line 31. — Omit "either."
 Page 1, Clause 3, line 35. — Omit "or to two Justices of the Peace, as may be thought more convenient."
 Page 1, Clause 3, line 36. — Insert "Seven" (in blank) before "days."
 Page 1, Clause 3, lines 37 & 38. — Omit "to a Judge at Chambers in Sydney or to two Justices who need not be named at some Court House which shall be specified in the said Notice."
 Page 1, Clause 3, line 39. — Omit "or Justices."
 Page 1, Clause 4, lines 42 to 47. — Omit the Clause, viz. :— "(4.) It shall be lawful for such Judge or such two Justices before appointing a valuator to hear not only the said James Brown and Alexander Brown their heirs or assigns but also any other person or persons who may be admitted or proved to have any interest in the said lands or any part thereof or to represent any person or persons having any such interest." substitute the following, viz. :— "(4.) The Valuator to determine compensation. Minimum.
 "valuator shall determine the amount of the said compensation Provided that if he shall estimate the compensation at less than that sum which would be the price of the whole taken by this Act upon a calculation of eighty pounds per acre for every part thereof then such sum calculated at eighty pounds per acre shall be the amount of the compensation."
 Page 1, Clause 5, lines 48 & 49. — Omit "shall determine the amount of the said Compensation and."
 Page 2, Clause 8, line 33. — Omit "or Justices."
 Page 2, Clause 9, line 34. — Omit "when determined."

Works for
benefit of
owners, &c.

Page 3.

—After Clause 19 (line 57) insert the following new Clause viz. :—“ 20. The several provisions of the Minmi and Hexham Railway Act having reference to the construction of Bridges over Roads and to the works by the said Act required to be done for the accommodation of owners and occupiers of land adjoining the Railway and to diverting altering and crossing roads shall be observed by the said James Brown and Alexander Brown their heirs and assigns in making and continuing to the River Hunter such new branches of the Minmi and Hexham Railway as they may find expedient and in proceeding with their other works and shall be incorporated in this Act and shall apply to the future works of the said J. Brown and A. Brown their heirs and assigns.”

Page 4, Clause 20, line 8.

—After “ Act ” insert “ with or without the Minmi and Hexham Railway Act.”

Page 4, Clause 21, line 13.

—After “ Railway ” insert “ Act.”

Page 4, Schedule, lines 18 to 60.—Omit

“ Commencing at a point on the northern boundary line of the Minmi and Hexham Railway 10 chains 50 links or thereabouts easterly from the east boundary line of the Great Northern Railway. Bounded on the north by a line bearing east 34° north for a distance of 9 chains 75 links or thereabouts to the west side line of the government road from Maitland to Newcastle Bounded on the east by the west side line of the said Government road for a distance of 3 chains 70 links or thereabouts to the northern side line of the Minmi and Hexham Railway Bounded on the south by the northern side line of the Minmi and Hexham Railway for a distance of 11 chains 12 links or thereabouts to the point of commencement and containing 1 acre 3 roods 5 perches more or less.

“ Lot No. 1.—A.”

“ Commencing at a point on the eastern boundary line of the government road from Maitland to Newcastle 3 chains to the northward of the north boundary line of the Minmi and Hexham Railway.

“ Bounded on the north by a line bearing east 34° north for a distance of 1 chain 80 links or thereabouts to the western bank of the river Hunter Bounded on the east by the west bank of the river Hunter South-easterly for a distance of 4 chains 50 links or thereabouts Bounded on the south by the northern boundary line of the Minmi and Hexham Railway for a distance of 2 chains 50 links or thereabouts to the eastern boundary line of the Government road from Maitland to Newcastle Bounded on the west by the east boundary line of the said government road for a distance north-westerly of 3 chains or thereabouts to the point of commencement and containing 3 roods 24 perches more or less.

“ Lot No. 2.

“ Commencing at a point on the southern boundary line of the Minmi and Hexham Railway 2 chains 75 links or thereabouts westerly of the west side line of the government road from Maitland to Newcastle.

“ Bounded on the north by the southern side line of the Minmi and Hexham Railway for a distance of 2 chains 75 links or thereabouts to the west side line of the said government road Bounded on the east by the west side line of the said government road for a distance southerly of 1 chain or thereabouts Bounded on the south by a line bearing easterly to the point of commencement for a distance of 3 chains 50 links or thereabouts and containing 28 perches more or less.

“ Lot

" Lot No. 2.—A.

" Commencing at the junction of the southern boundary line of the Minmi and Hexham Railway with the government road from Maitland to Newcastle.

" Bounded on the north by the southern boundary line of the Minmi and Hexham Railway for a distance easterly of 3 chains 25 links or thereabouts to the river Hunter Bounded on the east by the western bank of the river Hunter for a distance of 2 chains 30 links or thereabouts in a southerly direction Bounded on the south by a line bearing west 2° north to the eastern side line of the government road from Maitland to Newcastle for a distance of 3 chains 20 links or thereabouts Bounded on the west by the eastern side line of the said government road from Maitland to Newcastle to the point of commencement a distance of 1 chain 25 links or thereabouts and containing 1 rood 30 perches more or less"—

Substitute

" Commencing at the junction of the north side line of the Minmi and Hexham Railway with the east side line of the government road from Newcastle to Maitland and bounded on the west by the east side line of said government road for a distance of five chains seventy links or thereabouts bounded on the north by a line bearing north forty-six degrees east for a distance of five links to the western bank of the river Hunter bounded on the east by the west bank of the said river for a distance of seven chains sixty links or thereabouts to the north boundary line of the said Minmi and Hexham Railway and bounded on the south by the north boundary line of the said Railway for a distance of three chains or thereabouts to the point of commencement and containing three roods thirty perches more or less.

" Lot No. 2.

" Commencing at a point nine chains fifty links easterly from the junction of the east side line of the Great Northern Railway with the northern side line of the Minmi and Hexham Railway and bounded on the west by a line bearing north forty-six degrees east for a distance of ten chains seventy-five links or thereabouts to the west side line of the government road from Newcastle to Maitland bounded on the east by the west side line of the said government road for a distance southerly of six chains twenty links or thereabouts to the north side line of the Minmi and Hexham Railway and bounded on the south by the north side line of the said Minmi and Hexham Railway to the point of commencement a distance of twelve chains thirty links or thereabouts and containing three acres one rood and one perch more or less."

LIST OF WITNESSES.

Friday, 22 February, 1861.

	PAGE.
W. Cork, Esq., <i>Surveyor to Promoters</i>	11
E. Burton, Esq., <i>Solicitor for Bill</i>	13
A. Brown, Esq., <i>Agent for Promoters</i>	14
H. B. Bradley, Esq., (<i>Solicitor</i>) <i>Petitioner against Dill</i>	15

Tuesday, 5 March, 1861.

W. Cork, Esq., <i>Surveyor to Promoters</i> (further).. .. .	15
--	----

1861.

Legislative Assembly.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

MINMI & HEXHAM RAILWAY ACT AMENDMENT BILL.

FRIDAY, 22 FEBRUARY, 1861.

Present:—

MR. LAYCOCK, | MR. J. T. RYAN,
 | MR. PARKES.

HENRY PARKES, ESQ., IN THE CHAIR.

Present for Parties:—

Edmund Burton, Esq., Solicitor for the Promoters of the Bill.
H. Burton Bradley, Esq., Petitioner against the Bill.

Mr. William Cork called in and examined:—

1. *By Mr. Burton:* Do you produce a plan, prepared by yourself, of the land mentioned in the schedule to this Bill? I do. (*Witness produced a plan, marked A.*) Mr. W. Cork.
2. Have you compared the descriptions in the schedule to this Bill with the lots coloured green on that plan? Yes. 22 Feb., 1861.
3. Are they the same? Yes.
4. I observe that the description in the schedule is divided into five lots—lot No. 1, 1 A, 2, 2 A, and 3? Yes, they were divided afterwards on account of the road passing between them.
5. The road passes between lots No. 1 and No. 1 A in the schedule? It does.
6. And also between lots No. 2 and No. 2 A in the schedule? Yes.
7. Lot No. 1 on the plan then includes lots No. 1 and No. 1 A in the schedule, the road running between? Yes.
8. And a similar remark applies to lots No. 2 and No. 2 A in the schedule, and lot No. 2 in the plan? Yes.
9. Can you say of whose grant these lands are part? Part of the land belonging to William Dougall Christie.
10. The land is in the occupation of himself, his agents or servants? It is let, all of it.
11. You know nothing of the title to the land—you do not know anything about the deeds? No.
12. But this is part of what is occupied as Mr. Christie's land?
13. Is it part of Sparkes' grant? Yes.
14. Will you look at this plan (*plan produced, marked B*), who prepared it? I prepared it.
15. Does that also shew, on a reduced scale, the lots in the schedule? Yes, the same as in the other plan, with the exception of their being numbered 1 A and 2 A to divide them.
16. According to the schedule? Yes.
17. Does this plan also indicate any soundings? Yes, soundings in the river there.

- Mr. W. Cork. 18. Who took those soundings? I did.
19. Are they correct? They are correct.
- 22 Feb., 1861. 20. Do they shew the depth of the river near the two banks, and also in the centre of the river? Yes, the centre soundings are about the centre of the river; the outer and centre soundings are as near as possible where the figures are placed with respect to the river.
21. They are intended to shew the depth of the river at the different places marked? Yes.
22. And they do so correctly? Yes.
23. *Cross-examined by Mr. Bradley*: Will you be good enough to state the frontage to the river occupied by Messrs. Brown at present with their coal establishment? About 200 feet—three chains.
24. Will you state the length of the additional frontage to the river proposed to be taken by those two portions of land No. 1 A and No. 2 A? Six chains eighty links, or about 450 feet.
25. These dimensions being added together would give a length of river frontage of how much? About 650 feet.
26. In what manner are the colliery operations, so far as the shipping of coal is concerned, carried on at this establishment at present? At the shoots?
27. At the shoots? We have not sufficient wharfage accommodation.
28. I am asking in what manner are the shipping operations carried on—how do you ship your coals? By a shoot the same as they do at Newcastle.
29. How many shoots have you? Only two.
30. How many shoots are made use of by any of the other coal companies shipping at Newcastle? The Australian Agricultural Company have five, and the Coal and Copper Company four shoots.
31. What is the description or class of vessels loading at these places respectively, at Newcastle and at Hexham, at the promoters' establishment? We have vessels of from 30 tons up to 200 tons loading up there.
32. At Hexham? Yes, at the shoots; and at Newcastle they have them from 30 to, I suppose, 600 tons.
33. Is the extent of frontage required by the promoters of the Bill calculated with reference to the size of the vessels intended to be employed there? Yes, it is calculated to be suitable for the vessels to stand end on to each other.
34. Without rigging-in their flying jibbooms or any other abatement of their pretensions? If they were as large as some that load at Newcastle they would have to take in their booms.
35. Do you know the extent of frontage of the coal shoots at Newcastle? The Copper Company have about 700 feet; I do not know how much the A. A. Company have, but it is not much less I think.
36. Is there any immediate prospect of the quantity of land proposed to be taken being required for the purposes of the trade of these collieries? It is required now.
37. The present trade requires the additional space? Yes, vessels lie there a great deal longer than they ought to do for want of accommodation to load them.
38. Are you acquainted with the colliery operations—the extent of the trade? Yes.
39. How many tons of coal have been shipped from that place in the different years since the opening of the mines? I cannot state by the year.
40. Can you state the increase in the quantity of coal shipped? Twelve months ago we used to ship perhaps at most 400 tons a week, and lately as much as 1,800 tons, sometimes 1,900, and even more than that—nearly 2,000 tons.
41. *By Mr. Ryan*: In one week? Yes.
42. *By Mr. Bradley*: What advantage do you suppose the promoters of the Bill would derive from taking this land of Mr. Christie's? They would send away more coal than they now do, for vessels would then go up that otherwise would not, when they have to lie there so long to be loaded.
43. Can you estimate the advantage in money to the promoters of the Bill? No.
44. Will you be prepared to do so on a future day, if we have an adjournment. Of course such estimates of prospective advantages must be subject to some little doubt, but I suppose you can arrive at an approximate notion of the advantage to be derived by the promoters of the Bill from taking this land of Mr. Christie's? Yes.
45. Will you turn to the plan B and look at the portion marked No. 2 A—are you acquainted with the locality? Yes.
46. Do you know the position of the Hexham Inn, sometimes called the Red House, or Hexham Hotel? Yes.
47. That is upon Mr. Christie's property—so far as repute goes? Yes.
48. Will you be kind enough to state to the Committee whether the Hexham Hotel is not situated immediately opposite to the piece of land marked No. 2 A, on the other side of the road, but immediately opposite, so that the prolongation of the frontage of the house would run down to the river at No. 2 A? It is just on the southern boundary of No. 2 A—I believe it would.
49. Is that inn at present in full trade apparently as a country inn? Yes, but that trade depends all upon the shipping at the shoots; if there were no vessels at Hexham there would be very little trade.
50. Will you look at the portion marked No. 2, and say how that is at present occupied? At the present time there is a house upon it where one of our men lives.
51. On No. 2? No. 2 A.
52. I am speaking of No. 2, how is that at present occupied? It is not occupied.
53. Is it not part of Mr. Chapman, the tenant's, garden attached to the inn? Yes, it is part of that. I mean not occupied with buildings.

54. Have not the colliery operations of the promoters extended and encroached beyond the land belonging to them to the extent of about ten feet? No, I think not.
55. Are you aware that the estates of Mr. Christie in the vicinity of these colliery operations are occupied by a large body of tenantry? I am aware that there are a few tenants.
56. You are not aware that there are something like thirty or forty tenants on these estates? There might be, but I do not know it.
57. Do you know the extent of these estates? No.
58. Are you aware of there being coal on these estates? No.
59. Can the purposes of the promoters of the Bill be answered by any alteration of the land proposed to be taken instead of these pieces which you have selected as being convenient for yourselves? They could be, no doubt, but not so well as by obtaining these pieces which have been selected.
60. Is it essential to your convenience to take the only piece of land which we have in front of the hotel, where we might make a wharf, either now or at some future time, for the steamers to stop at—I think that is called 2 A—would it not answer your purpose just as well, or nearly as well, supposing I am willing to consent on certain terms, and to shorten the labours of the Committee, to your having a portion of land on the other side of your line? Yes, I think it would.
61. Instead of No. 2 A? Yes.
62. And No. 2? If we did not get 2 A we should not require 2 at all.
63. You think it would answer the purpose of the promoters to take the land they require on one side of the line instead of the other? I think it would.
64. Have you formed any opinion as to the value of the land? No.
65. *Re-examined by Mr. Burton:* If the promoters gave up 2 and 2 A they would require more land beyond 1 A and 1? Yes, to the north-west of it.
66. I also understood you to say that Mr. Christie's property has a great deal of deep water frontage besides that proposed to be taken by the Bill? Yes; it is all deep water as far as the land runs up the river. I do not know whether it is so down the river; I do not know how far the land extends that way.
67. *By Mr. Ryan:* Is not this (*pointing to the plan*) the line running from Newcastle to Maitland? Yes, the dray road.
68. This is the land occupied by the shoots? This coloured brown is the land occupied at present; the green portions are those we want.
69. *By the Chairman:* Are you employed by the Company? Yes.
70. As surveyor to the Company? Yes.
71. Can you give the Committee any facts to prove that further land is absolutely required for the trading purposes of the Company—to shew that they could not do without it? It would be impossible for us to increase our trade without it.
72. Has the trade of the Company arrived at that stage when it would be limited if you did not extend your land further? Yes.
73. And the exigencies of your trade now demand this further extension of the river frontage? Yes.
74. As I understood you in a former part of your evidence, it is to enable a larger number of vessels to take in coal at a time, or larger vessels, or both? Both larger vessels and a greater number of them. Vessels always require a certain time to trim, and they will not leave till they are properly trimmed. That often detains the waggons there longer than they otherwise would be.

Edmund Burton, Esq., Solicitor for the Bill, examined:—

75. *By the Chairman:* You produce the deed of settlement of this Company, I believe? Not the deed of settlement. The partnership is a private partnership between two gentlemen, who of course do form a Company, although only a Company of two. The deed which I produce (*deed produced*) is the deed of conveyance from Messrs. John Eales and John Christian, the promoters of the former Act, to Messrs. James and Alexander Brown, the promoters of this Bill, shewing that they are entitled to stand in the position which the Legislature assigned to Eales and Christian before.
76. That is the conveyance? Yes. These words of the conveyance are the most essential part:—"He the said John Eales doth grant bargain sell alien release and confirm and she the said Jane the wife of the said John Eales doth remise release and for ever quit claim and he the said John Christian at the request and by the direction of the said John Eales testified by his executing these presents doth grant bargain sell alien release and confirm unto the said James Brown and Alexander Brown and their heirs all and singular the lands tenements and hereditaments described in Schedule A to these presents which is the first schedule hereto and also all and singular the lands tenements and hereditaments described in Schedule D to these presents which is the fourth schedule hereto and all the legal equitable beneficial and other estate right title and interest whatsoever of them the said John Eales and John Christian and each of them under or by virtue of the said Act."

Mr. W. Cork.
22 Feb., 1861.

E. Burton,
Esq.
22 Feb., 1861.

Alexander Brown, Esq., called in and examined:—

- A. Brown, Esq.
22 Feb., 1861.
77. *By Mr. Burton*: You are one of the promoters of the present Bill? Yes.
78. And one of the owners of the Miami and Hexham Railway? Yes.
79. Have you land enough for the purposes of the railway? Not sufficient.
80. You require more land in the vicinity of the railway? Yes, adjoining it.
81. Will you explain to the Committee what land you require? We require that which is marked on the plan A, before the Committee, No. 1, No. 2, and No. 3; but that is not in accordance with the schedule, as you will see.
82. It is the same land as that mentioned in the schedule, only that the schedule describes it in five lots instead of three? Yes.
83. The road divides two of the three lots, and, therefore, it was thought more accurate to describe it in five lots? Yes.
84. Why is this land required? Our trade, which was very limited at first, has gradually extended itself, and the class of vessels that come up the river is also larger, on account of the flats having been deepened; and we find that vessels are detained there sometimes for a whole week, there being only two wharves to load at, and many vessels that would otherwise come up do not come up: in fact, because we have not that accommodation that we ought to have for the purpose of carrying on our trade in a proper manner; so that our trade is still very limited, to what it might be, for the want of that wharfage accommodation that we ought to have.
85. *By the Chairman*: Do you mean that the natural growth of your trade is impeded? Yes, the growth of our trade is impeded for want of accommodation.
86. *By Mr. Ryan*: Then if that adjacent land was added to your property you would place down five shoots? If we get that land we shall establish four or five shoots.
87. In lieu of two? In lieu of two.
88. *By Mr. Burton*: With regard to lot 3, will you explain why that is required? Lot 3 is required to connect these 50 acres with the railway. At present we cannot connect it, because we cannot sweep in a curve, from the crossing of the Great Northern Line; to do so we would have to get another Act of Parliament (which would be a very doubtful question), to make a second crossing to cross the Great Northern Line, in order to get into it; and the only other way to get into the 50 acres is to sweep a curve round, to enable a locomotive engine to run round it.
89. The 50 acres you speak of are the property of yourself and your brother, the other promoter of this Bill? Yes.
90. Marked on plan A as "J. and A. Brown's land"? Yes.
91. I understand, then, that it is essential to your interests to be enabled to make a curve from your railway on to your 50 acres? Yes.
92. And that you cannot do that without having lot 3? We cannot do that without having lot 3.
93. You would otherwise be driven to seek another crossing over the Great Northern Railway? Yes, which would not be granted; they would not grant us two crossings.
94. Then you consider all the land you have asked for as essentially necessary to the well-being of your railway? Yes, it is all necessary—indeed we have asked as little as we could possibly put up with; if we had asked for any less, it would have cramped our operations still.
95. *By Mr. Ryan*: Is that farm land—the 50 acres? Yes, it is a farm.
96. There is no coal on that land? No, there is no coal on all this land here (*pointing to the plan*), indeed it is a large swamp at the back.
97. *By Mr. Burton*: Does the prosperity of the district depend upon the advancement of your works? Very materially. It is the works that has given an impetus to the development of the district; indeed it is only the works that makes this property here valuable.
98. *By the Chairman*: How many men do you employ? I think about 200 miners—perhaps 250 men altogether.
99. *By Mr. Burton*: Does the trade of the inn spoken of by the last witness depend upon the prosperity and advancement of your works? Quite so; the more trade there is at our shoots the more custom they will naturally have.
100. Is the value of Mr. Christie's estate increased by your works? I should say the value of this portion is very materially increased.
101. That is the portion near —? Near the public-house. It is hardly possible to increase the value of the other because it is mostly a swamp.
102. That is the back land? The back land.
103. Do I understand that the value of some part of Mr. Christie's estate will be greatly increased by your getting this further land and applying it to railway purposes? No doubt, as our operations extend, and the trade becomes greater, the greater will be the value of all the land surrounding these wharves; it is a natural result.
104. You are prepared, then, without hesitation, to say absolutely that more land in the vicinity is required for the purposes of your railway? Quite so.
105. And that you have not asked for any more than is actually requisite? No more than is actually requisite.
106. Could some modification be made? Instead of what is mentioned here as No. 2, we might take land on the north-west of No. 1, so as to have it all in one block, to make up the same quantity.
107. *By the Chairman*: What were the reasons for seeking to obtain land on each side of your present frontage? Because it would be more easy to branch out from the existing main trunk lines.
108. If you enlarged your river wharfage by taking this additional land, would the result be that

that you would employ more men in your operations? We would employ more men as our operations would be increased.

109. *By Mr. Laycock*: Is this track used exclusively by you? It is a public line, but it is used exclusively by us at present, because there are no other mines up here but our own.

110. *By the Chairman*: How long have you been carrying on these works? It is now about two years since we purchased from Mr. Eales.

111. Can you give us any estimate, in a few words, of the amount of your trade when you first took them? About 400 tons a week at first.

112. What is it now? I cannot say exactly the average, but some weeks it is 1,500, 1,600, 1,700 tons a week—sometimes 1,900;—we have gone nearly to 2,000 tons a week.

113. Have you arrived at this increase by a gradual process? By a gradual process.

114. Has the trade ever been less than it was when you took the mine—has it ever dwindled below what it was at the time of your taking it? No, it has gradually increased.

115. There has been a steady increase throughout the two years? Yes. But when we were doing 1,700 or 1,800 tons a week we found ourselves very much inconvenienced, and the result was that some vessels that had to wait so long would not come back.

116. Can you state positively that the extent of your coal mines is such as to increase your trade and go on increasing for some years? I may say they are inexhaustible.

117. Do you mean really inexhaustible? It would take centuries before they are worked out.

118. Do you state that from any actual calculation? It is all a coal field there together, admitting 10,000 tons in the acre, and the coal field extends from there to Lake Macquarie—not our own land, of course; we have a thousand acres of our own land, which is practically inexhaustible.

119. *By Mr. Bradley*: Do you anticipate a large pecuniary advantage to the promoters of this Bill from the increase of trade to be obtained by means of your getting this land of Mr. Christie's? There is no doubt there will be a pecuniary advantage, but I could not say what that pecuniary advantage may be; it would be a matter of consideration; it might be affected also by keen opposition coming in the way. I am not prepared to say about that.

120. Will you be prepared another time? It is such a difficult question that I really could not say.

121. *By Mr. Ryan*: It would depend upon how the operations were managed? Just so, a good deal depends upon the management.

122. *By Mr. Laycock*: Other parties are entitled to use the line if they think proper? Yes, it is a public line.

123. And you are prepared to give up this portion (*pointing to the map*) if it is objected to, and get it on the other side? Yes, although it is not so convenient for us.

Henry Burton Bradley, Esq., Petitioner against the Bill, examined:—

124. *By the Chairman*: You represent the proprietor of the land which is required under this Bill? I do.

125. What is the name of the proprietor? William Dougall Christie.

126. Where is he at present? He is at present Her Majesty's Consul at Rio.

127. There is no person in the Colony, I believe, possessing sufficient authority to sell the land in question? There is no person in the Colony possessing authority to sell the land.

128. You admit that part of the preamble which alleges that, which alleges that there are no persons in the Colony capable of conveying that land? I do.

TUESDAY, 5 MARCH, 1861.

Present:—

Mr. ALLEN, | Mr. WALSH.

HENRY PARKES, ESQ., IN THE CHAIR.

Mr. Burton appeared as Solicitor on behalf of the Promoters of the Bill.

Mr. Burton Bradley appeared as Solicitor and Petitioner against the Bill.

Mr. William Cork again called in and further examined:—

129. *By Mr. Bradley*: (*Handing plan B to the witness*) That is drawn to scale is it not? Mr. W. Cork. Yes.

130. Have you estimated the pecuniary advantages to be derived by the promoters of the Bill from the acquisition of the land sought to be taken under the schedule of this Act? Yes, as nearly as I can.

131. What is the amount at which you arrive? The way I reckoned it was this—

132. Will you be good enough to answer my question in the first instance, and explain the mode afterwards? The difference we make 30s. per annum. The proportion of the value of these lands that we are applying for now would give to Mr. Christie 30s. per annum as his proportion of the extra profit to be derived from that land—

133. My question, if you will excuse my recalling your attention to it, was, had you estimated the pecuniary advantage to be derived by the promoters of this Bill from the acquisition

A. Brown,
Esq.

22 Feb., 1861.

H. B. Bradley,
Esq.

22 Feb., 1861.

5 Mar., 1861.

- Mr. W. Cork. acquisition of Mr. Christie's land sought to be obtained—you say, yes, I have—I then say, what is the amount at which you have arrived? £30 per week.
- 5 Mar., 1861. 134. You estimate that as the advantage to be gained by Mr. Brown from the acquisition of Mr. Christie's land? Yes.
135. Have you, in the course of your calculation, been able to assign any limit to the period at which the profit of £30 per week would accrue? No.
136. Then is it probable that the additional profit of £30 a week to the promoters of the Bill would be received by them during a long course of years, assuming the continuance of their works? Yes.
137. Are you acquainted with the character and extent of the seam or seams of coal now being worked by the promoters? Yes, to some extent.
138. Are you able to form an opinion of the extent of the coal fields under their control? It is about a thousand acres.
139. During how many years might that coal seam be worked without exhaustion, assuming that the increase of the business of Messrs. Brown should be such as to give them three or four times the production which they at present bring to market? I have not calculated that.
140. Is it probable that that coal field under their control could be worked out in fifty years? I should say not.
141. Will you look upon the plan, and be good enough to state the width of the parcels of land proposed to be taken, measured from the northern extreme of lot 1 to the southern extreme of lot 2, upon the Newcastle and Maitland road? About 8 chains 75 links—about 9 chains it may be.
142. In what manner would the entire of the works proposed to be erected by the promoter upon these lands cross the Newcastle and Maitland road, during that space of 9 chains, or thereabouts? They would cross over the road by bridges.
143. There would be bridges carried over the roads? Yes, the whole of the roads.
144. How many bridges? I think we should make one bridge do.
145. For the five shoots? The present shoots are run on a level with the road.
146. Is it intended that the shoots to be erected, or any of them, should run level with the road? No, they would run over the road.
147. How would they be carried—you said at first by bridges, afterwards by one bridge? I think by one bridge.
148. What would be the width of that bridge? About 12 feet.
149. And the height of it, clear of the traffic of the road, in the centre of the arch? 16 feet, I believe, is the height.
150. The span across the road would be—how much? One chain, I believe.
151. Do you know the width of the road at that place? The width is a chain, I believe, all along this line of road—it is a Government road.
152. What would be the height of the spring of the arch? 16 feet, I believe.
153. And at the centre? I think we should carry it on a level.
154. You would carry it on timber? Yes.
155. Can you now define where that bridge would be erected—on which of these portions of land? It would be on the road opposite No. 1 and No. 1 A, connecting the two.
156. Is the road which in your evidence has been termed the Newcastle and Maitland road at that point the public highway? I believe it is.
157. *By the Chairman:* When you spoke of the increased profit to Messrs. Brown being £30 a week, did you mean that that profit would be derived upon the investment of greater capital, and the further extension of their business, which the possession of this particular land would enable them to carry out? Yes.
158. That is, the profit would arise from the extension of their business, the employment of more men, and the investment of more capital, which they would be able to do if they had the land? Yes, that is what I mean.
159. The profit would not arise merely from the possession of this land, nor from the possession of this land at all, except to the extent that it would enable them to extend their legitimate business? Just so.
160. *By Mr. Burton:* I understand that you meant to say that the profit would arise, not from this piece of land solely, but from this piece of land plus the capital which is invested by the Messrs. Brown at present, and plus such capital as they may invest in addition? Yes.
161. And by the labour of their present and additional men, and the continuance of their own enterprise? Yes, that is what I mean.
162. Have you any idea how much capital is already invested in these works? About £100,000.
163. *By the Chairman:* How do you know that? That is what I am informed by the promoters of the Bill.
164. *By Mr. Burton:* Have you made any estimate of the value of the land sought to be taken by the Bill? Yes.
165. How much have you valued it at? About £30 an acre.
166. That would come to, altogether, how much, with the land in the schedule? About £135.
167. You spoke of 30s. per annum being the correct portion of profit to attribute to the new land? Yes.
168. How much do you consider 30s. per annum for ever worth? About £15.
169. That would be calculating money to produce 10 per cent.? Yes.
170. In calculating the proportion of the new lands share of the profit at 30s. per annum, or £15 gross, you have proportioned the total profit according to the total capital, that is to say,

say, the capital already invested, the capital probably to be invested by the Messrs. Brown, Mr. W. Cork, and the £135 the value of this new land? Yes.

171. And you have given the £135 its share? Yes.

Mr. W. Cork.
5 Mar., 1861.

172. The promoters rent some land adjoining this new land? Yes, they do.

173. At what rate do they rent it? £1 an acre.

174. Has Mr. Christie any similar land under lease? Yes.

175. What rent is paid to him for it? I believe somewhere about a pound an acre is the rent to be paid.

176. What would the value of this new land be if we were to cease our works, and not to run our line any longer? I do not think it would be worth anything more than £1 an acre, even if they could get that. There is not a sufficient quantity there to make it worth settling upon.

177. *By Mr. Walsh:* Supposing it were not severed from the main block? The main block is all a swamp. There are some few small settlers, but the land is all swampy at the back.

178. *By Mr. Barton:* Supposing we were not to pay the owner of this land a penny for it, would he be a gainer or a loser by our taking this piece of land and using it as we shall probably use it? A gainer, I should say.

179. *By the Chairman:* Do you think he would say so? I do not know what he would say.

180. *By Mr. Allen:* With respect to the value of this land, you think, if I understand you aright, that the total value of the land would be created by the consequent population that would settle in that neighbourhood on account of the coal works? Yes.

181. And without that it would have but a nominal value? Yes.

182. Will the taking away of this portion of land injure the remaining portion? I should say not in any respect; it would benefit it though.

183. In what way? Because no one would settle there otherwise—if any one does settle there it will be on account of the shipping that will be brought there.

184. You propose to take away a portion of the frontage of the river? Yes; but there is plenty of land there.

185. You propose to carry a twelve-foot bridge over the road? Yes.

186. Will the width of the bridge cause no injury whatever to the road over which it will pass? None whatever.

1861.

Legislative Assembly.

NEW SOUTH WALES.

 MORPETH AND MAITLAND RAILWAY COMPANY'S BILL.

REPORT FROM THE SELECT COMMITTEE

ON THE

MORPETH AND MAITLAND RAILWAY
COMPANY'S BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

 ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
 27 April, 1861.

SYDNEY :

THOMAS RICHARDS, GOVERNMENT PRINTER,
PHILLIP-STREET.

1861.

252—A

[Price, 8d.]

1861.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES, No. 58. WEDNESDAY, 24 APRIL, 1861.

23. Morpeth and Maitland Railway Company's Bill:—Mr. Parkes moved, pursuant to amended Notice,—
- (1.) That the Bill to Incorporate the Maitland and Morpeth Railway Company be referred to a Select Committee for their consideration and report.
- (2.) That such Committee consist of Mr. Rusden, Mr. Morris, Mr. Hoskins, Mr. Hannell, Mr. Arnold, Mr. Lucas, Mr. Buchanan, and the Mover.
- Debate ensued.
- Question put and passed.

VOTES, No. 60. SATURDAY, 27 APRIL, 1861, A.M.

11. Morpeth and Maitland Railway Company's Bill:—Mr. Parkes, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report this Bill was referred on the 24th instant.
- Ordered, with the accompanying Bill, to be printed.

* * * * *

CONTENTS.

	PAGE.
Extracts from the Votes and Proceedings	2
Report	3
Proceedings of the Committee	4
Schedule of Amendments	5
List of Witnesses	6
List of Appendix	6
Minutes of Evidence	7

1861.

MORPETH AND MAITLAND RAILWAY COMPANY'S BILL.

 R E P O R T .

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 24th instant, the "*Morpeth and Maitland Railway Company's Bill*," beg leave to report to your Honorable House:—

That they have examined the Solicitor for the Bill,* and the other witnesses† named in the margin (whose respective evidence will be found appended hereto), and that the Preamble of the Bill, as *formally* amended,‡ having been proved to the satisfaction of your Committee, they proceeded with the several Clauses and Schedules, in the former whereof it was deemed expedient to make certain amendments.‡

* Mr. T. Ieston.

† Mr. A. J. Whalle,
Mr. J. Campbell,
Mr. P. J. Cohen,
Mr. J. Whitton,
Mr. P. Macauliffe,
Mr. B. Lee.‡ *Vide* Schedule of
Amendments.
Clauses 14 and 55
omitted.

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

HENRY PARKES,

Chairman.

*Legislative Assembly Chamber,**Sydney, 26 April, 1861.*

PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 25 APRIL, 1861.

MEMBERS PRESENT:—

Mr. Buchanan,	|	Mr. Morris,
Mr. Hoskins,	|	Mr. Parkes.

H. Parkes, Esq., called to the Chair.

Printed copies of the Morpeth and Maitland Railway Company's Bill before the Committee.

Promoters of the Bill:—Benjamin Lee, Jun., of West Maitland, Merchant, and Samuel Smith Dickson, of Morpeth, Merchant, respectively Chairman and Vice-Chairman of the Provisional Committee of the Company*Solicitor for the Bill*:—Mr. Thomas Icton.Mr. T. Icton, *Solicitor*, examined.Mr. A. J. Whalley, C.E., *Engineer to the Company*, examined.

Mr. J. Campbell examined.

Mr. P. J. Cohen examined.

Room cleared.

Committee considered the Preamble of the Bill.

And the enacting *style* not being in conformity with the usual form,—On motion of Mr. Morris, the same amended and further amended, *formally*.Motion made (*Chairman*) and *Question*—That this Preamble, as amended, stand part of the Bill—*agreed to*.

Committee deliberated, relative to procedure with the Bill to-morrow.

And requiring further evidence in regard to certain of the provisions,—

Resolved:—

That the Committee take the evidence of Mr. Whitton, the Engineer-in-Chief (Railway Department), or other competent officer, on the proposed Morpeth and Maitland Railway, and whether it is calculated to interfere with established public works.

Parties called in, informed of the Preamble being affirmed, and of the intentions of Committee.

[Adjourned till to-morrow, 26th instant, at Ten o'clock.]

FRIDAY, 26 APRIL, 1861.

MEMBERS PRESENT:—

H. Parkes, Esq., in the Chair.		
Mr. Arnold,	|	Mr. Hoskins,
Mr. Buchanan,	|	Mr. Morris,
Mr. Rusden.		

Solicitor for the Bill, Mr. T. Icton, present.Mr. J. Whitton, *Engineer-in-Chief, Railway Department*, examined.

Witness withdrew.

Mr. P. Macauliffe, *Secretary to the Company*, examined.Witness handed in the Share List of the Company. (*Vide Appendix A.*)Mr. B. Lee, *Promoting the Bill*, examined.Mr. A. J. Whalley, C.E., *Engineer to the Company*, further examined.

Witness laid before Committee a Tracing (with Schedule of References attached) of the projected line, bearing his certificate of the same, being "a true copy of the Government plan from Pitnaecree Crossing, at East Maitland, to the Queen's Wharf, Morpeth, with the addition of a section taken through the Town of Morpeth, in the direction indicated by the red line on the plan," under date 20th April, 1861.

Committee proceeded to go through the Bill.

Clause 1 read and agreed to, without amendment.

Clause 2 read, blank filled (*Vide Schedule of Amendments*), and agreed to.

Clause 3 to 13 severally read and agreed to, without amendment.

Clause 14 read,—On motion of Mr. Hoskins, omitted.

Clauses 15 to 18 severally read and agreed to, without amendment.

Clause 19 read, amended (*Vide Schedule*), and agreed to.

Clause 20 read and agreed to, without amendment.

Clause 21, on motion of Mr. Morris, amended (*Vide Schedule*), and agreed to.

Clauses 22 to 25 severally read and agreed to, without amendment.

Clause 26 read,—On motion of Mr. Morris, blanks filled; clause further amended (*vide Schedule*) and agreed to.

Clauses 27 and 28 severally read, amended, and agreed to.

Clauses 29 to 31 severally read and agreed to, without amendment.

Clause 32 read,—On motion of Mr. Morris, blanks filled (*Vide Schedule*), and agreed to.

Clauses

ERRATA.

(In the "Proceedings of the Committee" on the Morpeth and Mailland Railway Company's Bill.

Page 4, line 21. (25 April, 1861.) Before the words "agreed to," following the Question on the Preamble, insert:—

" Committee divided.

" Ayes, 2. No, 1.

" Mr. Buchanan, | Mr. Hoskins.
" Mr. Morris. |

" Preamble" (agreed to.)

- .. line 14. (26 April, 1861.) After the word "Tracing," (within the parentheses) insert "cloth-back, marked A—"
- .. line 15. " After the word "same," omit comma.
- .. line 22. " After the word "Clause," insert "s" (Clauses).

Clauses 33 to 54 severally read and agreed to, without amendment.
 Clause 55 read :—On motion of Mr. Hoskins, omitted.
 Clauses 56 to 60 severally read and agreed to, without amendment.
 Clause 61 read, amended (*Vide Schedule*), and agreed to.
 Clause 62 read and agreed to, without amendment.
 Clause 63 read, blank filled (*Vide Schedule*), and agreed to.
 Clause 64 read, amended, and agreed to.
 Clauses 65 to 113 severally read and agreed to, without amendment.
 Clause 114 read,—
 Motion made (*Mr. Buchanan*),—That the clause (114) be omitted.
Question put,—That the clause proposed to be omitted stand part of the Bill.
 Committee divided.

Ayes, 2.
 Mr. Hoskins,
 Mr. Morris.

No, 1.
 Mr. Buchanan,

Clause agreed to.

Clauses 115 to 127 severally read and agreed to without amendment.
 Schedules A to F then severally read and agreed to without amendment.
 Chairman to report the Bill as amended.

SCHEDULE OF AMENDMENTS.

- Page 1, Preamble, lines 12 and 13—*Omit* " His Excellency the Administrator of the
 " Government in New South Wales"; *insert* " the
 " Queen's Most Excellent Majesty."
 " 1; Preamble, line 15—*Omit* " thereof"; *insert* " of New South Wales in Parliament
 " assembled and by the authority of the same."
 " 2, Clause 2, line 3—(In blank)—*After* " in " *insert* " six."
 " 4, " 14, lines 35 to 46—*Omit* clause 14, viz. :—" 14. In case Her Majesty's
 " Government of the Colony shall enter into any agree-
 " ment with the Company to guarantee to the share-
 " holders of the Company the payment of any fixed sum
 " of money by way of dividend or interest upon any
 " shares in the capital of the Company it shall be lawful
 " for the Directors to issue together with the certificates
 " of proprietorship of any shares upon which such fixed
 " rate of dividend or interest shall have been so guaran-
 " teed coupons signed by any two of such Directors
 " and countersigned by the secretary or manager for
 " the payment of such interest by the Directors to the
 " bearers thereof on the days on which such guaranteed
 " interest or dividend will become payable during the
 " period to which such coupons shall extend and there-
 " upon such interest or dividend shall be paid to the
 " bearers of such coupons and to no other person."
 " 6, " 19, line 9—*After* " respective " *insert* " new "—(*Mr. Morris.*) *After*
 " shares " *insert* " created under the forty-ninth *
 " section of this Act."—(*Mr Arnold.*)
 " 6, " 19, " 11—*Omit* " Government."
 " 6, " 19, " 13—*Omit* " ten "; *insert* " twenty "—(*Mr. Morris.*)
 " 6, " 21, " 30—*After* " Directors " *insert* " shall."
 " 6, " 21, " 41—*Omit* " Government."
 " 7, " 26, " 45—(In blank)—*Before* " within " *insert* " town of Morpeth."
 " 7, " 26, " 47—(In blank)—*Before* " on " *insert* " Morpeth." *After* " of "
 " *insert* " July."
 " 7, " 27, " 48—(In blank) *Before* " or " *insert* " January."
 " 8, " 26, " 6—*Omit* " Government."
 " 8, " 27, " 21—*Omit* " Government."
 " 8, " 28, " 25—*Omit* " Government."
 " 9, " 32, " 15—(In blank) *After* " choose " *insert* " six."
 " 9, " 32, " 17—(In blank) *After* " of " *insert* " July."
 " 9, " 32, " 19—(In blank) *After* " of " *insert* " July."
 Pages 14 and 15, Clause 55, lines 39 to 2—*Omit* Clause 55, viz. :—" 55. In case Her
 " Majesty' Government of the said Colony shall at any
 " time enter into any agreement with the Company to
 " guarantee to the shareholders of the Company the
 " payment of any sum or sums of money either as a
 " dividend or as interest on the paid-up capital of the
 " Company or any part thereof at any rate to be agreed
 " upon between Her Majesty's said Government and
 " the Company it shall be lawful for the Company to
 " assign or mortgage the property of the Company and
 " the rates arising and to arise by virtue of this Act
 " or

“ or any part thereof as a security for any such sum or
 “ sums of money as shall be paid by the said Govern-
 “ ment to the shareholders in pursuance of such
 “ guarantee and such mortgage or assignment shall
 “ operate to charge the property and rates which may
 “ be acquired by the Company or which may arise after
 “ the date of such mortgage or assignment as well as
 “ the property possessed by the Company or which may
 “ have arisen at the date of such mortgage or assign-
 “ ment any rule of law to the contrary notwith-
 “ standing.”

Page 16, Clause 61, line 38—Omit “ shares ” insert “ pounds.”
 ” 17, ” 63, ” 15—(In blank) After “ at ” insert “ the town of Morpeth.”
 ” 17, ” 64, ” 29—Omit “ Government.”

LIST OF WITNESSES.

	PAGE.
<i>Thursday, 25 April, 1861.</i>	
T. Iecton, Esq., <i>Solicitor for Bill..</i>	7
A. J. Whalley, Esq., C.E., <i>Engineer to Company</i>	8
J. Campbell, Esq.	11
Mr. P. J. Cohen	19
<i>Friday, 26 April, 1861.</i>	
J. Whitton, Esq., C.E., <i>Engineer-in-Chief, Railway Department</i>	23
Mr. P. Macauliffe, <i>Secretary to the Company</i>	24
B. Lee, Esq.— <i>Promoter of the Bill (Chairman, Provisional Committee)</i>	31
A. J. Whalley, Esq., C.E., <i>Engineer to Company—(further)..</i>	31

LIST OF APPENDIX.

	PAGE.
<i>(To Evidence given by Mr. P. Macauliffe, 26 April, 1861.)</i>	
A.	
Maitland and Morpeth Railway Company's Share List	30

1861.

Legislative Assembly.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

MORPETH AND MAITLAND RAILWAY
COMPANY'S BILL.

THURSDAY, 25 APRIL, 1861.

Present:—

MR. BUCHANAN,
MR. PARKES,MR. HOSKINS,
MR. MORRIS.

HENRY PARKES, ESQ., IN THE CHAIR.

Thomas Icton, Esq., appearing for the Promoters of the Bill, examined:—

1. *By the Chairman*: You are a solicitor of the Supreme Court? I am.
2. You are engaged professionally as solicitor, on the part of certain gentlemen who are desirous of forming themselves into a Company, to be called "The Maitland and Morpeth Railway Company"? I am.
3. You are acting on their behalf in the prosecution of this matter before the House? I am.
4. Will you be good enough to state what steps have been taken by these gentlemen in the matter—whether any deed has been drawn up, or whether anything has been done? No deed has been drawn up. The propositions for governing the Company are contained in the Bill now before the Committee. The Company is at present no more than an association of persons, who have in writing engaged to take a certain number of shares in the Company, so soon as it shall have been incorporated by Parliament.
5. Do you happen to know how the Company originated? I was not present on the occasion of its origination.
6. Do you know whether it originated in a public meeting? I am not aware.
7. Can you inform the Committee of the mode in which its affairs are at present conducted? Yes; they are managed by a body called a Provisional Committee.
8. And who has communicated with you in the matter—who has instructed you in the steps you have taken? The Provisional Directors—Mr. B. Lee, jun., Mr. S. S. Dickson, and the other gentlemen named. I have received my instructions from them through their Secretary, Mr. MacAuliffe.
9. These gentlemen, I presume, were acting on behalf of the Provisional Committee? Yes; they have instructed their solicitor, Mr. Mullen, of Maitland, for whom I am agent in Sydney.
10. Has this Bill been drawn up by you? It has.
11. At the instance of the Provisional Committee? Yes.
12. And you have been instructed to act for them in the matter of this application to Parliament, to pass this Bill into law? Yes; that is the object for which I have been engaged by them.
13. *By Mr. Hoskins*: What is the proposed capital of this Company? £25,000.
14. And how much of that has been paid up, up to the present time? None whatever, at this moment. All that has been done has been to receive a written engagement to pay up, whenever called upon, £1 per share on all the shares allotted to them.

T. Icton,
Esq.

25 April, 1861.

- T. Iceton,
Esq.
25 April, 1861.
15. Then nothing at all has yet been done by the Company; no works commenced, or call made? No; for if this Bill does not pass into law there will be no occasion for the capital of the Company to be called in.
16. Are you not aware that it is customary in England, whenever a Joint Stock Company is projected, to make a call of so much per share, before any application is made to Parliament for an Act of Incorporation? Yes. There are, I am aware, regulations and provisions under which only can Joint Stock Companies in England be formed. By those the proportion of capital that shall be paid up before a Bill shall pass Parliament, is fixed; but these provisions do not apply to this Colony, nor have they ever been acted upon in the formation of Joint Stock Companies here.
17. Was there not a portion of the capital paid up in the case of the Hunter River Railway Company? No; there was no part of the capital of the Company paid up, but there was a deposit of 2s. 6d. per share made for the purpose only of paying preliminary expenses.
18. *By the Chairman:* I believe that you have been many years practising your profession in this Colony? Yes; upwards of twenty years.
19. I presume then that you know most of the names mentioned in the first clause of the Bill? With one or two exceptions I know them all.
20. Do you know whether or not they are substantial men? Yes; I believe they are.
21. Some of them are reputed to be very rich? They are.

Mr. Arthur John Whalley called in and examined.

- Mr. A. J.
Whalley.
25 April, 1861.
22. *By the Chairman:* You are a Civil Engineer? I am.
23. How long have you been in the Colony? Only a few months. I came here from India.
24. Where did you obtain a knowledge of your profession? In England, previous to going to India.
25. Under whom? Under several gentlemen in England.
26. Can you mention some of them? One was Mr. Longridge, a gentleman who is now Consulting Engineer to the Eastern Bengal Railway in India.
27. How long were you employed in India? Two years.
28. On railways? Yes.
29. You have been employed by the Maitland and Morpeth Railway Company as their engineer? I have.
30. When were you engaged by this Company? I was requested, about three weeks ago, to make a report to the Company upon the relative advantages of the various lines that had been proposed for connecting Maitland and Morpeth. I went down there, and made a personal inspection of the different lines, and, at the request of the Provisional Committee, made a report to them on the subject.
31. What were the particular instructions you received, and what did you do in consequence of receiving those instructions? I went over the various lines that had been projected between Maitland and Morpeth.
32. For the purpose of discovering by which line Morpeth might best be connected with East Maitland? Yes.
33. Your instructions were then to do this? Exactly.
34. And having made this examination you reported to the Company that which you conceived to be the best? I did; offering them such suggestions as my experience enabled me to do.
35. Have you made any survey of the ground between Maitland and Morpeth? No. I have not had time to do that. All I could do was to go over the lines as laid down by other surveyors, and then make a comparison between them.
36. Have you looked at the Bill now before the Committee? No. I have not had a copy of it.
37. Have you read the advertisements that have appeared in the newspapers relative to the intention of this Company to apply for an Act of Incorporation? I have.
38. And you are acquainted with the line there described as that which the Company proposes to adopt? Yes. It is the line as shewn upon the Government plan, to which I was very kindly afforded access.
39. Then the line advertised by this Company is the line that the Government had intended to carry out? It is. I have not been able to finish my copy of the plan, as my time, which has been very short, has been so fully taken up; but I now produce a copy of the Government plan. This plan stops at the Queen's Wharf; but I have made sections for an extension through the town of Morpeth, as indicated by the pencil line on this plan. Owing to the short notice I have received I have not been able to make copies of those sections to lay before the Committee.
40. The line now shewn on this plan is the line as described in the Company's advertisement? It is.
41. What, in your opinion as a professional man, will be the cost of constructing the line as here projected? My opinion is that it may be done for £16,000 or £17,000.
42. Have you gone carefully into the calculation of all the necessary expenses before arriving at this opinion? I have made an approximate estimate of the cost of the work, which would have been laid before you to-day had I received longer notice. As I said before I have only been some three weeks engaged by the Company, and during that time I have had so much to do that I have been unable to make out a proper approximate estimate to lay before the Committee. So far as I am able to say, from the Government plans

plans and sections before me, I should imagine that the cost would be between £16,000 and £17,000.

Mr. A. J.
Whalley.

25 April, 1861.

43. When will your own plans and sections be finished? I cannot say, for I have not had time to make any survey of my own; but by a personal inspection of the various lines proposed, and by comparing the sections, I am convinced that a better line than this shewn on the Government plan, could not be found in that part of the country.

44. There are no engineering difficulties, I believe, on the line? None whatever. The earth works are very light, and the gradients exceedingly easy; the heaviest gradient on the line is only 1 in 1450.

45. What is the exact distance that the line will have to run? From Maitland to Morpeth the distance 2 miles and 47 chains, 7 chains over 2 miles and a half.

46. *By Mr. Hoskins:* You say you have not made yourself an exact inspection of the line? Yes, I have made a close inspection of all the lines proposed; but I have not myself taken a survey of the line.

47. Then your calculation of the expense is merely a rough estimate? No; they are exact. As I recommended to the Company the adoption of this line, I made my calculations from the quantity of earthwork shewn in the Government sections.

48. I understand you to say, then, that you have satisfied yourself solely by a careful and correct inspection of the lines proposed by others? Yes. I inspected them very closely. I did not make a survey myself, but I looked very carefully over the lines that had been previously surveyed, for the purpose of bringing in the line to the south of Morpeth. I made a comparison between these different lines, and finding the Government line the best in every respect, I recommended its adoption to the Company.

49. I understand you to say, then, that by this inspection of the various lines, you have made yourself sufficiently acquainted with the country between Maitland and Morpeth, to decide upon the line that the rails ought to follow—so that now you will be able to proceed with your survey at once? Certainly; but if this line be adopted, all that will be required will be to make a correct plan of the line. The line I now produce before the Committee is merely a preliminary survey.

50. And this preliminary survey has been made by the Government? It has.

51. *By Mr. Morris:* Have you had any experience hitherto in the construction of railways? Yes; I had charge of the construction of two miles of the East Bengal Railway, in addition to the charge and maintenance of 68 miles of the working line. To shew the extensive character of this line, I may mention that at Runnegund, near where I lived, there was a changing station, with accommodation for forty locomotives.

52. *By Mr. Hoskins:* Then are we to consider that you have been permanently engaged by the Maitland and Morpeth Railway Company as their engineer? I have reason to expect that I shall receive that appointment.

53. *By Mr. Buchanan:* Do you know anything of the goods traffic that there is likely to be on this line? No; that is hardly a question that has come within my observation. I have been such a short time in the Colony—only three months—and so short a time in that neighbourhood, that I can hardly be expected to have formed any opinion on that point, not having had opportunities for observation.

54. *By Mr. Hoskins:* You have been over the whole of the proposed line? I have been over the whole of all the lines that have been proposed.

55. It runs, I believe, through a very thinly populated neighbourhood? Yes; between Maitland and Morpeth the population is very scattered, except in the immediate neighbourhood of the two towns. From what I see of the country—but of course, as a stranger, my opinion on this point has not much value—I should say that the population around the two towns was very considerable.

56. The proposed line of railway will have to cross several public highways? Only in passing through the town of Morpeth; and this is one advantage that the Government plan possesses over the two others. You will observe by this plan that the only place at which the line encroaches on existing roads is at the 1 mile 15 chains from the Pitnaeroc crossing; and there I propose to make a divergence of the roadway itself, throwing it back, and enabling the line to come between the roadway and the lagoon.

57. At that point then you propose to divert the main road? Yes.

58. But for what reason? Because now the roadway comes down so close upon the lagoon, as not to allow room for the line to run between the two without ballasting the lagoon. It will be less expense to divert the road than to make a foundation for the rails, in the lagoon. At the 2 miles 30 chains the line touches the road again; and here also, I propose to divert the roadway, but in both these cases the diversion will be an advantage rather than a drawback to the traffic on the road.

59. Are these the only two places at which the line touches the roadway? Yes; those are the only two, except in going through the town of Morpeth, when the line will have to cross proclaimed streets at one or two points.

60. You will, of course, see that proper provision is made at all these crossings, for the security of human life? Most assuredly; every care will be taken in this respect. The line will have to cross Northumberland-street, Robert-street, and George-street; and I had hoped to have been able to shew the Committee the cross-sections at these places, shewing the present inclination of the roadway, and that which it would have when the line crosses them, but my time has been so short that I have not been able to prepare them.

61. *By Mr. Buchanan:* The landed proprietors in the neighbourhood of the line are all, I believe, favourable to its construction? I believe so. There are one or two that I cannot say anything about, but all the rest of the land through which the line passes, has been a free grant from the proprietors to the Company.

Mr. A. J.
Whalley.

25 April, 1861.

62. *By Mr. Hoskins*: You propose to have level crossings over these streets? Yes.
63. Are they not likely to be attended with danger? No; the streets we cross are very little used. This street—Northumberland-street—is of no use to the public. The only person who makes use of it is Mr. Taylor, who goes that way to the back entrance of his premises. His roadway will not be at all interfered with by making this crossing.
64. You do not anticipate any opposition to the line on the part of any of the landed proprietors, through whose property it passes? No, not at all, though some of them may ask to be compensated for the land taken by the Company. The greater part, however, have given the land necessary for the line.
65. Do you anticipate any opposition from the residents in the town of Morpeth? No; because in passing through the town the inclination of the land is so great that the traffic cannot be injured by the line crossing the cross streets; and then, from the nature of the land, being mostly rock, nothing more than the bare width of the line need be taken out, and so very little inconvenience would be caused.
66. *By Mr. Buchanan*: No objection has been raised anywhere to the enterprise? No, I have heard of none.
67. *By Mr. Hoskins*: Explain to the Committee more fully where and how you propose to make the divergence in the main road? The first place is at the 1 mile 15 chains, where I propose to turn the roadway about a chain further to the south than it now is. Then again at the 2 miles and 70 chains I propose to divert the roadway.
68. At what exact spot? At the house occupied by Mrs. Martin, on the property of Mr. Close.
69. *By the Chairman*: I believe the line, as at present laid out, takes off a part of the building? It goes right through the house.
70. *By Mr. Hoskins*: Then you propose to divert the roadway, because by so doing you will avoid damaging or interfering with this property of Mrs. Martin? I am not sure as to whom it belongs. According to the book of reference attached to the Government plan, the property was shewn at that time to belong to Mr. Close. Since I have been up there, I have been informed that it belongs to Mrs. Martin. By making the divergence I have described all trouble will be avoided, as the building will not be interfered with, whereas now the line runs right through the house. At the same time the divergence will be a great benefit to the road itself, as the curve will be much easier, and a great improvement will be effected.
71. Do you know whether the parties residing here are aware that you intend to divert the roadway from the front of their properties? That I do not know, but of course this has not yet been decided upon, and I merely suggest the line I have marked here as the probable limit to which it will be carried back. At the same time the roadway need not be carried so far back as this, as all we shall require will be to carry it back far enough to admit of the line passing alongside the roadway, and between it and the property.
72. *By the Chairman*: And the road itself would be improved, by avoiding the present ugly bend it now has at this spot? Yes, it would certainly be improved rather than otherwise.
73. *By Mr. Hoskins*: Where does this road communicate with? It is the main road between Maitland and Morpeth.
74. Have the Company given notice to the trustees of the deviations they intend to make? No. No notice has yet been given, because, as yet, it is but a suggestion. It has not yet been decided upon that the deviation shall be made.
75. *By the Chairman*: It is the main road between Morpeth and Maitland? It is.
76. And is, therefore, in the hands of the Government? That I cannot say.
77. What is the extent of the alterations that you propose to make to the streets of Morpeth, in carrying your crossings over them? In the case of Northumberland-street, some cutting will be required; but, owing to the declivity of the street being so steep, it will always be of very little use for traffic. The only use it now has is, that it serves as an approach to the back part of Mr. Taylor's bonded store. He is the only person that uses it, but his approach is in no way damaged by the line crossing the street. The inclination of Robert and George streets is such that very little alteration will be required in them. Robert-street we propose to cross upon its present level.
78. Will these crossings in any way impede the cross traffic? No, very little, if at all. In Northumberland-street there is no traffic; Robert-street would be crossed on the present level; and with regard to George-street, though there would be a slight alteration, yet it would be an improvement, because the line would cross on an embankment.
79. With regard to the junction with Pitnacree Station, I would ask you whether you consider it expedient to adopt this in preference to a junction at some other point than the present station? By going by the other lines it will be necessary to cross two roads, one of which is a main road; and as level crossings, especially over main roads, are always objectionable and inconvenient, I came to the conclusion that the Pitnacree junction was the more favourable of the two. Level crossings over public roads always cause great inconvenience, besides the addition to the expense of the line, by having to maintain gates and watchmen.
80. *By Mr. Hoskins*: You have gone over the whole of the ground? I have.
81. Do you contemplate that the line will have to cross the lagoon? No, we shall not have to cross the lagoon, and that is the use of the diversion of the road that I propose. By this we are enabled to avoid the lagoon. There is not room now to pass between the road and the lagoon, and we therefore divert the road, in order to avoid the expense of making ground across the lagoon, or of having to go round it.
82. Then the railway, according to your plan, will take the place of the road? Yes, and the road will be made further back.

83. You will require to make viaducts on the line? Yes, of course, and I propose to make a liberal allowance all along the line for the storm water, because I believe that they have found the culverts on the Great Northern line utterly insufficient to carry off the storm water. They have not been made wide enough, and the consequence is that the water gathers, and has been found to gradually eat away the foot of the bank.

84. What description of culverts do you intend to make? Just simple timber culverts, without flooring them. They are not required for foot traffic, and I, therefore, intend to have nothing more than the mere timbers to carry the rails. Such culverts as these may be constructed very inexpensively. The piling would be the most expensive part of the timber, the rest would be a very small consideration, because it would be given by neighbouring proprietors as a free gift.

85. I believe there is a great deal of swampy ground on this line? There is.

86. And in the event of the ground being rotten where you have to drive the piles, will you think it necessary to make a concrete on which to abut the piles? Certainly, if the ground is rotten, or if there is not a sufficient depth of soil in which to bed them.

87. Would you recommend that the piles should be sheathed with zinc? Yes, perhaps it would be better to sheath them down to a certain depth. I am not able, of course, to speak as to the merit of the different kinds of timber here, I, therefore, do not know whether or not ironbark suffers from the white ant.

88. We have had before the House at different times various opinions as to the best mode of staying piles in a viaduct or culvert, what is your opinion on the point; or rather how do you propose to stay your piles, by longitudinal or by cross braces? The kind of thing I propose is merely to place on the piles the timber necessary for carrying the rails, and these timbers would of themselves be braces.

89. *By Mr. Buchanan:* The viaducts on this line are of no great magnitude? No; but I would not have any stint of culverts on the line, because the land falls in all directions towards one side of the line, and there must in wet weather be a very considerable body of water for which it will be necessary to secure numerous outlets.

90. *By the Chairman:* You say you have not looked into the Bill? I have not.

91. If you look at clauses 105 and 106 you will find that due provision is there made for the erection of bridges? I perceive that it is so. But there is not on the line any road of the kind described in the first section of the first of these two clauses.

92. But suppose there should be, you see that even for that due provision has been made? Yes, certainly; but, of course, all these matters will be very carefully attended to in the construction of the line.

James Campbell, Esq., called in and examined:—

93. *By the Chairman:* You are a merchant of this city? I am.

94. And are a member of the firm of Keele, Campbell, and Co? I am.

95. You formerly carried on business in Morpeth? I did, for a number of years.

96. During how long a period? Altogether about 13 or 14 years.

97. You are acquainted then with Morpeth? I am perfectly.

98. And with the country around it? Yes, for miles round in every direction.

99. When you resided at Morpeth were you in the habit of travelling much about the neighbourhood? Yes, I have travelled over the country for thirty miles round Morpeth.

100. You have then a pretty perfect knowledge of the country within a radius of thirty miles of Morpeth? I have.

101. And from the extensive business you so long carried on in Morpeth, you have, I presume, an accurate acquaintance with all the commercial relations of that town? I have.

102. You are aware that a number of gentlemen of that neighbourhood have applied to Parliament, by petition, for an Act to incorporate a Company to be called the Maitland and Morpeth Railway Company, the object of that Company being to construct and work a railway between the port of Morpeth and the town of Maitland? I am aware that such is the case.

103. Are you a shareholder in that Company? I am.

104. To what extent? To the extent of a hundred shares.

105. The petitioners allege in the preamble of the Bill, which they seek to pass into law, that the construction of a railway would be of great public advantage; or in the words of the Bill, that "it would be of great public advantage that a line of railway should be constructed and maintained between the town of Morpeth, in the Colony of New South Wales, and the town of Maitland, in the same Colony, for the more regular and expeditious conveyance of the important and increasing commerce of the said places, and for facilitating communication between the north-western interior of the said Colony and the port of Morpeth"—now is it your opinion that the allegation contained in the words I have read is correct? Most certainly.

106. Can you give the Committee any evidence in proof of its correctness? Yes. I consider that the formation of this line of railway will be a direct advantage to something like 20,000 inhabitants, including those of Maitland and Morpeth, and the neighbourhood between and around the two places. There are the Paterson, the Williams, and a portion of the Lower Hunter, all directly interested in the establishment of this line. Besides this, I am in a position to state almost with certainty that if this line is opened, it will open up a very large coal trade between Morpeth and Sydney, a trade which at the present time Morpeth does not possess to any extent worth mentioning. I know that there are some very rich seams of coal at Black Creek, at Anvil Creek, and upwards, and that one seam in particular, thirty

Mr. A. J. Whalley.

25 April, 1861.

J. Campbell, Esq.

25 April, 1861.

J. Campbell, Esq. thirty feet deep, has been discovered, a more extensive seam than any in the Colony; besides the coals are of the finest description, those found on Captain Russell's land being of the very best description of Cannel coal.

25 April, 1861. 107. Do you know what the present population of Morpeth is? The population of the town itself is not so very large, but it has a very rich and populous district around it.

108. Can you give a guess as to the present population of the town? I should say it was about 2,000.

109. The district on the other side of the River Hunter is, I believe, of a very fertile and productive character? Yes. It is one of the most populous agricultural districts that I know of in the Colony, and at the same time is, without exception, the most fertile. The whole valley of the Paterson, and from Raymond Terrace upwards to the valley of The Williams, and that valley itself, consist of the richest alluvial soil, and they are all consequently very closely populated.

110. Can you state of your own knowledge, acquired in the exercise of your calling as a merchant, whether the producers of the Paterson, and the other localities round about Morpeth, send much of their produce upwards towards the interior of the country? If there were facilities for doing so, I have no doubt but that a large quantity of produce would find its way upwards, because hay, maize, and potatoes are often very high at Singleton and Muswellbrook, when they are selling at a very cheap rate in Morpeth and Maitland.

111. What difference in the price of any one article have you known to exist in the two places? I believe there has been a difference of as much as £6 per ton in the two places, on the price of hay only.

112. What was the quotation for hay at that time in Morpeth? From £3 10s. to £4 per ton; whilst at Singleton it was selling at £10.

113. And does the same difference of price rule in regard to the various other articles of produce? A great deal depends upon the season. If dry weather prevails, the crops upwards are almost sure to be a failure, and in that case they are dependant entirely upon the Lower Hunter for their supplies of produce. In moist seasons, however, there is not so much difference in the supply, and, consequently, not so much difference in price between the two places.

114. Do you possess any statistics shewing the produce of the neighbourhood round about Morpeth, and which may naturally be considered as belonging to it, as the centre of population? There were some statistics made out, at very great trouble and expense, by some of the persons interested in the district, and they were published, a short time back, in the *Herald* newspaper. I believe those statistics could be obtained, or, at all events, they could be seen in the file of the *Herald*. These statistics shewed that the downward produce to Sydney, from the country above the flats on the Hunter, amounted in the year to something like £1,500,000; and that they were going on increasing very rapidly in extent.

115. Then the annual value of the exports was £1,500,000? Yes; that was the value exported during the year from all the country above the flats on the Hunter, including, of course, the Williams and the Paterson with the Hunter.

116. You scarcely understand the tenor of the question I put to you—let me now ask you, whether, previous to any line of railway between Maitland and Morpeth being in contemplation, the settlers round about Morpeth were accustomed to send much produce upwards towards the interior? No; they only sent produce up beyond Maitland in dry seasons, when the difference in price would pay dealers to do so. I have, very frequently, known dealers to purchase produce in Maitland and Morpeth, and take it up to Singleton or Muswellbrook.

117. At all events Morpeth and its neighbourhood would supply the two Maitlands pretty liberally, even if the season were such that supplies were not wanted higher up? Yes; some of the produce reached Maitland; but then there is a very good agricultural district round Maitland as well as round Morpeth, and a great part of their supplies are drawn from there.

118. Then Maitland is not dependant for its supplies upon Morpeth, or, through Morpeth, upon the Paterson and the other districts you have named? No, it has its own neighbourhood from which it is supplied; and then a good deal of produce reaches it from the Paterson direct, as the people of that district can deliver goods as readily and as cheaply in Maitland as they can in Morpeth.

119. During the time you carried on business in Morpeth, had you an opportunity of judging what were the commercial relations between the two towns, and what commercial intercourse existed between them? Do you mean what direct business there was between the two places?

120. No;—I mean rather what amount of commercial business was done by Morpeth with Maitland, and through Maitland with the country above? The trade of Morpeth itself is confined to a mere local business. The Committee are no doubt aware that in all small towns a very great deal of local jealousy exists, especially between towns so near together as Maitland and Morpeth. The consequence of this is, that there is really very little direct trade between the two. Another reason for this is, that both places derive their supplies from the same source—Sydney.

121. But it is more particularly with regard to the trade with the country up above Maitland, carried on through Morpeth, that I would have your opinion. Is there any such trade carried on with the interior from Morpeth, as the port and head of navigation? Yes; there is a large traffic that must go through Maitland to the northern and the north-western districts. We ourselves send goods by way of Morpeth and Maitland, as high up as the Macquarie, Wellington, and Dubbo. The last place is exclusively supplied through Morpeth.

122. How many customers had your firm alone, in the supply of whom you had to send goods

goods from Morpeth through Maitland? I had a large number of squatters on the Macquarie and Castlereagh, who were customers of mine; but as I found that this business did not answer me, I have given it up for some time past. But though I have done so, somebody must do the business—some one must supply them—and, wherever the source of supply, the goods themselves must pass through Morpeth and Maitland. We have, however, still a number of customers at Dubbo and Coolah, all of whom we supply from Morpeth by way of Maitland.

J. Campbell,
Esq.
25 April, 1861.

123. Then you think that this railroad will be of great public advantage, not simply on account of its affording a regular means of communication between Maitland and Morpeth, but by reason of its affording an increased means of communication with the Colony at large? I do; and I can give you an instance of the value of the Western Road from Maitland, as a means of communication with the Western Districts? I travelled over that road this time twelve months, and I found it superior to any country road in the Colony. It is comparatively level the whole way, and in crossing the dividing range the slope is so gentle that you hardly know when you are on the top of the rise. The consequence is, that carriage by this road is very much lower than on any other.

124. What is the rate of carriage on that road? From Maitland to Mudjee it ranges from 12s. to 14s. and 16s. We recently sent goods from Morpeth to Guntawang for 7s. 6d. per cwt.

125. Do you think then that the farmers in the neighbourhood of Morpeth would have a greater trade with the Western Gold Fields if they had this railway constructed, to connect them with the Great Northern Railway? I would not say that, as there is a good deal of produce now grown upon the Western Gold Fields. In so far as the farmers round about Morpeth are concerned, I do not think it would increase their trade, because now the supplies of the Western Gold Fields are chiefly raised amongst themselves.

126. But in regard to finding a market for their surplus produce would they not, to some extent, have a new market opened to them in the western interior, if this means of communication were provided? No doubt they would, to some extent. They would find a market on the Castlereagh, the Macquarie, and even on the Bogan, for some of their produce, such as flour and maize.

127. What is the chief produce of the district around Morpeth? Wheat, maize, potatoes, onions, hay—principally lucerne hay—and some little tobacco, though the latter is not grown now to anything like the extent that it used to be formerly.

128. There is very little tobacco grown now? Very little, as compared with what was grown ten or twelve years ago.

129. Are you aware, of your own knowledge, that a number of gentlemen have associated themselves together, in order to construct a line of railway between Maitland and Morpeth? I am.

130. Do you know Mr. Benjamin Lee, junior? I do.

131. Is he a man of reputed good position in society? He is.

132. And a man of substance—of wealth? He is.

133. Do you know Mr. S. S. Dickson? I do.

134. Does he occupy a good position in the mercantile community? Most assuredly.

135. And is also reputed to be a man of wealth? He is.

136. Do you know Mr. John Eales? I do.

137. Is he a man of reputed substance? Undoubtedly.

138. He would be able to pay up his shares if called upon to do so? Certainly.

139. Do you know Mr. James Taylor? I do.

140. Is he also a man well-known in commercial circles? Yes, for the last fifteen years.

141. He carries on an extensive business in Morpeth, I believe? He does.

142. Do you know Mr. Louis Wolfe Levy? I do.

143. Of what firm is he a member? The firm of David Cohen and Co.

144. Is he a man of known means? Yes, their firm does one of the largest businesses in Maitland.

145. Do you know Mr. Alexander Dodds? I do.

146. Is he reputed to be a man of wealth and property? He is.

147. Do you know Mr. James Brand Ritchie Robertson? I do.

148. Is he also a man of reputed substance? Yes, he is a large landed proprietor there.

149. Do you know Mr. Enoch Coberoft, Mr. Thomas Cadall, Mr. Charles E. Jaques, Mr. John Scott, Mr. William Henry Mullen, Mr. J. E. Wolfe, Captain Close, Mr. Alexander Browne Portus, Mr. Andrew Liddell, Mr. Isaac Gorrick, Mr. Robert Strachan, Mr. Octavius E. Middleton, Mr. P. O'Keefe, Mr. W. Lipscomb, Mr. D. Moffitt, and Mr. Duncan Sim? Yes, I know them all.

150. Are they all men of respectability and of reputed substance? I believe so.

151. At all events, they will be able to pay their shares if called upon to do so? I should say so.

152. Do you know what is the proposed capital of the Company? Yes, £25,000.

153. Are you aware what amount of this proposed capital has been already subscribed for? According to the last report I received from Morpeth, about a fortnight ago, £15,000 had been subscribed; and since then I have sent up an application for 100 shares more. Two gentlemen, friends of mine, desired me to take up fifty shares each for them. This is upwards of a week ago, and I have no doubt but that many more shares have since been taken up.

154. Generally speaking, do you know the parties who have bound themselves to subscribe the capital of this Company? I cannot speak with regard to any except those whose names appear in the published list, all of whom I know, because I have not seen the list of shareholders.

J. Campbell, Esq. shareholders. There may be a few small shareholders that I do not know; but with the bulk of them, who are men interested in the district, I must be acquainted. However, as I said, I have not seen the list, and cannot therefore speak with certainty.

25 April, 1861.

155. As a business man are you able to say, from your knowledge of the shareholders, whether the calls on the shares will be met? I have no doubt about the matter.

156. They will be met? Certainly.

157. If the whole of the capital were called in at once, would it be met? Most certainly. It is my opinion that to three-fourths of the shareholders it would be no object if the whole capital were called in to-morrow.

158. Do you, as a colonist interested in the welfare of the Colony at large, as well as in that of the district referred to, consider it advisable to pass this Bill into law—on public grounds, and leaving all mere local advantage out of the question? I do; for I believe that this line will confer a direct personal advantage upon about 20,000 people; and this altogether apart from the facility the line would give for sending produce into the interior from the port, as well as for sending exports from the interior to the port.

159. Is it not a fact that the town of Morpeth occupies a most eligible situation for the residence of a large population, being placed on a gradually rising ground, in the centre of an extensive and fertile district, and at the head of the natural navigation of a noble river? I consider it to be the best site for a town that there is upon the Hunter.

160. Is it not a fact, also, that by the employment of the public revenue in the construction of the Great Northern Railway an impediment has been created to the natural progress of the town, and that, notwithstanding its many and great advantages, it has been thrown from the natural increase of prosperity which it ought to have enjoyed, by the employment of the public revenue having operated against that increase—has not this been the effect? Yes, that is the effect that was naturally to have been anticipated from the construction of the Newcastle line; but the facilities for the shipment of goods which Morpeth enjoys has hitherto preserved the town from any serious injury. The result is that up to the present time the railway has not done so much injury to Morpeth as it would have done, had it extended further into the interior. When the line is carried beyond Singleton, no doubt its effect upon Morpeth will be much more decisive than it has yet been; but up to the present time it has always been considered as cheap to carry the goods to Morpeth and ship them thence by the steamer, as to send them by rail to Newcastle. The reason for this is that the goods trade of the river helps to fill up the steamers in the dull seasons of the year, and, consequently, until very recently the freight for goods by the steamers has been the same from Morpeth as from Newcastle.

161. Is that in consequence of the competition between the two places for the goods traffic? No. There can be no competition in this respect, as Newcastle has not and never had any goods traffic.

162. But to the extent greater or less, has not the effect been that the railway to Newcastle constructed with the public money has caused an artificial drawback to what should have been the steadily increasing prosperity of Morpeth? There can be no doubt about that. And not only as Morpeth suffered, but the two Maitlands also. All these places have felt the ill effects of the line.

163. But more particularly with regard to Morpeth? No doubt that has suffered the most.

164. Have the town and district of Morpeth had that fair field for their legitimate operations in extending the various branches of industry, that all places are supposed to have under a British Government, and that they would have had, if this railway to Newcastle had not been constructed? Not at all.

165. You consider then that giving them the right to construct this proposed railway between Maitland and Morpeth the Parliament will only be given to the latter that fair field of operation that the construction of the Great Northern line deprived it of? Certainly I do.

166. And you are of opinion that the impediment or obstacle in the way of the natural advance of Morpeth in prosperity has been entirely of an artificial character, and has been caused by the outlay of the public money? I have not the slightest hesitation in saying so.

167. *By Mr. Hoskins:* But you are doubtless aware that whenever a railway has been conducted past a town that had been previously prosperous, the consequence has been that the prosperity of the town has been not only temporarily, but permanently injured? Yes, such has been pretty generally the case.

168. Therefore in making this railway, the Government had not to study the interest of any particular locality, but solely to keep in view the benefits that were to be conferred upon the large number of persons who are resident in the Northern District? Do you mean in making the Northern Railway?

169. Yes? I think then in regard to that, that they only studied the people of Newcastle.

170. Surely if the people of Morpeth thought this, they might have done something to prevent it—did they protest against the line? No, I believe they did not; but it was hardly to be expected that they should do so, seeing the great apathy that exists every where in the Colony upon all public matters.

171. You are aware that it was constructed by the Government? Yes, but it was got up by a private Company.

172. Yes, but in pursuance of a determination come to by Parliament, that all railways should be in the hands of the Government, this line was taken out of the hands of the Company, and was constructed by the Government? That is all very well; but I happen to know that this railway was got up in the first instance as a private job. The meeting at which the Company was formed was not a public meeting, but was called by private circular sent round to the different parties who were to have a share in it. They started with a capital

capital of £400,000, and all the shares were soon taken up; but only on the understanding and on this condition only was the Company formed, that they should get a guarantee from the Government of £5 per cent. interest on the first £100,000 paid up. With this condition the Government would not agree, but they gave a guarantee of £4 per cent.; with this the shareholders were satisfied, for they made a very good job of it, as they had money lying idle, for which they could not get more than £2½ per cent. from the Banks.

J. Campbell,
Esq.
25 April, 1861.

173. But is not the construction of this line in strict conformity with the public policy; adopted by the Legislature, that the Government alone should have the power of making railways in New South Wales? Yes; but that policy was not adopted by the Legislature until after this Company job had been consummated; and as to the policy subsequently adopted, I may say, if I am not considered indiscreet in doing so, that some little jobs can be perpetrated even by a Legislature.

174. Do you know, as a matter of fact, that the gentlemen whose names are mentioned in the Bill are actual shareholders in this proposed Company? I only know it from having been informed that they are so, and some of them are shareholders to a large amount too.

175. You have not seen their signatures to that effect? No, I have not seen their application, but I have no doubt about their being shareholders.

176. Have you yet paid any instalment on your shares? No. Three-fourths of the shares must be applied for before any call can be made; and the last I heard was that about £15,000 out of the £25,000 had been applied for. Since then I have sent in applications from two gentlemen for 50 shares each, and no doubt other applications have been sent in from other parties, though I have not yet heard to what extent.

177. Are you prepared to pay up an instalment of your shares before the Company commences operations? Yes, to-morrow if it is asked for.

178. And would you pay up all if it were considered necessary? I would.

179. Assuming that the Company should in the construction of this line exceed its present proposed capital, are you prepared to pay more than you have now subscribed for? Yes, double the amount if required.

180. Or to the extent of whatever the cost of construction may be? Yes.

181. Have you ever heard it bruited abroad that all this Company intended to do was to construct the line, and then to sell it to Government so soon as they got it into working order? No, I have not. I have never heard anything of the kind hinted.

182. You have told the Committee that you anticipate a great traffic on this proposed line in the conveyance of hay and vegetables from Morpeth to Singleton? I have.

183. You do not propose to carry this line to Singleton? No; only to Maitland.

184. Then how do you propose to convey this hay and these vegetable to Singleton? By rail.

185. By the Government line, I suppose? Yes. I presume that some arrangements will be made by the Company for the use of the Government line.

186. You fancy then that some arrangement will be made by which you will be allowed to run your trucks upon the Government line? Yes, I believe that is what is intended.

187. And suppose the Government should not assent to this arrangement, is your line likely to be a paying speculation? I see no possible reason why the Government should not assent to such an arrangement, they construct railways for the benefit of the community at large, and it is equally an advantage to the community to have their goods carried, whether they be in our trucks, or in the trucks of the Government. Besides, I can hardly imagine that the Government would construct a railway and then shut off traffic from it.

188. Then do you not think that if you are allowed to work your trucks on the Government line, you will, in effect, be diverting the trade that would otherwise come through Newcastle? I do not see how we can very well divert from Newcastle that which it has not got.

189. When the line is extended to the north, will not goods be shipped from Sydney, put from the steamer on to the trucks at Newcastle, and then carried thence by rail direct to Singleton, there to be put on drays and taken to its destination? That may be the case to some extent, but I do not think the effect of the rail will be felt until the line has got a good bit beyond Singleton.

190. Let me ask you, if you think it will pay to shift goods from the steamer on to your trucks at Morpeth, and then to take them on to Maitland and to shift them from your trucks on to those of the Government line? No, certainly not, and that is the very object we have in making an arrangement with the Government for our trucks to travel on their line, so that the goods may be taken from the vessel at Morpeth and then not shifted again until they reach their destination.

191. Under such an arrangement, the further the line was carried to the northward, the more would the traffic be diverted from Newcastle? As I said before, you cannot divert from Newcastle that which it has not got; but there is this consideration, that if you do not permit this arrangement to be made, you will actually divert from Morpeth the goods traffic which it actually at present possesses.

192. Will not the effect of establishing your line under such an arrangement as you have suggested be, that the mercantile houses, in Maitland, will lose the greater part of their up-country custom, as the goods intended for the interior will be transhipped direct for their destination, either at Newcastle or Morpeth, and will not rest in Maitland at all? No, I think not. I am under the impression that the Maitland storekeepers are masters of the situation, and that the squatters in the interior are so bound up with them, that the trade cannot be diverted from them.

193. You have spoken of the trade between Morpeth and the towns of Singleton and Muswellbrook as being likely to be increased by the formation of this line? I have; but those remarks are only applicable to dry seasons, for in good or moist seasons those localities can supply themselves.

- J. Campbell, Esq.
25 April, 1861.
194. You have also alluded to some statistics that had been compiled, and which had appeared in the *Herald*? I did.
195. They shewed the exports from the district, for the year, to have been a million and a half? Yes.
196. Now, let me ask you, if a very large proportion of that amount was not the value of produce brought down from the interior, above Maitland? A portion of it was.
197. But was not a very large proportion of it from the interior? No, not a large proportion; the largest share was contributed by the lower districts. One vessel might have easily taken away all the wool sent down from the interior, in that year. If I remember rightly, there were not more than 14,000 bales, that year, shipped from Morpeth.
198. Let me ask you if you do not think it would be preferable that the produce of the interior should be taken direct from Singleton to Newcastle, and there shipped, rather than to have it shifted, at Maitland, on to the Morpeth trucks, and then to be shipped, and to suffer the tedious river navigation between Morpeth and Newcastle? I cannot say what effect the two hours' river passage in the steamer is likely to have upon produce, but this I know, that if by arrangements, the Company can make goods be delivered cheaper in Morpeth than they can be in Newcastle, and that the freight to Sydney is the same from Morpeth as from Newcastle, shippers will soon find it out, and Morpeth will be the recognized port of shipment.
199. Then the reason why Morpeth will be so, is really that no freight is actually charged for goods carried by steamer between Morpeth and Newcastle? It is not exactly that, because the steamers must go up the river, and if they stop to unload at Newcastle they are delayed, whilst they are still burning coal, so that they might as well be progressing; and on that account it is much better for the steamers that they should take the goods on with them.
200. Is there not a very much superior haven at Newcastle to what there is at Morpeth? Yes, for a different class of vessels. Newcastle is a port for large sized vessels, that could not get up to Morpeth.
201. Supposing the Great Northern Railway to be completed into the far interior, would there not be every likelihood of a direct trade springing up between the Northern Districts and Newcastle, and even, ultimately, between England and Newcastle? Before you can get any direct trade between England and Newcastle, you will have to get monied men, capable of carrying on an import trade, to settle there. It does not seem probable at present.
202. There is no reason why it should not be so, or that monied men should not see the advantage of taking up a position there? No; there is no reason except this—that this particular class of trade has now been for years concentrated in Sydney; and it is always difficult, when so many interests are involved, to break up old associations of this kind.
203. Then, again, this trade that you speak of as likely to start up between Morpeth and the districts of the north and north-west, appears to me to be extremely problematical; for as the railway extends into the interior, so long as Newcastle is the terminus, so long will the traffic from these interior districts be diverted from Morpeth and Maitland to the town at which the line ends? I do not think so; at all events, not if this line of ours is constructed. We shall always have an advantage over Newcastle, because there the goods must always be twice shifted. There is no store to receive them, and when they are landed from the steamers, the probability is, if it is late in the day, that they will have to be carted to a private store to be warehoused, and then carted back and put on the trucks. But even if this is not so, they will have to lie on the wharf till the trucks are ready, and then they will have to be again shifted on to the railway trucks.
204. You are now alluding to the import trade? Yes, to the goods brought from Sydney, and intended for the interior. They would have to be transhipped twice at Newcastle, because there is no store to receive them, neither is there room to erect one. Now, where we are there is no difficulty in the matter, because the train will start from where the steamers terminate their voyage, and then the goods will be placed at once from the steamer's hold on to the trucks of the Company. And then if an arrangement can be made with the Government there is no doubt that as the line extends, the more goods will be sent by rail.
205. Goods sent from Sydney would not be delayed in Maitland? I presume not; that is to say, goods sent from Sydney direct to parties in the interior. Goods intended for the interior, but consigned to Maitland, would of course stop there.
206. Then you think that if this proposed railway is not made every extension of the Great Northern line will tend to injure Morpeth? I do, most assuredly.
207. And the only benefits that would accrue from the making of this proposed line, that is, the only practical benefits would be enjoyed by the inhabitants of Morpeth? No. The greatest practical benefits would be conferred upon the squatters and storekeepers of the far interior, who would be enabled to ship their produce and receive their supplies to and from Morpeth at a cheaper rate than from Newcastle.
208. But assuming that goods can be sent direct from Sydney to Newcastle; that they can there be placed on the railway trucks and sent direct to the interior, must not that be an advantage to the shipper as compared with sending them to Morpeth? I do not see what gain there would be to the shipper unless you assume that the Government will carry the goods between Newcastle and Morpeth for nothing, and that is hardly likely. The steamer charge between Sydney and Morpeth being the same as between Sydney and Newcastle, the shipper by sending to Morpeth must save the seventeen miles of railway carriage. It is not probable that the Government will charge the same price for delivering goods at Newcastle as for delivering them at Morpeth, 17 miles short. The result is that the shipper will

will save the cost of carriage for 17 miles, at so much per ton per mile, according to the established charge. J. Campbell, Esq.

209. Then it is your opinion that if the Maitland and Morpeth line is opened all the goods traffic will pass by way of Morpeth? I hope so. 25 April, 1861.

210. You do not under any circumstances anticipate much goods traffic on the Newcastle line? Not much.

211. And when this line is opened there will be still less? I think so.

212. Then the best thing that can be done will be to take up the rails on the Newcastle line and sell them? My opinion is of course of very little weight; but it is certainly my impression that if the line had started at Morpeth, and the 17 miles now existing between there and Newcastle had been run into the interior, it would have been better for the country.

213. Do you anticipate much local traffic between Maitland and Morpeth? Yes, there is already a large traffic between the two.

214. None of the passenger traffic between Sydney and Maitland will pass through Morpeth? Yes; a good deal of the morning traffic would, because it is anything but comfortable to have to get up out of bed in the morning and have to loiter about Newcastle waiting for the train or the steamer.

215. Then in fact the result of opening this line would be that the passenger as well as the goods traffic would be taken off the Northern line? Not all of it. It would not materially interfere with the passenger traffic, except in the morning; and then, if you had moved men established in business at Newcastle, who would lay on ships of their own, there would soon be a goods traffic start up on the line. But until Newcastle possesses an export trade, and men of capital, not only with the means but with the ability to direct that trade, there will never be much goods traffic there.

216. I cannot conceive why you should imagine that Newcastle, with so much more natural advantages as a haven than Morpeth, would never be able to compete with the former in the goods traffic—its capabilities are very much greater than those of Morpeth can ever be? Newcastle has certainly great capabilities for an export trade, that must be admitted; but then you must remember that it will be a very difficult thing to take that trade away from Sydney, where it has been established for so many years. It is always difficult to take away from any place the trade it already has, as to do so requires to break up old business connections, and to form new ones. Another thing that will always operate against any such an attempt is that the squatters in the interior are now so intimately connected and mixed up with the Sydney firms that all their produce must of necessity pass through Sydney merchants' hands.

217. *By Mr. Buchanan:* From your observations I gather that you regard as a reckless piece of extravagance the formation of a line of railway, to run along the banks of a navigable river? I do.

218. And that upon no grounds was such an expenditure of the public money to be justified? I think not.

219. And that if the line had been commenced at the head of the river navigation, for the same expenditure that has been made the line would have now been carried for some twenty miles further into the interior? Most certainly.

220. Are you aware of the existence of very rich and extensive coal mines in the vicinity of Black Creek? I am aware of it only from information I have received on the subject. I have not actually visited them.

221. And, in the event of this line being opened, an outlet will be found for the produce of these coal mines, as well as of those at Anvil Creek? Yes. I have no doubt but a very large quantity will be sent to Sydney; and I am sure they will be in great demand there from their very superior quality; they are of the best kind of what is called Cannel coal.

222. If this line be completed, the establishment of a large and extensive coal trade between Morpeth and Sydney will be the result? Upon this point I can only give you what I was myself told on Saturday last by a gentleman who is connected with the mines at the Four-Mile Creek, in which he is very largely interested. He was asked to take some shares in this Company, and he said he would not, as he was not going to aid in the establishment of a Company to injure himself, because the opening of this line would bring about such an opposition in the coal trade that would assuredly destroy all his interest in the trade.

223. Are you aware that there is already a very considerable coal trade now carrying on between Morpeth and Sydney? Yes, there is a pretty good trade of the kind; the steamers alone consume a very large quantity.

224. Is it not the case that many coming to load coal at Newcastle, and being unable to get under the shoots there, proceed up to Morpeth to get their cargo, in order not to be delayed? Yes, the smaller class of vessels often do so.

225. The coals thus taken aboard by these vessels, as well as those supplied to the steamers have to be carted down to the wharf by drays? Yes; they are all taken down by horse and cart.

226. And at a very considerable cost? Yes; I have known as much as 12s. per ton paid for carting coal from the pit to Morpeth Wharf.

227. This high price of carriage must necessarily tend to impede the trade? No doubt of it; it is all but a complete check to it. Capt. Russell's mine, which had been opened, has been closed for some time past in consequence of the cost of carriage.

228. Then the establishment of this line of railway would give greatly increased facilities to the coal trade of the district? It must of necessity do so, when, as I tell you, as much as 12s. per ton has been paid for carriage. I have myself known that price to have been paid.

229. Notwithstanding the drawback of the line of railway between Newcastle and Maitland, there

J. Campbell, Esq. there is still a good goods traffic between Morpeth and the interior? Yes; almost the entire traffic goes that way.

230. With this traffic, then, the Newcastle line has not as yet interfered? Not at all.

25 April, 1861. 231. So that if this be the effect whilst goods have to be transported to and from Morpeth by drays, the traffic will be increased rather than diminished, by the additional facilities given to it? That will certainly be the case.

232. You know the port of Newcastle? I do.

233. Is it a port that is difficult of access? It is; to large sailing vessels it is very difficult.

234. And to small vessels also? Yes, but more particularly to large ones; in fact, you cannot get into the port except the wind is blowing in a particular direction; and in southerly winds it is exceedingly dangerous to attempt to enter.

235. It is not then in the slightest degree probable that, with all these dangers and difficulties connected with it, and with such a noble and safe harbour as that of Sydney to compete with, any great trade between England and Newcastle direct will ever exist? No, never. Merchants will always prefer Sydney as their port, on account of its being so much safer for their vessels, and so much more convenient for the landing of their goods. And as to the squatters; even if there were no other considerations to lead them to send their produce to Sydney, they would always prefer to do so, rather than risk the danger of losing it by shipping at Newcastle.

236. In fact, the whole course of business since the establishment of the Colony, as well as the many advantages of Sydney as a port, have tended to centralize the whole trade of the Colony in Sydney, in such a way that it will be many years before Newcastle has any large trade of its own, except in coals? It will never have a large trade, until it has merchants of its own doing a direct import business with England.

237. Of course you are of opinion, that between flourishing towns, such as Maitland and Morpeth, a large passenger traffic on the proposed line is to be anticipated? Yes; even between the two towns there will be a large traffic.

238. Then, as a mere commercial speculation, you believe that this proposed railway will be a most paying and most lucrative concern? I do.

239. And will be of great advantage not merely to the district, but to the public generally? That is my opinion.

240. *By Mr. Hoskins:* And where is this great passenger traffic to come from? There is a large population in these towns alone. West Maitland, I suppose, contains as many as 5,000 inhabitants; East Maitland numbers a population of about 2,000; and Morpeth has about the same number. These numbers are independent of the population of the surrounding districts; but, taking them also into account, we have certainly a sufficient population wherewith to create a passenger traffic, more particularly when people had the advantage of rapidity and cheapness in travelling. There is a very large passenger traffic now between Maitland and Morpeth, and yet the fare charged is half-a-crown. Now this will most certainly be increased when people can go backwards and forwards for threepence.

241. You are alluding now to the mere local traffic? Yes.

242. Do you happen to know how much of the capital of this Company has been subscribed for, or to what amount applications for shares have been made by persons resident in the locality? I believe I can tell you, at a rough guess, what amount of shares have been taken up in Sydney.

243. How much? There have been shares representing £4,000 taken up in Sydney. The rest of the capital subscribed has been found by residents of the Hunter District.

244. You spoke just now of the many dangers and difficulties to be encountered by sailing vessels in entering the port of Newcastle; now, are not these remarks equally applicable to vessels coming to Morpeth, seeing that they also have to enter the port of Newcastle? Just the same; but it must be remembered that these remarks do not apply to steam vessels the same as to sailing vessels.

245. Then the trade of Morpeth is mainly dependant upon the steam vessels? Yes, for the quickness and regularity of their passages have completely driven all the sailing vessels out of the trade, and there are no sailing vessels come up to Morpeth now, except some few of the smaller class of colliers.

246. But how is it with regard to the time employed in the river passage—are not sailing vessels and even the steamers often delayed for two, three, and four hours by sticking on the flats? No, not now. There has been no delay of this kind for the last twelve months—ever since the dredge has been in the river. The steamers and small sailing vessels can now go up the river at all times without any fear of the flats.

247. *By Mr. Buchanan:* There are six large steamers, I believe, now trading between Morpeth and Sydney? Only five, I think, at the present moment.

248. However, these steamers are always crowded with passengers at every trip, besides which, they are well freighted with goods, even to having their decks loaded? Yes, they are very well patronised.

249. There are also several omnibusses plying between Maitland and Morpeth for the convenience of passengers? Not recently; I do not believe that there are now more than two omnibusses at the most now plying between the two towns.

250. These are constantly filled with passengers at every trip of the steamer? Well, I cannot speak as to that, because I have not been there for the last twelve months, and, consequently, I cannot speak from my own knowledge.

251. But from the experience you have had of the passenger traffic, acquired during your long residence and intimate acquaintance with the district, you are enabled to say that it will form no inconsiderable item in the revenue of the proposed Company? I look upon it as very likely that it will be so.

Mr. Philip John Cohen called in and examined :—

252. *By the Chairman:* You are an old resident in the Colony, I believe, Mr. Cohen? Yes; for the last thirty years.
253. For a considerable number of years you have been connected with the traffic of the Hunter River District? Yes, for the last ten years.
254. What situation did you first fill in regard to that trade? I was a clerk to the Hunter River Steam Navigation Company.
255. And you continued with that Company until it merged into the Australasian Steam Navigation Company? I did.
256. Since then you have removed to the employment of the Hunter River New Steam Navigation Company? Yes; I am now Manager of that Company.
257. From the nature of the avocations you have followed, you are well acquainted with the details of the Hunter River trade? Yes; for, besides my employment in the two Companies, I resided in the district for fourteen years.
258. Was that prior to your connection with these two Companies? Yes.
259. Are you aware that certain gentlemen have petitioned the Assembly for an Act to incorporate a Company, to be called "The Maitland and Morpeth Railway Company"? I am.
260. Have you seen the Bill which these persons require to be passed into law? I have not.
261. In the Preamble of the Bill it is alleged that "it would be of great public advantage that a line of Railway should be constructed and maintained between the town of Morpeth in the Colony of New South Wales and the town of Maitland in the said Colony for the more regular and expeditious conveyance of the important and increasing commerce of the said places." Now, from your knowledge of the district, acquired by long residence, and by the peculiar nature of your business, do you believe that the construction of this line will be a great public advantage? I have not the slightest doubt about it. It most certainly would.
262. Why do you think this? Because a railway between Maitland and Morpeth will tend to improve the trade of the district generally. Even now all the goods coming from Sydney find their way to Morpeth; and all the cultivation produce from the Hunter, from the neighbourhood of Morpeth, from the Paterson, and from the Williams, all comes to Morpeth, and goes thence by steam to Sydney. This is the case now, though carriage is troublesome and expensive, and it would be still more so if carriage were made easy and inexpensive. There is no doubt also that if communication with the interior were opened up, not only would the trade of Morpeth be improved but the value of land in its neighbourhood, and the cultivation of the land now occupied would be equally improved in consequence of the new markets that would be opened.
263. How do you arrive at this conclusion? From this fact, that some ten or twelve years ago there was but very little land in cultivation round about Morpeth; but when the gold fields sprang up, an impetus was given to industry, a new market was opened, and every acre of land was soon occupied and in an active state of cultivation.
264. Sydney is, I believe, the chief city whence the supplies for the whole of the northern districts are drawn? Yes, and the only one.
265. And these goods once shipped in Sydney on the Hunter River steamers are carried right up to the head of navigation, without being landed at Newcastle? Yes; they are never landed at Newcastle unless intended for consumption there.
266. Then all the goods coming from Sydney, except the few that are required for the supply of Newcastle itself, do as a matter of fact come to Morpeth? Yes, the whole of the goods required for the Northern Districts, above Hexham, are landed in Morpeth, and go through Morpeth to their destination.
267. That is as far as the import trade is concerned—now do you receive on your steamers none of the produce from the interior at Newcastle, after being brought down by railway? No, I do not suppose we get £1 a week for freight of goods brought down by railway.
268. Manifestly then it would be of advantage, in so far as this portion of the trade is concerned, that there should be some ready means of communication between Maitland and Morpeth? It would be a very great advantage to the inhabitants, and not only to them but to the Northern Railway also, for our line would serve the purpose of a feeder to that line.
269. Do you happen to know anything of the amount of traffic that passes through Morpeth? Yes, I can, as far as our Company are concerned, tell you the amount of traffic through the town.
270. Have you any statistics on the subject? I have a few rough notes of the amount of freight received by our Company. From these I find that last year we brought in our steamers to Sydney 7,093 bales of wool, all of which were shipped at Morpeth: a large quantity of hides, tallow, skins, and of all kinds of live stock, including poultry, pigs, geese, calves, and sheep. In fact, as far as live stock are concerned, I believe that the Sydney market is mainly supplied from the Hunter River District.
271. That has been the traffic from Morpeth to Sydney,—what has been the traffic the other way? The freight we have received for goods sent from Sydney to Morpeth, or what we call our export trade, amounted last year, to £9,801 12s. 8d., which would give about 14,800 tons.
272. During that time, what amount of wool was received on board the steamers, at Newcastle? None.
273. What other produce? Nothing; all that we have received from Newcastle, on our return voyages to Sydney, has been a few hides.
274. There are then no exports from Newcastle? None that we carry. The export trade is exclusively confined to coal.

Mr. P. J.
Cohen.

25 April, 1861.

- Mr. P. J. Cohen.
25 April, 1861.
275. And now, with regard to the passenger traffic? The passenger traffic, both ways, during the year 1860, brought in a revenue to the Company of £10,423. During the first three months of the present year our revenue from the same source has been £3,350.
276. Can you give us any idea of the number of passengers conveyed? I cannot give you the exact number; but they average about 400 a week, from Sydney to Morpeth. I may mention, however, that a part of the passengers land at Newcastle, and go on by train to Maitland. The cabin passengers generally take this route.
277. Have you any means of distinguishing those that land at Newcastle from those that go on to Morpeth? Not the exact number; but I should think that about two-thirds of the passengers land at Newcastle.
278. Can you give the Committee any information in regard to the number of passengers that leave Morpeth and Newcastle for Sydney? There is about an equal number each way—to and from Sydney.
279. Then, the numbers that leave and the numbers that arrive being about equal, does the same proportion you have just mentioned, in regard to the arrivals, hold good with respect to the departures; that is, do two-thirds of those who go from the Hunter take the steamer at Newcastle? Yes, that is about the average.
280. Do you know anything of the produce of the districts round about Morpeth? I do.
281. Take the Paterson, for example, what are its products? Vegetable produce, poultry, and eggs.
282. Speaking from your own knowledge acquired during your long residence in that part of the country, can you say whether much of the produce of the country around Morpeth finds its way upwards; that is, instead of coming to Sydney, goes in the opposite direction? Yes, a portion of the produce goes to Maitland. It goes either there or to Morpeth. There are farms all over the country that lies between Morpeth and Maitland.
283. That is not what I mean. Take the Paterson for instance: does any large portion of its produce go to Maitland or to the districts above Maitland? No; very little goes in that direction, for it mostly all comes down to Sydney.
284. Is there much commercial traffic between the two towns of Morpeth and Maitland? Yes; there is a very great traffic between the two places. All the goods for the Upper Hunter have to go by that way.
285. What I mean is, is there any traffic between the two towns? Yes; there is the conveyance of all the goods for the Maitland storekeepers. They all come through Morpeth.
286. You do not understand my meaning. I wish to know if there is any business transacted between the merchants of Morpeth and those of Maitland? Not much.
287. And with regard to the districts beyond Maitland? All their supplies are received through Morpeth.
288. Beyond Maitland then, and for the whole distance up the country, the trade is very considerable? The whole business of the interior, both in sending supplies and receiving produce, is transacted through Morpeth.
289. Then, speaking generally, do you think it would be for the convenience and advantage of the great bulk of the colonists resident in these districts, that this line should be constructed? Yes, most undoubtedly; and it would do more, for it would very largely increase the present exports. If this line were formed we should have several new coal mines opened, which cannot be worked now on account of the cost of carriage. I need not say that this would form a very valuable branch of trade, and would greatly benefit the district; and to shew the demand that exists I may mention that our Company consume 600 tons of coal a month, the whole of which are taken from Morpeth; and the old Company takes about the same. This coal is now supplied to us at the same price as at Newcastle, but with railway carriage it could be delivered in Morpeth at about 6s. per ton.
290. You are a shareholder in this Company? I am.
291. To what extent? Only to the extent of £100—twenty shares.
292. Do you know many of the shareholders in this Company? I do.
293. Do you know the persons named in the first clause of this Bill:—Mr. Benjamin Lee, junr., Mr. S. S. Dickson, Mr. John Eales, Mr. James Taylor, Mr. Lewis Wolfe Levy, Mr. Alexander Dodds, Mr. J. B. R. Robertson, Mr. Coberoft, Mr. Thomas Cadall, Mr. C. E. Jaques, Mr. J. Scott, Mr. W. H. Mullen, Mr. J. E. Wolfe, Captain Close, Mr. A. B. Portus, Mr. A. Liddell, Mr. J. Gorrick, Mr. R. Strachan, Mr. O. E. Middleton, Mr. P. O'Keefe, Mr. W. Lipscomb, Mr. D. Moffitt, and Mr. D. Sim? Yes, I know them all.
294. You are acquainted with all these persons whose names I have enumerated? Yes.
295. And can you say from the knowledge you have of them, whether they are all men of reputed substance and respectability? Yes, I believe them to be so.
296. And that as men of business they will be ready to meet the calls upon the shares, whenever they are made? Yes, undoubtedly.
297. Even if the capital should all be called up at once? Yes, I am sure they would.
298. In so far as your knowledge of the persons who have subscribed for shares extends, are they persons of good standing socially and commercially? All those whose names have been read are so. They are either settlers or traders, or gentlemen having a large interest in the district.
299. You have no doubt then about the perfect *bonâ fides* of the Company? Not the slightest.
300. What is the proposed amount of the capital of the Company? £25,000.
301. And what amount of this has been subscribed for up to the present time? Mr. Lee told me last week that upwards of £17,000 had been subscribed.
302. He is Chairman of the Company, I believe? He is.
303. And, therefore, likely to be well informed upon the subject? Yes.

304. Do you then consider that it would be advisable for the Parliament to grant this Act that has been petitioned for? I do; for I think they will be doing an injustice to the country if they do not pass it.

Mr. P. J.
Cohen.

25 April, 1861.

305. Do you ever pay any attention to the proceedings of Parliament? Sometimes.

306. You read the newspapers in which those proceedings are published to the country? I do occasionally whenever any matter of great interest is under discussion.

307. Do you know from having read those proceedings that the Minister for Public Works came down to the House and asked Parliament to vote a large sum of money, in order to construct this very line of railway upon Government account? I do.

308. Did you take notice of the proceedings upon that occasion? I did.

309. And what was the reason given for refusing this vote, as you gathered it from those proceedings? When the vote was opposed, the Government then stated, that if the money was not granted, the line would be sure to be taken up by private enterprise.

310. What answer was made to this? It was said, "Then let private enterprise do it"; that this was a mere branch line, and that the Government ought not to meddle with any but main lines.

311. Was not the principal reason given rather this—that branch lines should be left to private enterprise, and that this particular line was more especially a fitting object for the exercise of private enterprise? Yes; that was one of the reasons—and that the House did not wish the Government to deviate from the main line of road.

312. *By Mr. Hoskins:* You say you know all the gentlemen whose names are enumerated in the first clause of the Bill? I do.

313. Are they all shareholders in the Hunter River New Steam Navigation Company? Not all of them; some of them are. Mr. Lee and Mr. O'Keeffe are shareholders in the H. R. N. S. N. Company.

314. Are not the majority of them shareholders in that Company? Mr. Eales is not, Mr. Dodds is not, Mr. Cobercroft is not, Mr. Cadall is not, Mr. Jaques is not. No, I do not think the majority are shareholders in that Company.

315. Do you know whether the majority of them are not owners of property in Morpeth? I do not think they are. Mr. Taylor, Mr. Dickson, Captain Close, and Mr. Portus, are the only four amongst them, who, to my knowledge, possess property in Morpeth.

316. You have already said that you are a shareholder in this Company? I have.

317. In the event of the Company having to expend upon the construction of this line more money than they have subscribed, would you be willing to pay any increased call upon your shares that may be required? Yes, quite willing.

318. Have you looked through the different clauses of this Bill? I have not. I have not seen it until now.

319. You are not then aware whether it contains a provision, under which the Company anticipate being able to ask the Government for a grant of public money? I am not aware that it does so, nor do I know that such a question has ever been mooted.

320. You expect that this line will prove a feeder to the Great Northern line; but how do you anticipate that such a result as this will be brought about? Because, without this line, the railway will carry no goods upwards; for all the goods destined for localities between Singleton and Maitland will go from Morpeth by cart.

321. Then your railway will, in effect, only bring to the Northern line the traffic that it has had hitherto, or rather, I should say, the traffic that it would have were all the goods forwarded by rail from Newcastle? It would have that, and all the traffic that now goes from Morpeth to Maitland, and through Maitland to the interior.

322. But that is traffic that the line ought now to have, by way of Newcastle? It is traffic that the Northern line will never have, if this proposed line is not made.

323. By the course which you propose, you will actually be diverting traffic from Newcastle? There is no traffic there to divert.

324. But if this line be refused, when the Northern line reaches Singleton, will not the goods which are now taken to Morpeth, and thence, through Maitland, into the interior, be landed from the steamers at Newcastle, placed on the railway trucks there, and carried up direct to Singleton? No, I think not, and for this reason, that if goods are landed in Newcastle, there is no place to put them in. They must, therefore, be carted away and stored in warehouses, to wait the departure of the goods train; they will then have to be carted from the warehouse to the train, and put into the trucks. Now all this must cause great trouble and expense, from the numerous shiftings that the goods will have to undergo. Besides this, the port is not at all adapted to anything like a large shipping trade; the wharves are narrow and inconvenient, and the channel is an exceedingly dangerous one.

325. I cannot understand how all this shifting will be required, since the railway now comes down to the wharf, and the goods can be taken at once from the steamer and placed upon the railway trucks? Yes, that is the wharf where the steamers at present lay; but it is exceedingly small and inconvenient, and we are not going to be kept there.

326. Would it not be a convenience to consumers in the interior, if they could get their goods with only one transshipment; that is, that they should be taken from off the steamer on to the railway trucks, and then carried direct up to their destination? No doubt it would; but you cannot do that at Newcastle.

327. Why not—there are precisely the same conveniences for so doing at Newcastle as there are at Morpeth? No; the goods are sure to be more knocked about in landing at Newcastle. The goods are now taken out of the steamer and put upon the railway trucks; but then they have to wait for the departure of the train, and have to be carted away to some store for safety—there being no stores at the station in which they can be put.

328. That, however, is a matter that can soon be remedied by the Government erecting a store

Mr. P. J.
Cohen.

25 April, 1861.

store at the station, and then, if there are the same conveniences at Newcastle as now exist at Morpeth for the landing and security of goods, will it not be to the advantage of the shipper for the interior to send his goods there? I do not think that you will ever succeed in getting the same conveniences at Newcastle as we have at Morpeth, for the wharf there is open and incommodious, and so placed that no stores can be erected on it. We are now very much cramped up for room there, even with the small traffic we have; and the water too is very shallow where our boats now have to lay.

329. Have you any objection to state the reason why your Company now carry goods up the Hunter, between Newcastle and Morpeth, for nothing—for that is really the effect of your making the same charge for goods landed at Morpeth as for those left at Newcastle? I have no objection whatever to tell you the reason. It is because it is a very great source of delay for the steamer to stop and land any great quantity of goods at Newcastle. We must go up to Morpeth, and it is very immaterial to us whether we carry the goods we have on board a few miles further or not; in fact we had rather take them on than have to be delayed. Besides this, in taking the goods out at Newcastle we have not only the delay, but the same amount of labour, and infinitely more trouble than if we landed them at Morpeth.

330. That then is the only consideration that has led your Company to carry goods for nothing between Newcastle and Morpeth? Yes, that is all; but then we do not now carry goods for nothing between Morpeth and Newcastle, as, for some time back, we have landed goods cheaper at Newcastle than at Morpeth. At the same time, we had very much sooner land them at Morpeth even at the same price, on account of the extra detention and trouble we are put to.

331. There is not now a very extensive local traffic between Morpeth and Maitland? You mean the exclusive traffic between the two towns?

332. Yes, a passenger traffic of residents? No, there is not much of that traffic at present; but when this railway is made I anticipate a great increase in this particular. Many persons will go backward and forward when they can do so quickly and cheaply.

333. *By Mr. Buchanan:* You have been asked whether the gentlemen whose names appear in the first clause of this Bill are men of substance,—now tell me whether in your opinion the names there published do not represent capital to the extent of a quarter of a million sterling? Oh, yes, very much more than that; there are two or three names there that would represent that amount.

334. The goods traffic from Morpeth upwards to the interior is of a very extensive and important character? It is.

335. And that all goes up now upon drays? Yes.

336. Have you seen many sailing vessels loading at Morpeth? No, not many. It does not pay them to come there now at the price freights are going.

337. Between the two Companies there are now six steamers plying between Morpeth and Sydney? Five only now, one has recently been taken off.

338. There were six until very recently? Yes.

339. And these have always been crammed full of passengers, both on the upwards and downwards trips, besides having a deck load in addition? Yes, they are always well filled.

340. If the river were cleaned properly with the dredge, would not vessels of any size be able to come up and load at Morpeth. There are only, I believe, some two or three places that prevent them from doing so at present? Yes, a channel might be made for them, if it was worth their while to come up.

341. Might they not be induced to come up to take in a loading of coal? No doubt they might.

342. Have you heard of the late discoveries of very extensive and valuable coal mines in the district above Morpeth? Yes, I have known for some years that there were such mines, but owing to the cost of carriage they have not been worked.

343. And some of the coal produced from these mines is even better than that found at Newcastle? Yes, in many cases it is. Captain Russell's coal was very much better. There is also plenty of very fine coal at Black Creek.

344. And in the event of this proposed line of railway being constructed, it would afford facilities for a large traffic in coal between Morpeth and Sydney? Yes, and from the prices charged for coal at Newcastle very much to the advantage of the Sydney people, for they will be supplied from Morpeth at a much cheaper rate.

345. Have you not seen a very large number of live stock coming down the road to be shipped at Morpeth for Sydney? Yes, daily.

346. Would not this form a very considerable item in the revenue of the proposed railway? Yes, it is now a very important branch of the traffic now existing between Sydney and Morpeth.

347. Every steamer that leaves Morpeth takes a large quantity of live stock on board? Yes, almost every trip our boats bring down about a hundred and fifty sheep each.

348. The steamers are never delayed now by being stuck upon the flats? No, there has been no case of the kind for the last fifteen or twenty months. The channel is quite clear now.

349. Have you noticed the existence of any considerable traffic in hay between Morpeth and Maitland? Yes, there is a very large quantity comes down to Morpeth for shipment.

350. Then, in the event of this railway being established, this traffic would also go to swell the returns of the Company? Yes, and would tend to add to the supply forwarded by cheapening the cost of conveyance.

351. Have you seen notices put up in Morpeth advertising for drays as wanted for the carriage of goods thence up into the interior? Yes, repeatedly; all the trade with the interior is carried on through Morpeth.

352. Then, of course, from all this, you can have no hesitation in saying that this railway will

will prove a very lucrative concern, and that there is every prospect that it will pay the subscribers a handsome per centage on their outlay? That is my impression, and it is on that account that I have taken shares in it.

Mr. P. J.
Cohen.

353. The large population of the districts which surround Maitland and Morpeth will alone furnish a passenger traffic for the line that will be very considerable? Yes, because very many persons will travel between the two places, when they can go cheaply and quickly, who now never think of going at the rate they have to pay.

25 April, 1861.

354. What is the fare charged now between the the two places? I believe it is half-a-crown.

355. *By Mr. Hoskins*: Presuming that this proposed line is not made, will there not be an increased goods traffic on the Newcastle line, so soon as the Northern Railway reaches Singleton? No, I think not; there may be a small increase, but not to any extent.

356. Not as the line gets further into the interior? No, I think not.

357. And why? Because parties in the interior are so bound up and interested in the merchants and storekeepers of Maitland and Sydney, that even if the harbour of Newcastle presented infinitely greater facilities for the shipment and debarkation of goods than it now has, and even if the accommodation of the Northern line was all that could be wished, these persons would never allow their produce to come down to Newcastle, and to be shipped off direct. As things are, however, they know well that it is much better for them to send their produce to Morpeth for shipment, because it does not get knocked about in the way it does at Newcastle.

358. But, even at Morpeth, the goods will have to be transhipped twice? No; not if we have the railway, because the line will come right down to our landing stage; the goods will be put into our stores, and thence on to the steamer. Now, if goods go to Newcastle, they have to be taken off the railway trucks, and then carried by drays into some of the stores in town; they have then to be taken from the stores by drays down to the wharf to be shipped by the steamers. Now, it is evident that all this shifting must not only increase the cost of carriage, but must also tend to injure the goods.

359. *By Mr. Buchanan*: Were you connected with the H. R. S. N. Company before the Great Northern Railway was constructed? No, I was not.

360. Can you, however, say whether the opening of that line has made any perceptible difference in the amount of goods carried between Morpeth and Newcastle by your Company now, as compared with what they carried prior to the construction of the line? It has made a difference in our passenger traffic, but not in our goods traffic.

361. It has not injured the goods traffic? Not in the least; it has had rather a contrary effect, for we have increased our goods traffic since then by something like £200 per month.

362. It has not decreased the quantity of goods sent from Morpeth? Not at all. The line is never used for the conveyance of goods.

FRIDAY, 26 APRIL, 1861.

Present:—

Mr. MORRIS,	|	Mr. BUCHANAN,
Mr. HOSKINS,	|	Mr. ARNOLD,
Mr. RUSDEN.		

HENRY PARKES, ESQUIRE, IN THE CHAIR.

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

363. *By the Chairman*: You are Engineer-in-Chief for Railways in this Colony? I am.
364. Perhaps you are aware that certain gentlemen have applied to Parliament for a Bill to incorporate a Company who have in contemplation the construction of a railway between Morpeth and Maitland? I am.

J. Whitton,
Esq.

26 April, 1861.

365. You have a copy of the Bill before you? I have.

366. Have you looked through the clauses with regard to the construction of bridges? Yes, so far as the clauses are concerned, but I have had no opportunity of reading the Bill through until this morning.

367. You are acquainted with the line of country through which it is intended to carry the railway? Yes, I laid down the line.

368. Does the projected line come into contact with Government works of any description? No, it does not, except the Pitnacree crossing.

369. Are you acquainted with the town of Morpeth? I have been there two or three times.

370. Do you know the streets to be intersected by the proposed line of railway; it crosses two or three streets I believe? I think there are none intersected by the present line, the extension down to the wharves might have to pass through the streets; but I believe the present line only extends as far as the Queen's Wharf.

371. Are you acquainted with the streets which the extension would cross? If you mean the extension to the whaves, yes.

372. It is proposed, Mr. Whitton, to carry out this extension across Northumberland-street, Robert-street, and George-street, but it is stated that there is little traffic in these streets, in fact, that they are scarcely used, and that it will in no way interfere with what traffic may pass down these streets. Are you acquainted with the localities, and can you say whether

- J. Whitton, Esq.
26 April, 1861.
- whether it would interfere with the traffic in these streets? It would, I think, be better, if it did not cross either of these streets, there is no necessity for it. A better line might be carried down the north side of Steamer-street, running on a level with the New Hunter River Company's wharf, and the wharf of the A. S. N. Company, so that goods brought by or to the steamers, might be transferred without cranes at all. I think it would be difficult to bring the line in the way proposed. I think it should be carried along by the houses on the north side of Steamer-street, and be continued along the River Hunter at the bottom of Northumberland-street, in front of Portus' Mill, on the river side, and at the bottom of Robert-street sheds might then be erected on a level with the wharves of the Hunter River Steam Packet Company, and also on a level with the wharf of the A. S. N. Company, so that goods might be transferred from the rail to the steamer, or from the steamer to the rail without the necessity for cartage. If the present line were to be carried out, goods would have to be carried by carts about 200 yards; but an objection may be raised to the proposal I have stated by saying that the rails, if on the same level as the present wharves, would be below the level of the floods. My idea, however, was to have large warehouses erected at the Queen's Wharf for storing the goods above the reach of the floods, in which the goods might be stored as soon as they were landed.
373. Suppose the line were carried out as projected—crossing these streets—would it cause any injury that would be a strong objection to it on behalf of any portion of the public? I do not think so. There must be very little traffic in these streets.
374. That traffic would not be impeded in any way? Well, level crossings in streets are generally objectionable; but I do not think there is sufficient traffic in these streets to justify an abandonment of the proposal to take the line across them or to incur an increased expenditure in construction.
375. Would you be good enough to look to the clauses of the Bill from 105 to 107—you have read those clauses? Yes.
376. Is the provision sufficient for the purpose intended? Quite sufficient.
377. Do you know any objection on public grounds, or on the ground of interference with the right of highways or with regard to any public work? No, I do not know of any. There will be a slight diversion of the Morpeth Road, but I do not see any objection on that account. It would, indeed, be improving that road.
378. The diversion of that road near Mrs. Martin's house would be an improvement? Yes, both the diversion would be an improvement on the road.
379. *By Mr. Buchanan*: There are no engineering difficulties in the way? None whatever.
380. The line of country is almost a dead level? Yes.
381. I believe the landed proprietors have no objection to the line? I think not.
382. It does not interfere in any way with any public works? No. The landowners had no objection whatever when I was engaged in laying down the proposed line there.

Patrick MacAuliffe, Esq., called in and examined:—

- P. MacAuliffe, Esq.
26 April, 1861.
383. *By the Chairman*: You are a resident in the town of Morpeth? I am.
384. You are aware that certain gentlemen have petitioned the Legislative Assembly for an Act to incorporate a Company to construct a railway from Maitland to Morpeth? I am, sir.
385. You have a copy of the Bill before you? I have a copy of the Bill.
386. Do you know all the gentlemen whose names are in the first clause of this Bill? Yes, I know them all.
387. Are they persons of reputed property and respectable standing? They are.
388. You can state that of your own knowledge? Of my own knowledge.
389. What is the proposed capital of this Company? £25,000.
390. Can you state what proportion of that capital has been subscribed? Yes, there has been subscribed £17,325.
391. Have you a list of the shareholders? Yes.
392. Have you any objection to hand in this list, to be appended to your evidence? No. (*Vide Appendix A.*) We have a few more applications on the way, but they did not reach me in time to include them among the others. By these the capital will be considerably increased.
393. You have looked over the names of all the persons mentioned in the Bill as shareholders, I imagine? Yes, I have.
394. Speaking generally, do you, of your own knowledge, as a resident in the district and as a commercial man, believe the whole of these shareholders will be prepared to meet their calls? I am certain of it, from my own knowledge.
395. Suppose the capital were called up at once, would the call be met? They have the means of meeting it.
396. It is stated in the preamble of this Bill that it would be of great public advantage to construct this proposed line of railway—are you of opinion that it would be of great public advantage? Yes, I am.
397. You are the Secretary of the Provisional Committee? I am.
398. In what way would it be of public advantage? On account of the extensive intercourse and large amount of business transacted in the district; and also on account of the great agricultural and mineral resources of the district. There are two sections of coal, almost new, which, when facilities for transport are obtained, might form a valuable export from the Colony, which, again, would call for extensive shipment. One of these I will take the liberty to name, that is the Four Mile Creek Coal, which is brought into Morpeth at an

an expense for cartage of 5s. or 6s. a ton, and being sold in the township at about 12s. 6d., there is a charge of about 45 per cent. for carriage. About 1,400 tons are brought into Morpeth monthly, for use in the town, and for the purposes of steamers.

399. This is independent of the exports proper from Morpeth? Yes.

400. Where is Four Mile Creek situated? About six miles from Morpeth.

401. In what direction? Perhaps about south-west of Morpeth, or west-south-west. Indeed I am not certain that it is not north-west.

402. Is the agricultural district around Morpeth that portion which might be considered as belonging to the town, that being its head quarters—very productive? Very; it is a splendid alluvial soil.

403. It is also populously occupied? Very; every inch almost is cultivated.

404. What is the character of the produce of that district? Wheat, grain, and all descriptions of hay.

405. Can you enumerate the heads of produce? I am prepared to do so if I shall not detain the Committee too long. I have returns that will shew it. I would enumerate products as proper to the district—hay, wheat, flour, maize, barley, oats, potatoes, onions, eggs, butter, cheese, poultry, hams, bacon, pork, horses, pigs, cattle, sheep, colonial wine, oranges, and other fruit, tobacco, coal, pumpkins, and vegetables generally, honey, sheepskins, timber, bark, soap, &c., &c.

406. Where do these settlers generally find a market for their produce? Sydney is the principal market.

407. Do you think they find any market in Maitland, or the country beyond that? They do to some extent. There is a large intercourse by drays between Morpeth and Maitland.

408. Is there not some traffic up through Maitland to the Western Gold Fields by way of Mudgee? Yes.

409. If the Northern Railway is carried on to Singleton, do you suppose the agricultural district around Morpeth would find a market in that direction for its produce, its cheese, its butter, its hay, and so forth? I feel certain that it would, and to a large extent.

410. Has it done so hitherto? No; the difficulty and expense of transport has been so great that the communication is cut off in a great degree.

411. Do you know what the population of the town of Morpeth is? I am not prepared to speak of the population of the town of Morpeth; but I believe I speak officially when I say 4,000 is the population of Morpeth and the country immediately around—say for a mile and a half around it. It is a thickly populated agricultural country, being all producers of one sort or another.

412. Do you know whether the traffic between Sydney and the northern districts above Maitland comes by way of Newcastle or Maitland, or by way of Morpeth? Yes, by way of Morpeth.

413. I believe the whole of the imported goods are shipped by steamers at Sydney for that district? Yes.

414. Is there any import trade to Newcastle? I believe there is none. It was attempted on one occasion, but it failed, and there is none there now.

415. The whole of the imported goods coming from Sydney for the supply of the interior districts come by way of Morpeth? Yes, for all the interior.

416. The whole of this goods traffic continues to Morpeth? Passes through Morpeth.

417. To the head of navigation as formerly? Yes, carried up there.

418. Is there much intercourse between the towns of Morpeth and Maitland, which is natural and peculiar to the towns, and arising out of their own communities? I would say a great deal. The traffic passing through the toll-bar there is very large indeed—enormous. Perhaps it would not be irregular in me to reply more fully to the question about coals.

419. You are at liberty to state any facts with reference to the advantages mentioned in the preamble of this Bill, wherein it is stated that this railway is required for the more regular and expeditious conveyance of the important and increasing commerce of the said places, and for facilitating communication between the north-western interior and the port of Morpeth; and also that certain persons are willing to establish a Joint Stock Company for the purpose of constructing a railway? I would recite one important fact, as bearing upon the productiveness of this part of the Colony, with regard to an article not yet brought into play in consequence of the difficulty and expense of carriage. I refer particularly to the Cannel coal, which has not hitherto been exported from the Colony. It is found in great quantities in seams thirty feet thick at Black Creek. Cannel coal at Home is generally used for gas and household purposes. It was found on the Great Northern line, and it could be brought down to Morpeth by the proposed line in any quantities, and at so cheap a rate as to at once make it available for consumption. As a public advantage I may speak positively that the demand for such an article would be almost unlimited. There are a variety of other productions. There is lime-stone which would come to Morpeth now but for the want of means of carriage.

420. Is that all you desire to say on that subject? With regard to the passenger traffic I am prepared to say that with the facilities that would be afforded by the proposed railway the convenience would be immense to the district.

421. *By Mr. Hoskins*: Are the persons whose names you see mentioned in the first clause of this Bill shareholders in the Company? Not all of them. Mr. Benjamin Lee (the Chairman) is, Mr. Dickson is, Mr. John Eales is, Mr. James Taylor is, Mr. Wolfe is, Mr. Levy is an intended shareholder, he has signified his intention to send in an application; Mr. Alexander Dodds will send in his application in a day or two, having stated that he would; Mr. James B. R. Robertson is, Mr. Coberoft is another, Mr. Cadall is, Mr. Jaques is, Mr. John Scott is not, Mr. William Henry Mullen is another, Mr. J. E. Wolfe, Captain Close,

P. MacAuliffe, Esq. Close, and Mr. Alexander Browne, are shareholders; Mr. Portus is, Mr. Liddell is not, Mr. Isaac Gorrick is a shareholder, Mr. Middleton is, Mr. Keeffe is, Mr. Lipscomb is, and I believe Mr. Moffit Duncan Sim is a shareholder.

26 April, 1861.

422. Is all the scrip allotted? Not yet.

423. Is any of the capital paid up? There has been no call made yet.

424. Are you not aware that it is the custom of Joint Stock Companies, prior to their incorporation, to have a certain amount of capital called up? I am not aware of the practice in this Colony.

425. You are aware it is the practice in England? As a matter of practice, I do.

426. Do you not know that it is compulsory in England? I believe it is, but I really do not know of my own knowledge. I have in my hand the legal documents, in which the several parties engage to pay up the capital as required.

427. Are you a shareholder in this Company? I am not, but I hope to be.

428. Do you believe, that in the event of more than £25,000 being required to complete the line, the shareholders are in a position to pay it up? Yes.

429. You say the construction of this line would be a great benefit to the public generally, and facilitate the transport of goods between the north-west interior and Morpeth? Yes.

430. Would it not be a benefit to Morpeth alone? No, the benefit would be felt all over the Colony, because in this district many articles of export are produced, and there are sundry other articles which it would evoke and bring into play.

431. Do you think it would be any benefit to, or cheapen the conveyance of, imported goods to the north-western interior? I do.

432. Will you state how you arrived at that conclusion? We can do it more cheaply at Morpeth on account of the river navigation, and we have greater natural facilities there. We have certain productions in the district of Morpeth that no districts near it have. I may instance Newcastle; it is a non-producing district with regard to cereals and other agricultural products, whilst in Morpeth we produce all these, and could supply them more cheaply to the north-west interior if we had the means of conveyance facilitated.

433. That is not the question. Can imported goods be conveyed to the north-west interior more cheaply by Morpeth than by Newcastle? Yes. I assume the fact that the freight to Morpeth is quite as cheap as to Newcastle, and the length of this proposed line would cut off some 16 or 18 miles.

434. You assume that the Steam Packet Companies will, when this line is constructed, charge no more for goods they convey to Morpeth than for those they take to Newcastle? I believe it would be to their interest. They have nothing but coal to ship from Newcastle, so that it would be to the interest of the steamers to go to Morpeth without additional charge.

435. Are you not aware that many of the shareholders of this proposed Railway Company are shareholders in the local Steam Companies? Some of them are.

436. And many are largely interested as owners of land in the district? Some of them are; but the shareholders are not confined to Morpeth.

437. Do you not think that if goods for the interior were unloaded at Newcastle, and sheds erected there from which they could be transferred to the trucks, they could be more expeditiously conveyed, and quite as cheaply as by way of Morpeth? I am sure they would not. The steamers plying to Morpeth could beat out all competition of steamers plying to Newcastle, that is, taking freight into account. They take nothing except coals from Newcastle; but all those articles the produce of the district of Morpeth could either be shipped for export or sent into the interior from Morpeth.

438. But these goods would have to be transhipped from your trucks to the Government trucks at Maitland, on the Government line? I do not assume that they would. We could have the same gauge, and an arrangement about rolling stock, as in the case of two Companies at Home; the gauge being the same on each others lines. That is a mere matter of arrangement.

439. When they make these arrangements, I believe it is generally for the benefit of the Company already in existence? I think it would be a mutual benefit.

440. You depend upon the Government allowing this line to join theirs, so that the Company can run their trucks upon it from Morpeth, to the ruin of their line from Newcastle? I assume that, for the public good, they would.

441. The inevitable result will be to make the Newcastle line valueless? I think it will only be required for coal, and the ordinary intermediate traffic. You must recollect that collieries are fast rising along that line, which will naturally increase its usefulness. It is a very productive line in itself.

442. *By the Chairman:* Did you ever hear of the English Government controlling, or interfering in any way, to prevent people from carrying their goods in any manner or way they thought proper? Never.

443. Is it not the English policy to let people carry on their business in what way they thought best, according to their own judgment? They do.

444. Suppose the construction of a railway, by private enterprise, had the effect of making a Government railway useless, so as even to cause the rails to be taken up, and the line abandoned, would it be an injury to the public good, so far as traffic is concerned. If the Government line did not afford greater facilities for the trade of the country, would it be of any value when one with superior advantages was brought into existence? By no means. They allow the natural channels of trade to follow their course with every facility that can be obtained. I know, from my own knowledge, that at Home—having resided in England for some years—that where lines exist in the country, the Companies are pledged to permit other lines to communicate with them, although the directors should be unwilling that a junction should be made.

445. There are no Government lines at Home, so that there is no analogy between the relative positions of railways there and these here? No.
446. Suppose the Government here were to expend half a million of money foolishly in constructing a railway, without any regard to the convenience of trade and passenger traffic, would it not be contrary to English policy to divert the natural means of traffic, in order to support an artificial means of traffic? Quite contrary.
447. And if it was wrong to the public in the first instance—that is, in the construction of such artificial means—would it not be also wrong to continue it? They would consider the evil enlarged by its continuance.
448. If people sent their goods to Morpeth instead of to Newcastle, would it not be an entire misapplication of public revenue to take means to prevent them doing so? I think an opinion upon that point would be very decided indeed.
449. *By Mr. Hoskins:* You say you have resided for some years in England; do you not know, then, that on the inauguration of the railway system, the Government refused to allow large carriers, such as Pickford's and other Companies, to carry their goods over the line? I believe there was some narrow feeling about the canals, and their competition with railways; but the Government extinguished the quarrel.
450. Are you not aware that, in England, the Railway Companies refused to allow carriers to convey their goods upon their lines, as carriers for others? As you mention Pickford's, I may say they run their goods along the railway line; they have a large station at Liverpool on their own account.
451. But you are aware that these disputes did take place—that the Railway Companies did refuse to allow them to use their lines? I do not clearly recollect it.
452. As you do not recollect this, I would ask you, did you never hear of the Midland Railway Company, with a line running to Bristol and Gloucester, refusing to allow the Great Western Company to run carriages on their line from Gloucester to Cheltenham? I do not wish to say I am aware of it, but I believe the matter is correct.
453. Are you a resident at Newcastle? I was for many years; I have left there now.
454. You recollect the inception of that Newcastle Railway? I do.
455. Was it not considered a public benefit to have it constructed? Yes.
456. Do you consider it consistent with the public policy of Government, that, after constructing a railway that would benefit you, they should allow a competing line to make it worthless? If I lived in Newcastle I should, perhaps, look upon it in a different way.
457. It is then a matter of two rival townships? I think there is a principle of general benefit involved.
458. I have not yet heard how the colonists generally, will benefit by this proposed line of railway? I fancy then you were not in the room at the commencement of my evidence.
459. You think it will afford great facilities for the conveyance of agricultural produce to the north-west interior, from Morpeth? Yes; we could have supplied them with hay some-time ago if we had had the carriage. I have mentioned coals as a product of the district, but in this we should not compete with Newcastle. Cannel coal is a new article here, and then we have lime-stone. There will, no doubt, be that reciprocity in exchange, which must exist to make the line beneficial.
460. You expect that there will be a great demand for this Cannel coal and lime-stone, for shipment? For Cannel coal an unlimited demand.
461. Do you not think it could be exported with equal facility and cheapness from Newcastle? It has never yet been evoked by the Newcastle line on account of the expense of the carriage, and we should be doing service to the State by making this product available if we could afford that facility which Newcastle can not.
462. What are the greater natural facilities possessed by Morpeth—do you mean for loading? No, its proximity to the produce.
463. You expect this coal would be conveyed from Morpeth by sailing vessels? Yes.
464. You do not however suppose that they would be so generous as the Steam Companies have been to convey the coal for nothing between Morpeth and Newcastle? It would not come into competition with Newcastle at all.
465. You do not clearly understand me. You say the expense of transit is much less from Morpeth than from Newcastle, because the Steam Companies convey goods for nothing by the river between these two places. But would not coals be charged for down the river? You must recollect that the steamers can get a back lading from Morpeth, whereas from Newcastle they could take nothing but coals. Besides we could get coals at Morpeth, which they cannot get at Newcastle, and for which kind of article there will be a great demand.
466. You say this coal is found at Black Creek. Could it not be brought as cheaply from Newcastle as from Morpeth? You will find a difference of about 3s. a ton for carriage.
467. Do you not know that the Railway Companies in England make reductions in the rates with regard to heavy goods of that kind; I believe too the Government here make the price as low as possible? You would have to take them down eighteen miles for nothing to compete with Morpeth.
468. Are there not greater facilities for loading vessels at Newcastle than there are at Morpeth? Steam cranes have been erected recently, and it is so if you take that into account. But I do not know of greater facilities in any other way.
469. Cannot they load more vessels at the same time? Perhaps with their recent wharfage arrangements they might, but with an increase of trade such as would accrue, as a result of greater facilities of communication, we could afford all these advantages.
470. Is there not more water frontage at Newcastle than at Morpeth? Not so much larger, as you may imagine.
471. *By Mr. Arnold:* There is more available water frontage at Newcastle? I think not.

P. MacAuliffe,
Esq.

26 April, 1861.

- P. MacAnuliffe, Esq.
26 April, 1861.
472. *By Mr. Hoskins*: Do you not think that more could be made available if the districts required it? Yes, that could be done in either case.
473. Is not the river very narrow at Morpeth? Yes, but the frontage is very extensive.
474. Do not difficulties present themselves with reference to the loading and unloading of steamers at Morpeth which would be avoided if the goods were landed at the wharf at Newcastle, whence they could be taken to the interior at once, or they might erect sheds for storing goods discharged from the steamers? Do you speak of physical difficulty.
475. Yes? There is no physical difficulty at Morpeth, you have only to get the goods.
476. *By Mr. Arnold*: Perhaps you would explain more clearly the circumstance by stating that the water frontage at Newcastle is the property of the Government? It is true to a certain extent that there is a large water frontage, but after all you find a miserable wharf about the width of this room, the rest being used for coals.
477. The whole of the land between the railway and the wharf is railway property? Yes.
478. *By Mr. Hoskins*: Even then sheds might be erected for storing goods? Yes.
479. Is it not a fact that the reason why nearly all the trade of the interior is taken to Maitland and Morpeth is in consequence of the goods being carried by steamers from Newcastle to Morpeth for nothing? It is a leading question, and I would answer it in this manner,—that really there is no back freight from Newcastle, and it is, therefore, to the interest of the steamers to go to Morpeth where they can get it.
480. *By Mr. Arnold*: Do the steamers take goods from Newcastle to Morpeth for nothing? I am not aware that they do.
481. *By Mr. Hoskins*: Are not goods conveyed from Sydney to Morpeth for the same cost as from Sydney to Newcastle? I am not prepared to say as I do not know. I have heard so, but I have not inquired.
482. *By Mr. Arnold*: Goods from England would come as cheaply to Sydney as to the Heads, would they not? I should think so.
483. *By Mr. Buchanan*: You know all the persons whose names are mentioned in the Bill? I do.
484. Do you think they represent a capital of half a million of money? Well, I would double that.
485. They represent a capital of a million? Yes, I think I may say that with the utmost confidence.
486. Since the proposition was started they have not had time to draw up deeds or anything of that description? Not yet.
487. But I believe the shareholders have signed a paper, binding themselves to pay up the amount of their shares when called upon? I have put in a share list in evidence, and here I have their legally drawn undertakings to pay up when called upon.
488. Valuable beds of coal, I believe, have recently been discovered at Black Creek, which are very extensive? Yes.
489. That coal, you say, comes in large quantities by dray? From Four Mile Creek?
490. Not from Black Creek? No.
491. In the event of this railway being constructed you expect a large coal trade, by exporting this valuable coal at Black Creek? A very large trade indeed.
492. Have you not frequently seen advertisements, at stores in Morpeth, for teams, which are wanted to go up the country from the stores? Yes.
493. And you have seen them leave daily? Yes, laden with goods for the country.
494. Are you aware that the prices of produce at Singleton are nearly double those at Morpeth? I know they are considerably higher.
495. The settlers at Morpeth could not transfer their goods to Singleton by means of the present conveyance? Not so well or so extensively as if we had a railway.
496. Do you presume that there will be a very large increase in the amount of goods sent up to Singleton when the railway is completed? Yes, a very large increase indeed.
497. Have you seen large quantities of hay and other produce at Maitland sent to Morpeth to be shipped from there? Yes, very large quantities.
498. The railway would also give an impetus to this trade? Yes.
499. Have you seen a dozen sailing craft loading at Morpeth at one time? I have seen them going up the river two or three at a time.
500. You are aware that there are six large steamers plying between Sydney and Morpeth? I am.
501. Do they not take a full cargo and a large deck on nearly every trip? Yes.
502. Do you know a large sailing vessel, called the "Dart," belonging to Mr. King, of 200 tons, I believe? I have heard of her.
503. You know that vessels even now load with coals at Morpeth, rather than at Newcastle? Yes.
504. It attracts trade even now, notwithstanding the deficiency in the means of carriage and communication? The cost of the carriage of coal is 45 per cent. upon its value. The price in Maitland is 12s. a ton, and the carriage is about 6s. a ton.
505. A large quantity of live stock is exported from Morpeth to Sydney—sheep, horses, pigs, poultry, &c.,—which would create a considerable traffic on the railway? Yes; that is very important.
506. Do you know the amount of rental paid by the lessee of the toll-bar between Maitland and Morpeth? I have heard the figure, but I cannot recollect it at the present moment. I believe it is a very large rental.
507. This proves that there is a large traffic of passengers between the two places? Yes, a very large traffic.

508. You would anticipate on the construction of this line a larger amount of profit from the passenger traffic? The increase would be very large indeed. It is extensive now.
509. The landed proprietors of the district are so favourable to the construction of this line of railway as to be promoters of the design? Nearly all, with one trifling exception where money is the principal object. P. MacAuliffe,
Esq.
26 April, 1861.
510. I believe Mr. Close, who is one of the largest proprietors has given the land required for this railway for nothing? Yes, and has become a shareholder.
511. You have been a resident at Newcastle? Yes.
512. From the close vicinity of that port to Sydney you do not anticipate any great trade between Newcastle and England especially when such an advantageous port as Sydney is so near? I think not. Sydney has many advantages which Newcastle does not possess.
513. At the port of Newcastle there is a bar which makes access dangerous? Yes.
514. It is said that you can only get in in one state of the wind? During the winds prevailing for a considerable period of the year it is difficult to get in.
515. So that you anticipate no great trade between England and Newcastle? I should almost think not, with the advantages that Sydney possesses. I do not think Newcastle could deprive her of any of that preference to which she is physically entitled.
516. You believe there is a full mile or perhaps more of water frontage where wharfs could be constructed at Morpeth, and where vessels could lie at greater convenience than at Newcastle? Yes, I believe that is a fact.
517. Notwithstanding that a large sum of money voted by Parliament has been expended in the improvement of that port, vessels are frequently driven from their moorings and great loss thereby incurred? Yes.
518. And at Morpeth you are free from all this? Yes.
519. Are any of the steamers stopped on the flats now? No. The bar and lower part of the river have been cleared, and I expect the upper part will be shortly, so that such stoppages will be entirely avoided.
520. You are aware that according to the Act of Parliament the Newcastle Railway Company are bound to allow the use of the line and rails to Companies who might construct communicating lines? I believe there is a clause in the Act which provides that such communication shall be allowed, or encouraging communication with other lines.
521. That is the state of matters in England? Yes, they encourage communication in every possible way. I do not say that the allowance of communication with branch lines is compulsory, as I cannot speak of my own knowledge on that point.
522. You consider, that, if this line was constructed, it would be of immense benefit to upwards of thirty thousand people residing in that district? I think it would, without exaggeration. The Hunter, the Williams, and the Paterson, are all connected with the head of the navigation, but are almost shut out from the Northern line for want of communication. I think, that, if facilities were afforded for this communication, it would be of immense benefit.
523. You are aware also that, notwithstanding the expense of this railway from Newcastle to Maitland, it has never interfered with the immense traffic which comes to Morpeth? It never has done so. That is a notorious fact.
524. So that the proposed line of railway would be a great advantage, not only to the settlers in the vicinity of Morpeth, but to those wool growers who ship at Morpeth their produce from the interior? The benefits of such a communication in that way also would be very considerable.
525. Are you aware how many thousand pounds worth, or how many bales of wool, have been shipped from Morpeth this season? I cannot say how much has been shipped during this season.
526. You know, from your own observation, that the quantity is immense? Yes.
527. While the number of bales brought down by means of the slow carriage by drays is very great, on the construction of this railway there would be greater inducements to increase? No doubt of it.
528. *By Mr. Arnold:* They now send down all that they have? Yes.
529. *By Mr. Buchanan:* You consider that such a facility as this railway would afford for communication would be a vast public benefit, not only to the people of Morpeth, but to Sydney, as well as to up-country dealers, squatters, and all those who now get goods up by drays? I think it would be felt in both places.
530. *By Mr. Hoskins:* Have any other persons than those whose names are upon this paper (share list) applied for shares? I am not aware of any parties who have applied, whose names are not on that paper. The engagements indicated on that list are supported by the documents I hold in my hand.

P. MacAuliffe,
Esq.

APPENDIX A.

MAITLAND AND MORPETH RAILWAY COMPANY'S SHARE LIST.

26 April, 1861.

No.	NAME.	ADDRESS.	No. OF SHARES.	AMOUNT.		
				£	s.	d.
1.	William Chapman	Morpeth	10	50	0	0
2.	John Keating	Ditto	40	200	0	0
3.	Patrick Hutchinson	West Maitland	50	250	0	0
4.	Louis Barber	Morpeth	10	50	0	0
5.	W. M. Stevens	Ditto	5	25	0	0
6.	Wm. F. Shepherd	Raymond Terrace	2	10	0	0
7.	E. C. Close	Morpeth	100	500	0	0
8.	James Campbell	Sydney	100	500	0	0
9.	James Taylor	Morpeth	100	500	0	0
10.	Gavin Carmichael	Seaham	20	100	0	0
11.	Benjamin Lee	Parramatta	20	100	0	0
12.	John Yeomans	Sydney	10	50	0	0
13.	Henry D. Portus	Morpeth	20	100	0	0
14.	Walter Gally	Hinton	40	200	0	0
15.	J. B. R. Robertson	Moor Park, Morpeth	40	200	0	0
16.	Walter Scott, per do.	Morpeth	100	500	0	0
17.	Charles E. Jaques	Ditto	50	250	0	0
18.	Benjamin Lee, junr.	West Maitland	50	250	0	0
19.	W. Lipscomb	Ditto	40	200	0	0
20.	Thomas Wright	Morpeth	4	20	0	0
21.	John Lynch	Ditto	4	20	0	0
22.	Patrick Hickey	Hinton	10	50	0	0
23.	Alexr. Brown Portus	Morpeth	50	250	0	0
24.	Enoch Coberoff	East Maitland	100	500	0	0
25.	G. Denshire	Muswellbrook	5	25	0	0
26.	James Riley	Morpeth	20	100	0	0
27.	Edward Flood	Sydney	500	2,500	0	0
28.	Samuel S. Dickson	Morpeth	100	500	0	0
29.	William Dangar	Sydney	100	500	0	0
30.	William Wade	West Maitland	50	250	0	0
31.	John Whytlaw	Morpeth	20	100	0	0
32.	W. M. Ling	Ditto	20	100	0	0
33.	William Getty	Ditto	20	100	0	0
34.	Charles Bolton	Newcastle	10	50	0	0
35.	William McCurtayne	Menangle, Campbelltown	100	500	0	0
36.	Emma E. Shaw	Raymond Terrace	2	10	0	0
37.	William Edward Shaw	Ditto	5	25	0	0
38.	Richard Ingall	Morpeth	20	100	0	0
39.	R. C. Close	Sydney	25	125	0	0
40.	James Dickson, M.L.A.	Holmwood	100	500	0	0
41.	Duncan Simm	Morpeth	20	100	0	0
42.	Elizabeth J. Robinson	Ditto	20	100	0	0
43.	James Carlton	Pine Brush, Clarence Town	5	25	0	0
44.	Thomas Alexander Hinch	D. Moffit & Co., Morpeth	5	25	0	0
45.	David Moffitt	Morpeth	20	100	0	0
46.	J. Wingrove	Ditto	50	250	0	0
47.	F. J. Thomas	109, Goulburn-street, East Sydney	20	100	0	0
48.	R. W. Vivers	Newcastle	50	250	0	0
49.	Rev. Robert Blain	Elizabeth-street, South Sydney	10	50	0	0
50.	William Chambers	Morpeth	20	100	0	0
51.	Julia Murphy	Ditto	15	75	0	0
52.	William Price	Buttie Creek	20	100	0	0
53.	O. E. Middleton	Morpeth	5	25	0	0
54.	Thomas Cadall	West Maitland	50	250	0	0
55.	W. H. Mullin	Ditto	50	250	0	0
56.	M. A. Mullin	Ditto	19	95	0	0
57.	Caroline Reeves	Ditto	20	100	0	0
58.	Richard Cracknell	Ditto	20	100	0	0
59.	Richard Griffith	Ditto	2	10	0	0
60.	R. W. Viviers, 2nd	Newcastle	50	250	0	0
61.	Patrick O'Keefe	Morpeth	20	100	0	0
62.	James Reading	Ditto	20	100	0	0
63.	F. J. Thomas, 2nd	109, Goulburn-street, East Sydney	20	100	0	0
64.	John Scott	West Maitland	10	50	0	0
65.	Jane Elizabeth Eckford	East Maitland	5	25	0	0
66.	Mary Ann Lee	West Maitland	5	25	0	0
67.	John Eckford	East Maitland	35	175	0	0
68.	John Wm. Eckford, junr.	Ditto	20	100	0	0
69.	Joseph Henry Eckford	Ditto	5	25	0	0
70.	Robert McDonald	West Maitland	20	100	0	0
71.	M. S. Christian	Ditto	20	100	0	0
72.	Patrick Logan	Morpeth	20	100	0	0
73.	R. Kummerer	Sydney	40	200	0	0
74.	John Eales	Duckenfield Park, Morpeth	200	1,000	0	0
75.	F. T. Rusden, M.P.	Union Club, Sydney	20	100	0	0
76.	Isaac Gorrick	West Maitland	50	250	0	0
77.	J. Frederick Castle	Calder House, Newtown	50	250	0	0
78.	John Brewster	Squatters' Exchange, Sydney	50	250	0	0
79.	George Norrie	West Maitland	20	100	0	0
80.	Jonathan Young	Lochgyle, Hinton	50	250	0	0
81.	P. J. Cohen	William-street, Woolloomooloo	20	100	0	0
82.	Elizabeth Willett	Clear Creek, Peel, near Bathurst	1	5	0	0
83.	Henry Mills	A. S. N. Co., Sydney	50	250	0	0
84.	Alexander Brown	Newcastle	100	500	0	0
85.	E. C. Close, junr.	Morpeth	100	500	0	0
			3,465	£17,325	0	0

Mr.

Mr. Benjamin Lee, the younger, called in and examined:—

531. *By the Chairman*: You are one of the petitioners to the Legislative Assembly for this Act of incorporation? I am. Mr. B. Lec.
532. You attended here, I believe, with a view to give evidence before this Committee upon the Morpeth and Maitland Railway Company's Bill? That was my object in being here. 26 April, 1861.
533. You were in the room when Mr. Whitton, the Engineer-in-Chief of Railways, was examined? I was.
534. You heard that gentleman's evidence as to the advisableness of carrying the proposed extension of this line alongside the water to the Hunter River and A. S. N. Companies' wharves, instead of carrying the line as projected by your engineer? Yes.
535. You have expressed a desire to give evidence with reference to that matter? Yes.
536. The Committee is prepared to hear what you desire to say? The line proposed by Mr. Whitton would, on the score of cost, be altogether out of consideration. It would be nearly a series of piling from the proposed terminus to the point at the Queen's Wharf, and, as a matter of course, very expensive. There would be nearly three-quarters of a mile of piles. I believe that even the line would not be so advantageous to the persons through whose property it runs as the one proposed by Mr. Whalley.
537. *By Mr. Morris*: Would the owners of land through which the line proposed by Mr. Whitton would pass object to the line so passing? I am not aware that any objection has been offered by those parties. I believe they offered to give land for the construction of the railway, whatever the direction it might take through their lands.
538. Are you not aware that the A. S. N. Company objected to it? I have not heard anything to that effect.
539. Would the expensiveness of that line be so great if you run it merely upon the ground level and not upon piles? That would constitute the expense.
540. What would be the objection to the ground level? It would be necessary that a certain portion of the line should be upon piles by the route Mr. Whitton recommends, on account of the bend of the river.
541. *By Mr. Buchanan*: Would £50,000 cover the expense of Mr. Whitton's proposal? I have not calculated the amount, but I know it would be enormous.
542. *By Mr. Morris*: Would you have to purchase a larger quantity of land for the line proposed by Mr. Whitton than for that projected by your own engineer? We should.
543. *By Mr. Buchanan*: Would not Mr. Whitton's line take away all the water frontage from the proprietors of land lying along the margin of the river? Yes, and be thus cutting off the facilities for making wharves.
544. *By Mr. Rusden*: Would not the level of Mr. Whitton's line require some gradient different from that of the line proposed by your engineer? No doubt of it.
545. It would be upon a considerably lower level than that proposed by Mr. Whalley? Yes.
546. *By Mr. Buchanan*: Then this proposal by Mr. Whitton would deprive the owners of land on the edge of the river of the power to construct wharves on the waterside? The line would trench upon the river so closely as to necessitate piling; in fact, many of the piles would be in the river.
547. You are aware, Mr. Lee, that a construction of a similar description is going on at Newcastle? I am.
548. A similar construction would be required at Morpeth, if Mr. Whitton's plan was to be enforced? Of course a similar work perhaps not to the same extent. Where it was requisite to carry the piles, they would to a great extent be in the river, and thus take off the frontage there.
549. Are you aware that the Newcastle people have stopped the work on account of the dreadful expense? I am not.
550. You estimate the cost of the line proposed by your own engineer at £25,000, I think, to carry it through the town of Morpeth? Yes. We consider that that sum will be amply sufficient.
551. According to your own judgment, if Mr. Whitton's proposal were admitted, would £60,000 be sufficient? I think I may safely say it would take £40,000, at the very least.
552. The proposal of your engineer would not interfere with the main road through Morpeth? No, it does not trench upon that road in any way.
553. Of course this proposal of your engineer will take the line upon solid and mostly firm ground, which will make the construction not only cheaper but safer than if it were carried out upon piles? It would be upon stone chiefly. It would be much cheaper. The action of the insect called the cobra, upon piles, is very destructive to the wood; sometimes, even where they are covered with zinc or other metal, the Company have been obliged to take up and replace some of the piles of the wharf, on that account.
554. Are you of opinion, that if Mr. Whitton's plan was adopted, there would not only be a most extravagant outlay in the first instance, but a constant requirement for expenditure afterwards? No doubt, because if the cobra enters the wood it will occasion the destruction of the pile, which will have to be replaced at a fresh expense.
555. On the Newcastle line, I believe, a large portion of the piles have been wholly destroyed by cobra, and that the line has had to be filled up at those places with ballast? So I believe.

Arthur John Whalley, Esq., called in and examined:—

556. *By the Chairman*: You have a tracing of the proposed railway, I believe? Yes, sir. A. J. Whalley,
Esq.
557. It is a tracing you have made from the Government plans, and also shews the extension into the town of Morpeth, as proposed by the Company? Yes; into the town of Morpeth, from the Queen's Wharf. 26 April, 1861.
558. Can you hand that plan into the Committee? Yes; I do so. (*Plan marked A handed in.*)

U.S. 4, 1911

1911

1861.

Legislative Assembly.

NEW SOUTH WALES.

GAOL AND COURT HOUSE RESERVE, MAITLAND.

(RAILWAY OBSTRUCTION TO.)

Ordered by the Legislative Assembly to be Printed, 14 March, 1861.

To the Honorable the Legislative Assembly of the Colony of New South Wales.

The Petition of the Inhabitants of the Township of Maitland and its vicinity,—

HUMBLY SHEWETH:—

That your Petitioners are owners or occupiers of land at Maitland, or in its immediate vicinity, such land in Maitland having been purchased by grantees of the Crown under a certain recognized official plan, a copy whereof is hereunto annexed.

That at the time the line of Railway was first surveyed, and before any line was determined on, your Petitioners memorialized the authorities for the time being, praying that the line might be so conducted through their town as to leave the inhabitants access to their reserve for Gaol and Court House; and in reply to such Memorial the authorities assured Petitioners that the subject of their Memorial should receive due attention.

That, relying on such assurances, your Petitioners took no steps pending the construction of the Railway further to insist on their claims, but were grieved to find such claims and assurances were entirely ignored; for notwithstanding the completion of a new Court House on the spot marked A on the plan, the public are deprived all access to it by William-street and Bank-street, and have to make a circuit of half a mile before they can reach the Court House, which was designed to be a convenience and ornament to the principal street of the town.

That your Memorialists have made sundry efforts to relieve themselves from this inconvenience as regards the filling up of the street at Bank-street. They succeeded in getting a sum voted by your Honorable House for the removal of the embankment across that street, and for erecting the Railway on piers; but notwithstanding the vote was passed, the money has not been provided, nor the work done; and as regards access to William-street, your Petitioners to the number of upwards of 300, petitioned H. B. Martindale, Esquire, the then Chief Commissioner of the Railway Department, to have a level crossing made to the Court House; but no notice was taken thereof, and hence the people are compelled to climb over the railway fences in order to reach the Court House. It is said that the Bench of Magistrates have also applied for means of access for the public, and that their application has met with no consideration; and it is known that many inhabitants have personally represented this public grievance to persons in authority, but without avail.

That your Petitioners submit that the streets of a recognized Government Township ought not to be blocked up, and the property of the townsmen injured without sufficient cause, and they submit there was not nor is sufficient cause for maintaining the present obstruction.

2 GAOL AND COURT HOUSE RESERVE, MAITLAND.—PETITION.

obstruction. At the time the embankment at Bank-street was constructed, the attention of the authorities was drawn to the serious inconvenience which would arise from blocking up the road, and throwing back the drainage along the street, and which has since caused the partial submersion of premises in blocks 35 and 15, and the obstruction to the drainage of the principal part of the town; but notwithstanding this the work was insisted on, though by voting money for the alteration, admission is made of its impropriety. In the same manner, at William-street, the Station House has been built on the very street the people prayed might be kept clear, and which prayer the Government assured them should be attended to.

That your Petitioners have therefore no resource but to come with their grievances before your Honorable House, and to pray your Honorable House may be pleased to grant such relief to your Petitioners as to your Honorable House may seem meet.

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

[Here follow 106 Signatures.]

Sydney: Thomas Richards, Government Printer.—1861.

[Price, 1d.]

1861.

Legislative Assembly.

NEW SOUTH WALES.

PYRMONT RAILWAY TERMINUS.

(DIRECTORS OF PYRMONT BRIDGE COMPANY.)

Ordered by the Legislative Assembly to be Printed, 6 May, 1861.

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

The humble Petition of the Directors of the Pyrmont Bridge Company,—

SHEWETH:—

That the Pyrmont Bridge Company was formed with the sanction of the Legislature, in order to connect with the centre of Sydney, by an improved and shortened route, the localities on the western side of Darling Harbour.

That an important element in the calculations of the promoters of the undertaking was the traffic to and from the Pyrmont Railway Terminus.

That the works of the Company have been completed in a very efficient manner, and at a large cost, but that up to the present time the undertaking has been quite unremunerative, in consequence, in a great measure, of the non-completion of the aforesaid Terminus, to which the Colony had been committed by a heavy expenditure.

That your Petitioners have had much correspondence with the Government on the subject of that Terminus, being most anxious to see it completed.

That though they felt the hardship, particularly in the circumstances of the Company, of incurring expenditure towards carrying out a Government work, they even proposed, in order to have the Terminus completed in the manner best calculated to promote the convenience of the public, that the Company should perform a material portion of the work.

That, after discovering the Company could not legally do this, they on its behalf offered to contribute a considerable sum by money towards the completion of the work, but without effect.

That your Petitioners conceive, that for the considerations submitted, they have special reasons for respectfully urging on your Honorable House that on the grounds of consistency and good faith, as well as of public utility, it is most fitting that the Pyrmont Railway Terminus and relative works should, with as little delay as possible, be completed and made available for the public.

And they therefore pray that your Honorable House will take such measures as may seem best adapted to effect that object.

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

[Here follow 5 Signatures.]

1861.

Legislative Assembly.

NEW SOUTH WALES.

RAILWAY TERMINUS AT PYRMONT

(INHABITANTS OF SYDNEY AND NEIGHBOURHOOD.)

Ordered by the Legislative Assembly to be Printed, 10 May, 1861.

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

The humble Petition of the undersigned Inhabitants of Sydney and its neighbourhood,—

SHEWETH:—

That the Pyrmont Railway Terminus was an important feature in the original design of the Great Southern and Western Railways, that is, of the Railways connecting the Metropolis with the Interior of the Colony.

That, therefore, your Petitioners feel peculiarly aggrieved at having for many years been deprived of the convenience which its completion would secure to them, and to the public generally.

That the construction of this Terminus with its associated Wharf, by enabling railway trucks and other carriages to come alongside the harbour, will greatly promote the easy and economical transit of the imports and exports of the Colony.

That the large sum of money already laid out on the Darling Harbour Line is at present so much of the public funds uselessly expended, or wasted, and must remain so until the aforesaid Terminus is completed and in operation.

That this line was laid down and constructed as it at present exists, long before the constitution of the Pyrmont Bridge Company, and your Petitioners respectfully submit ought, in justice to all concerned, to be completed without reference to any arrangement with that Company, such as has been alluded to in Parliament.

That the completion of the Pyrmont Terminus will bring a large population within an easy walking distance of the Railway, thereby materially relieving the pressure of the traffic along the existing lines of access thereto.

That while that Terminus will afford very important accommodation to the goods and passenger traffic of the Southern and Western Railways at the present time, the growth of the city will cause the said Terminus to occupy a more and more central position as time passes on.

With reference, therefore, to the past, the present, and the future, your Petitioners pray that your Honorable House will, without delay, take such steps as may appear best calculated to lead to the speedy completion of the aforesaid most important public work.

And your Petitioners will ever pray, &c.

[Here follow 626 Signatures.]

1861.

Legislative Assembly.

NEW SOUTH WALES.

PITT-STREET TRAMWAY BILL.

(PROPRIETORS, HOUSEHOLDERS, &c., OF PITT-STREET AND VICINITY.)

Ordered by the Legislative Assembly to be Printed, 21 February, 1861.

The Honorable the Legislative Assembly.

The humble Petition of the Proprietors of Property, Householders, and others,
residing in Pitt-street, and adjoining streets, Sydney,—

RESPECTFULLY SHEWETH :—

That they have long felt the great inconvenience of the Railway Terminus being so far distant from the business part of the town, and also experienced great loss from the high rates of cartage and damage to goods from frequent removal.

We, the undersigned Petitioners, seeing that a Bill to authorize the making a Tram-road down Pitt-street from the present Railway Terminus to the Circular Quay, has been laid before your Honorable House, to remedy this present great inconvenience and loss, respectfully request that you will be pleased to pass the same into a law.

And your Petitioners will ever pray.

[Here follow 324 Signatures.]

1861.

NEW SOUTH WALES.

ROAD TRUST ACCOUNTS.

Presented to both Houses of Parliament, by Command.

SCHEDULE.

NO.		PAGE.
1.	South Head, from 1st January to 30th June, 1859	2
2.	Do. from 1st July to 31st December, 1859	2
3.	Randwick and Coogee, from 1st July to 31st December, 1859	3
4.	Do. from 1st January to 30th June, 1860	3
5.	Parramatta, from 1st July to 31st December, 1859	4
6.	Do. from 1st January to 30th June, 1860	4
7.	Richmond, from 1st July to 31st December, 1859	5
8.	Do. from 1st January to 30th June, 1860	5
9.	Windsor, from 1st July to 31st December, 1859	6
10.	Do. from 1st January to 30th June, 1860	7
11.	Campbelltown, from 1st January to 30th June, 1859	8
12.	Do. from 1st July to 31st December, 1859	8
13.	Do. from 1st January to 30th June, 1860	8

ROAD TRUST ACCOUNTS.

No. 1.

SOUTH HEAD ROADS TRUST.

THE Commissioners of the South Head Roads Trust Account of RECEIPTS and DISBURSEMENTS for the Half-year ending on the 30th June, 1859.

DATE.	RECEIPTS.	AMOUNT.	DATE.	DISBURSEMENTS.	AMOUNT.
1859.		£ s. d.	1859.		£ s. d.
May 11	To Grant from Government in aid of funds	150 0 0	Jan. 1	By Balance from 31 December, 1858	259 1 4
June 30	„ 6 months' Tolls at £168 15s. 0d.	1,012 10 0	June 30	„ Secretary's salary, 5 months	20 16 8
			„ 30	„ Surveyor's salary, 6 months at £8 6s. 8d.	50 0 0
			„ 30	„ Postage and stationery 15s., advertising £4 5s. 6d.	5 0 6
			„ 30	„ 2 Gravel screens	5 5 0
			„ 30	„ Repairs to Glenmore Road, under contract	298 3 0
			„ 30	„ Do. Ocean-street or Old Point Piper Road, do. on account ..	196 0 0
			„ 30	„ Watson's Bay Road	20 0 0
			„ 30	„ Widening approach to Old Point Piper Road	30 0 0
			„ 30	„ Wages for general work on roads and for raising gravel, during half-year	625 19 3
„ 30	„ Balance	355 19 2	„ 30	„ Interest on overdraft at Bank	8 3 5
		£ 1,518 9 2		(All as per Vouchers filed at the Office of the Commissioners.)	
					£ 1,518 9 2

Balance against the Commissioners on 30th June, 1859, £355 19s. 2d.

For the Commissioners,

DANIEL COOPER, Treasurer.
GERARD PHILLIPS, Secretary.

No. 2.

SOUTH HEAD ROADS TRUST.

THE Commissioners of the South Head Roads Trust Account of RECEIPTS and DISBURSEMENTS for the Half-year ending on the 31st December, 1859.

DATE.	RECEIPTS.	AMOUNT.	DATE.	DISBURSEMENTS.	AMOUNT.
1859.		£ s. d.	1859.		
Dec. 31.	To 6 months' rent of Tolls at £168 15s. 0d.	1,012 10 0	July 1	By Balance from 30th June	355 19 2
			Dec. 31	„ Secretary's salary, 6 months	25 0 0
			„ 31	„ Surveyor's salary, 6 months @ £8 6s. 8d.	50 0 0
			„ 31	„ Postage and stationery	0 10 0
			„ 31	„ Fencing £3, tools 14s. 6d.	3 14 6
			„ 31	„ Earthenware drain pipes	10 12 6
			„ 31	„ Pyrmont road metal	638 0 9
			„ 31	„ Watering-cart	29 0 0
			„ 31	„ Balance ac., Ocean-street	4 0 0
			„ 31	„ Wages for general work on roads and for gravel, during half-year	594 5 7
				(All as per Vouchers filed at the Office of the Commissioners.)	
„ Balance		698 12 0			
		£ 1,711 2 6			£ 1,711 2 6

Balance against the Commissioners on 31st December, 1859, £698 12s. 6d.

DANIEL COOPER, Treasurer.
GERARD PHILLIPS, Secretary.

SOUTH

ROAD TRUST ACCOUNTS.

SOUTH HEAD ROADS TRUST ACCOUNTS FOR 1859.

Audit Office, 2 October, 1860.

There is an error of £50 in the addition of each of the half-yearly statements, by which it would appear that the Balance against the Commissioners on the 31st December is £598 12s. 6d. instead of £698 12s. 6d.

The Secretary to the Commissioners of the South Head Roads Trust.

W. C. MAYNE,
Auditor General.

Mr. Langley's salary—£50 each half-year—omitted to be charged in schedule.

GERARD PHILLIPS,
Secretary to Commissioners.
3 October, 1860.

Waterloo Warehouse, Sydney, 3 October, 1860.

Sir,—Herewith I have the honor to return to you, the Commissioners of the South Head Roads Trust Accounts for the year 1859.

The error pointed out by your Memo. of yesterday's date, arose through the omitting to enter in each return the salary of Mr. Langley, the Commissioners' Surveyor, viz.:—£50 for each half-year.

The returns are always made up from the Commissioners' Cash Book, and as this had been carefully gone over and balanced, and found to agree with the Vouchers, I carelessly omitted to add up the Abstract before sending it in or I should have found the mistake out.

The accounts as now returned, with the words *Surveyor's salary, 6 months at £3 6s. 8d., £50*, added to each return, are correct.

Regretting that this mistake should have been made,—

I have &c.,
GERARD PHILLIPS,
Secretary to Commissioners South Head Roads Trust.

W. C. Mayne, Esquire, Auditor General.

No. 3.

RANDWICK AND COOGEE ROAD TRUST.

The Commissioners of the Randwick and Coogee Road Trust in Account Current for the Half-year ending 31st December, 1859.

Dr.			Cr.		
DATE.	PARTICULARS OF SUMS RECEIVED.	AMOUNT.	DATE.	PARTICULARS OF SUMS EXPENDED.	AMOUNT.
1859.		£ s. d.			£ s. d.
	To Toll receipts	207 13 4	Sept. 24	By Wages, as per Voucher No. 1	22 0 2
Dec. 31	„ Balance due Joint Stock Bank (Overdrawn account)	15 18 0	Oct. 8	„ „ „ 2	13 18 4
			„ 22	„ „ „ 3	20 19 9
			Nov. 7	„ „ „ 4	27 11 0
			Dec. 31	„ „ „ 5	8 2 0
				Paid Joint Stock Bank amount due 30th June	64 6 5
				Miscellaneous Voucher	59 3 8
				Secretary as per Voucher	7 10 0
		£ 223 11 4			£ 223 11 4

We certify to the correctness of the above Account,
SAML. HEBBLEWHITE,
J. B. HOLDSWORTH,
S. H. PEARCE, } Commissioners.

No. 4.

RANDWICK AND COOGEE ROAD TRUST.

The Commissioners of the Randwick and Coogee Road Trust in Account Current for the Half-year ending 30th June, 1860.

Dr.			Cr.		
DATE.	PARTICULARS OF SUMS RECEIVED.	AMOUNT.	DATE.	PARTICULARS OF SUMS EXPENDED.	AMOUNT.
1860.		£ s. d.			£ s. d.
From	To Amount of Toll receipts	338 7 6		By Wages, as per Voucher No. 1	11 4 0
Jan. 1	„ Cash (Mortgage of Tolls)	400 0 0		„ „ „ 2	15 5 10
to	„ Balance due Joint Stock Bank (Overdrawn account)	8 19 7		„ „ „ 3	32 15 0
June 30				„ „ „ 4	10 15 7
				„ „ „ 5	30 10 4
				„ „ „ 6	15 12 6
				„ „ „ 7	29 8 11
				„ „ „ 8	17 9 11
				„ „ „ 9	50 8 2
				„ „ „ 10	50 2 11
				„ „ „ 11	34 11 9
				„ „ „ 12	26 5 0
				„ „ „ 13	50 19 10
				„ „ „ 14	44 7 9
				„ „ „ 15	31 2 1
				Paid Joint Stock Bank amount due December 31st, 1860	15 18 0
				„ Contractors	195 0 6
				„ Miscellaneous Voucher	77 10 0
				„ Secretary as per Voucher	7 10 0
		£ 747 7 1			£ 747 7 1

We certify to the correctness of the above Account,
SAML. HEBBLEWHITE,
J. B. HOLDSWORTH,
S. H. PEARCE, } Commissioners.

Sydney, 31st July, 1860.

No. 5.

PARRAMATTA ROAD TRUST.

ABSTRACT of the RECEIPTS and EXPENDITURE of the Commissioners of the Parramatta Road Trust for the Half-year ending 31st December, 1859.

RECEIVED.	AMOUNT.	EXPENDED.	AMOUNT.
	£ s. d.		£ s. d.
Six months' Rental of Toll-gate at Broken Back Bridge	217 10 0	Salaries:— Clerk and Treasurer	18 15 0
		Overseer	36 0 0
			54 15 0
		Miscellaneous:— Wages for labor	88 5 0
		Road metal and carriage of same	141 15 0
		Repairs to roads, dams, and bridges	4 0 0
		Repairs to tools, &c.	3 6 0
		Advertising and printing	2 13 3
		Law expenses	2 2 0
			242 1 9
Balance, 30th June, 1859.....	£ 199 6 0	Total Expenditure	£ 296 16 9
	£ 416 16 0	Balance, 31st December, 1859 ..	£ 119 19 3
			£ 416 16 0

We hereby certify the above Account to be correct,

JAMES BYRNES,
NATHL. PAYTEN, } Commissioners.
JAMES PYE,

E. S. ROWLING,
Treasurer.

Road Trust Office,
Parramatta, 23rd January, 1860.

No. 6.

PARRAMATTA ROAD TRUST.

ABSTRACT of Moneys received, paid, and expended by the Commissioners of the Parramatta Road Trust for the Half-year ending 30th June, 1860.

RECEIVED.	AMOUNT.	EXPENDED.	AMOUNT.
	£ s. d.		£ s. d.
Six months' Rent of Toll-gate at Broken Back Bridge	257 10 0	Salaries:— Clerk and Treasurer	18 15 0
		Overseer	58 0 0
			76 15 0
		Miscellaneous:— Wages for labor	150 11 0
		Purchase of tools, stores, &c.	0 9 6
		Repairs of tools	1 1 9
		Commission to Auctioneer	1 1 0
			153 3 3
Total Receipts	£ 257 10 0	Total Expenditure.....	£ 229 18 3
Balance, 31st December, 1859....	£ 119 19 3	Balance, 30th June, 1860.....	£ 147 11 0
	£ 377 9 3		£ 377 9 3

We certify the above to be correct,

JAMES BYRNES,
NATHL. PAYTEN, } Commissioners.
JAMES PYE,

No. 7.

No. 9.

WINDSOR ROAD TRUST.

RECEIPTS and DISBURSEMENTS of the Commissioners of the Windsor Road Trust for the Half-year ending
31st December, 1859.

Dr.			Cr.		
DATE.	RECEIPTS.	AMOUNT.	DATE.	DISBURSEMENTS.	AMOUNT.
		£ s. d.			£ s. d.
1859.			1859.		
July 1	To Balance on hand, 30th June	310 2 9	July 23	By Wages, George-street, Windsor	1 1 5 0
" 8	" Rent of Fitzroy Bridge Tolls for June	22 18 4	" 27	" Ditto, ditto ..	2 3 18 3
" 25	" Ditto, Windsor Ferry for April, May, and June	16 6 3	" 27	" Faux and Beard, spikes	3 0 4 1
Aug. 8	" Ditto, Fitzroy Bridge Tolls for July	22 18 4	" 27	" E. Rye, repairs, Fitzroy Bridge	4 0 6 0
Sept. 8	" Ditto, ditto, August	22 18 4	" 27	" J. Byrnes, sharpening tools ..	5 0 6 6
Oct. 1	" Ditto, Windsor Ferry, July and August	10 17 6	" 27	" J. Clark, repairs, Fitzroy Bridge	6 0 7 8
" 7	" Ditto, Fitzroy Bridge Tolls for Sep- tember	22 18 4	Aug. 8	" Carroll and Stubbs, repairs, Windsor Road	7 60 9 6
Nov. 4	" Ditto, Windsor Ferry, for Septem- ber and October	10 17 6	" 8	" John Mills, ditto, ditto, and Richmond Road	8 15 17 0
" 7	" Ditto, Fitzroy Bridge Tolls for October	22 18 4	" 8	" John Holden, ditto, George- street	9 3 12 0
Dec. 8	" Ditto, ditto, November	22 18 4	" 18	" William Feraday, services at ferry	10 2 10 0
" 22	" Ditto, Windsor Ferry for November	22 6 8	" 18	" James Dear, for plan of punt	11 4 4 0
			Sept. 5	" G. Seymour, Auctioneer's com- mission on sale of ferry ..	12 4 6 0
			" 5	" E. Mason, printing	13 1 0 0
			" 5	" Carroll and Stubbs, repairs, Punt Hill	14 34 4 0
			" 5	" John Carney, ditto, Windsor Road	15 41 16 0
			" 8	" Richard Edwards, advertising ferry	16 2 5 0
			Oct. 13	" W. Walker, quarter's salary, due 20th September	17 6 5 0
			" 13	" Ditto, postage and stationery	18 0 5 0
			" 13	" J. Wilson, blacksmith's work	19 0 5 0
			" 14	" J. Carney, repairs, Bridge- street	20 43 15 0
			" 31	" Carroll and Stubbs, repairs, Windsor Road	21 35 0 0
			" 31	" Ditto, repairs, Windsor Road and Bridge-street	22 42 10 0
			Nov. 3	" T. Eather, on account of cop- pering new punt	23 20 0 0
			" 23	" John Bayley, wages, repairs Ferry Hill	24 0 15 0
			" 23	" Thomas Eather, balance, cop- pering and repairs to new punt	25 27 17 0
			" 23	" John Carney, repairs, Windsor Road	26 38 8 0
			" 23	" Ditto, ditto	27 38 0 0
			" 23	" Hanson and Bennett, adver- tising	28 2 9 3
			Dec. 3	" Wages, Windsor Road	29 1 10 0
			" 10	" Ditto, ditto	30 1 10 0
			" 17	" Ditto, ditto	31 1 5 0
			" 22	" James Clark, repairs, Fitzroy Bridge	32 0 6 0
			" 22	" George Seymour, auctioneer, commission, &c.	33 5 5 0
			" 24	" Wages, Windsor Road	34 1 10 0
			" 31	" W. Walker, quarter's salary ..	35 6 5 0
			" 31	" Ditto, postage and stationery	36 0 5 0
			" 31	Balance on hand	68 4 5
		£ 508 0 8			£ 508 0 8

27th January, 1860.

J. DOWE,
WM. J. CREW,
JOHN WOOD, } Commissioners.

ROAD TRUST ACCOUNTS.

7

No. 10.

WINDSOR ROAD TRUST.

THE RECEIPTS and DISBURSEMENTS of the Commissioners of the Windsor Road Trust, for the Half-year ending 30th June, 1860.

Dr.			Cr.		
DATE.	RECEIPTS.	AMOUNT.	DATE.	DISBURSEMENTS.	AMOUNT.
1860.			1860.		
Jan. 1	To Balance on hand	£ 63 4 5	Jan. 13	By paid Richard Edwards, advertising	1 1 8 0
" 9	" Rent of Fitzroy Bridge, for December, 1859	22 18 4	" 13	" W. Walker, solicitor, law charges	2 1 3 6
" 21	" Ditto Windsor Ferry, for December, 1859, on account	20 0 0	" 27	" Joseph Shaw, repairs to punt-house	3 6 0 0
" 27	" Ditto, ditto, balance	13 10 0	" 27	" John Scowen, repairs to toll-house, 12s. 9d., and punt-house, 9s. 9d.	4 1 3 6
Feb. 2	" Ditto Fitzroy Bridge, for January ..	42 1 8	" 27	" Edward Gillard, repairs to toll-house	6 8 0 0
" 27	" Ditto Windsor Ferry, for January ..	33 10 0	" 27	" John Watt, ditto	6 2 19 6
Mar. 5	" Ditto Fitzroy Bridge, for February ..	42 1 8	Feb. 4	" Wages, punt approaches	7 18 16 0
" 9 & 15	" Ditto Windsor Ferry, for February ..	32 10 0	" 4	" Ditto, George-street	8 12 5 0
April 6	" Ditto Fitzroy Bridge, for March ..	42 1 8	" 11	" Ditto, ferry approaches	9 10 15 0
" 10	" Ditto Windsor Ferry, for March, on account .. £13 10 0		" 11	" Ditto, George-street	10 11 2 6
	" Ditto, ditto (15 May), balance	20 0 0	" 18	" Ditto, Richmond Road, George-street, Punt Hill	11 10 15 0
		33 10 0	" 18	" Ditto, ferry approaches	12 9 7 3
May 9	" Ditto Fitzroy Bridge, for April	42 1 8	" 18	" Patrick Hagan, repairs Fitzroy Bridge	13 1 12 0
" 25	" Ditto Windsor Ferry, for April, on account .. £23 10 0		" 18	" Peter Carroll, repairs Richmond Road	14 1 6 0
June 6	" Ditto, ditto, balance 10 0 0		" 25	" Wages, Punt Hill and George-street water-courses	15 14 12 0
		33 10 0	" 25	" Ditto, Wilberforce Road	16 13 10 3
" 8	" Ditto Fitzroy Bridge, for May (less £10 allowed for loss by flood) ..	32 1 8	" 25	" Hanson & Bennett, advertising ..	17 1 1 0
" 16	" Ditto Windsor Ferry, for May, on account £20 0 0		Mar. 3	" Wages, ferry approaches	18 12 12 0
" 22	" Ditto, ditto, balance 13 10 0		" 3	" Ditto, Richmond Road and George-street, &c.	19 14 2 0
		33 10 0	" 10	" Ditto, ferry approaches	20 6 3 0
			" 24	" Ditto, ditto	21 15 4 0
			" 31	" John Mills, repairs Richmond Road	22 4 10 0
			" 31	" William Stubbs, repairs Windsor Road	23 0 17 0
			" 31	" Peter Carroll, clearing out gutters, Punt Hill	24 0 12 6
			" 31	" Secretary, quarter's salary	25 6 5 0
			" 31	" Ditto, postages and stationery	26 0 5 0
			" 31	" Wages, ferry approaches	27 11 15 0
			April 7	" Ditto, Wilberforce approaches	28 10 10 0
			" 14	" Ditto, ditto	29 12 12 0
			" 14	" J. Mills, repairs Windsor Road ..	30 5 0 0
			" 24	" G. Conley's Est., repairs to tools	31 1 1 6
			" 24	" Faux and Beard, articles, spikes, supplied	32 0 14 4
			" 24	" J. Carney, repairs Windsor Road	33 0 14 0
			May 6	" J. Crew, wheelbarrow	34 1 5 0
			" 6	" W. Salter, logs, Wilberforce Road	25 1 0 0
			" 5	" Wages, repairs Windsor Ferry approaches	36 5 1 6
			" 12	" Ditto, repairs Windsor Road ..	37 1 17 6
			" 12	" Ditto, repairs ferry approaches, Wilberforce	38 15 7 0
			" 15	" G. A. Davis, ferry charges, punt approaches	39 6 19 4
			" 15	" John Caddan, articles supplied ..	40 2 5 3
			" 15	" W. P. Woolley, repairs to tools ..	41 0 5 0
			" 19	" Wages, ferry approaches	42 18 7 0
			" 19	" Ditto, Windsor Road	43 8 5 0
			" 26	" Ditto, ferry approaches	44 13 2 0
			" 26	" Carroll and Stubbs, Richmond Road repairs	45 26 0 0
			" 30	" Secretary, quarter's salary ..	46 6 5 0
			" 30	" Ditto, postages and stationery ..	47 0 5 0
				" Balance on hand	156 12 8
July 1	" Balance brought down	£ 156 12 8			£ 491 11 1

RICH. RIDGE,
 LABAN WHITE,
 JOHN WOOD,
 WM. J. CREW, } Commissioners.

Windsor, 1st July, 1860.

WINDSOR ROAD TRUST ACCOUNT, JANUARY TO JUNE, 1860.

Audit Office, 4th October, 1860.

An apparent error in the addition of this Account is pointed out, for the purpose of correction.

The Commissioners of the Windsor Road Trust.

W. C. MAYNE,
Auditor General.

Corrected—the error being in the addition—the true balance, as per Cash Book, being £156 12s. 8d.

WM. WALKER,
Secretary, Commissioners Windsor Road Trust.

No. 11.

ROAD TRUST ACCOUNTS.

No. 11.

CAMPBELLTOWN ROAD TRUST.

THE Commissioners of the Campbelltown Road Trust in Account Current for the Half-year ending 30th June, 1859.

Dr.			Cr.		
PARTICULARS OF SUMS RECEIVED.	AMOUNT.	DATE.	PARTICULARS OF SUMS EXPENDED.	AMOUNT.	
1859.	£ s. d.			£ s. d.	
To Balance on the 31st December, 1858	5 17 11	April 30	By Cash for wages, as per Voucher ..	12 15 0	
" Six months' rent of Denham Court Toll-gate, from the 1st January to 30th June, 1859..	30 10 0	May 31 June 30	" Do. do.	1 17 0	
			" Secretary's salary, two quarters do.	10 0 0	
			" Balance, 30th June, 1859.	11 15 11	
	£ 36 7 11			£ 36 7 11	

We certify to the correctness of the above Account,

WILLIAM FOWLER,
GEORGE TABER,
LAURENCE KENDALL,

} Commissioners.

Campbelltown, 15th July, 1859.

No. 12.

CAMPBELLTOWN ROAD TRUST.

THE Commissioners of the Campbelltown Road Trust in Account Current for the Half-year ending 31st December, 1859.

Dr.			Cr.		
PARTICULARS OF SUMS RECEIVED.	AMOUNT.	DATE.	PARTICULARS OF SUMS EXPENDED.	AMOUNT.	
31st July, 1859.	£ s. d.			£ s. d.	
To Balance brought forward	11 15 11	Sept. 30	By one quarter's salary to Secretary..	5 0 0	
" Six months' rent of Denham Court Toll-gate, from 1st January to 31st December, 1859..	30 10 0	Oct. 31 " 1 to 21 Dec. 2 " 9 " 31	" Advertising Toll-gate, in 1857	1 4 0	
			" Robt. Jackson, as per Voucher	4 2 6	
			" Advertising Toll-gate in 1859	1 4 0	
			" Fitzgerald as per Voucher	0 15 6	
			" One quarter's salary to Secretary ..	5 0 0	
			" Stationery, stamps, &c.	0 8 10½	
			" Balance 31st December, 1859	24 11 0½	
	£ 42 5 11			£ 42 5 11	

We certify to the correctness of the above Account,

WILLIAM FOWLER,
HENRY ROSE,
LAURENCE KENDALL,

} Commissioners.

Campbelltown, 7th January, 1860.

No. 13.

CAMPBELLTOWN ROAD TRUST.

THE Commissioners of the Campbelltown Road Trust in Account Current for the Half-year ending 30th June, 1860.

Dr.			Cr.		
PARTICULARS OF SUMS RECEIVED.	AMOUNT.		PARTICULARS OF SUMS EXPENDED.	AMOUNT.	
1860.	£ s. d.			£ s. d.	
To Balance 31st December, 1859	24 11 0½		By Wages, as per Abstract 9th, 1st, 17th January.	4 0 0	
" Six months' rent of Denham Court Toll-gate, from 1st January to 30th June, 1860, at £3 6s. 8d. per month	50 0 0		" Do. do. 17th January	1 10 0	
			" Joseph Hepper do. 21st January	1 4 0	
			" P. Gray do. 31st January	1 3 0	
			" Wages do. 1st to 31st March	18 0 0	
			" John Sharman do. 24th March	5 0 0	
			" Wages do. 1st to 31st May	16 15 0	
			" Joseph Warby do. 15th May	1 10 0	
			" Wages do. 1st to 30th June	12 10 0	
			" William Fowler do. 30th June	0 9 3	
			" Edward Rook do. 9th to 14th May	1 5 0	
			" Six months' Salary to Secretary, 30th June ..	10 0 0	
			" Balance	1 4 9½	
	£ 74 11 0½			£ 74 11 0½	

We certify to the correctness of the above Account,

WILLIAM FOWLER,
LAURENCE KENDALL,
GEORGE TABER,

} Commissioners.

Campbelltown, 16th July, 1860.

1861.

Legislative Assembly.

NEW SOUTH WALES.

SUBORDINATE ROADS OF NEW SOUTH WALES.
(CLASSIFICATION AND PROPOSED DISTRIBUTION FOR 1861.)

Ordered by the Legislative Assembly to be Printed, 1 March, 1861.

CLASSIFICATION AND PROPOSED DISTRIBUTION FOR 1861.

CLASS.	LENGTH IN MILES.		Proposed Expenditure out of £45,000 provided in Estimate of Roads other than Main Roads.
Sydney, or Metropolitan Roads.			
			£
2	5	{ Part of Road from Sydney to South Head (Upper South Head Road) }	63*
2	4	Road from Sydney to Botany Bay (Mudbank Road)	100
4	2	" Mudbank Road to Botany Bay (Gardener's Road)	20
2	3	" Mudbank Road to Bunnerong	75
2	5	" Sydney to Cook's River Dam (Newtown Road)	125
3	6	{ " Newtown Road, via Enmore and Undercliff Bridge, to George's River Road }	90
3	2	" Newtown Road, near Church, to Botany Road	30
3	3	" Newtown Road, via Unwin's Bridge, to Undercliff Road	45
3	6	" Cook's River Dam to Rocky Point	90
3	8	" Rocky Point Road, near Dam, to George's River	120
4	5	{ " Rocky Point Road to George's River Road (Koggerah Road) }	50
2	2	" Main Western Road to Glebe Island	50
2	2	" Main Western Road to Balmain Municipality	50
2	3	" Main Western Road to Canterbury	75
3	10	" Canterbury via Salt Pan Creek to George's River	150
3	7	" St. Leonard's to Pitt Water Road	105
3	16	" Manly Cove to Pitt Water (Northerly)	240
4	2	" Manly Cove to Balgowlah	20
2	15	" St Leonard's to Pennant Hills	375
5	4	{ " St. Leonard's and Pennant Hills Road by Flat Rock Creek to Middle Harbour }	28
3	4	" Onion's Point to road from Parramatta to Bedlam Ferry	60
			£ 1,961

* One half the road being in a Municipality, half-scale only is allowed.

NOTE:—The Classification of Roads is not made alone with reference to their relative importance, but has been influenced by the state of repair required, and the amount of money recently expended upon them.
Where the Road Tolls pay to the Consolidated Revenue, Parliament will be asked to vote the respective amounts for the repair of such roads.

SUBORDINATE ROADS OF NEW SOUTH WALES.

CLASS.	LENGTH IN MILES.	Northern Roads.		Proposed
				Expenditure out of £45,000 provided in Estimates for Roads other than Main Roads.
				£
4	17	Road from	Newcastle Municipality to Maitland	170
5	9	"	Newcastle Municipality to Maitland and Gosford Road	63
5	17	"	Stockton to Raymond Terrace	119
5	5	"	Stockton and Raymond Terrace Road to Saltash ...	85
4	31	"	Raymond Terrace to Stroud	310
5	73	"	Stroud, via Gloucester, to Tinonee	511
...	90	"	Gloucester, via Nowendoc, to Port Macquarie and } Armidale Road ... ..	.....
3	7	"	Tinonee to Cundle	105
5	11	"	Tinonee to Bohnock	77
4	6	"	Tinonee to Wingham, south side of Manning River ...	60
3	6	"	Tinonee and Cundle Road to Wingham	90
5	11	"	Wingham to Wherrol Flat, Dingo Creek	77
5	56	"	Cundle to Port Macquarie	392
5	85	"	Port Macquarie to Kempsey	245
5	3	"	Raymond Terrace and Stroud Road to Raymond } Terrace and Seaham Road	21
5	6	"	Raymond Terrace and Stroud Road to Raymond } Terrace and Clarence Town Road	42
4	8	"	Seaham to Clarence Town	80
2	14	"	Clarence Town to Dungog	350
4	8	"	Dungog to Chichester River	80
5	9	"	Clarence Town to half-way house on Raymond Terrace } and Stroud Road	63
5	6	"	Dungog to Fosterton	42
5	15	"	Dungog to Stroud	105
4	19	"	Raymond Terrace, by east side of Williams River, to } Clarence Town	190
4	8	"	Raymond Terrace to Hinton	80
3	8	"	Hinton to Seaham	120
4	7	"	Raymond Terrace and Hinton Road to Paterson ...	70
4	10	"	Raymond Terrace to Maitland... ..	100
4	4	"	Raymond Terrace and Maitland Road to Morpeth ...	40
5	6	"	Raymond Terrace to Hexham	42
3	16	"	East Maitland to Mount Vincent	240
5	37	"	Mount Vincent to Gosford	259
5	8	"	Gosford to Kincumber	56
5	25	"	Gosford to Mangrove Creek, and up that Creek ...	175
4	2	"	Morpeth to Largs	20
4	5	"	Morpeth to Four Mile Creek	50
3	12	"	East Maitland to Paterson	180
5	11	"	Maitland and Paterson Road, via Dunmore Punt, to } Seaham	77
5	16	"	Paterson to Gresford	112
5	17	"	Paterson and Gresford Road to Eccleston	119
5	12	"	Gresford to Lostock	84
4	5	"	West Maitland to East Maitland and Paterson Road ...	50
3	29	"	Main Northern Road, near West Maitland, to Wollombi	435
5	11	"	Wollombi Road to Congewai	77
5	29	"	Wollombi to Warkworth	203
5	60	"	Wollombi and Warkworth Road to Colo River ...	420
4	37	"	Wollombi to Wiseman's Ferry... ..	370
4	7	"	Main Northern Road, near Anvil Creek, to Glendon Brook	70
4	4	"	Anvil Creek and Glendon Brook Road to Stanhope ...	40
4	14	"	Main Northern Road, near Black Creek, to Cessnock, } on Wollombi Road	140
5	11	"	Main Northern Road, near Black Creek, via Glendon, } to Main Northern Road, near Singleton ...	77
3	12	"	Main Northern Road, near Munnimba Brook, to } Warkworth	180
5	10	"	Warkworth Road to Broke, Wollombi Brook... ..	70
3	72	"	Singleton, via Denman, Jerry's Plains, to Merriwa ...	1,080
5	5	"	Singleton and Jerry's Plains Road to Warkworth ...	35
5	27	"	Merriwa to Cassillis	189
5	15	"	Musclebrook to Merton... ..	105
5	39	"	Scone to Merriwa	273
5	8	"	Scone to Page's River	56
			Carried forward	£ 8,921

SUBORDINATE ROADS OF NEW SOUTH WALES.

3

CLASS.	LENGTH IN MILES.		Proposed Expenditure out of £45,000 provided in Estimates for Roads other than Main Roads.
Northern Roads—continued.			
			£
		Brought forward	8,921
4	50	Road from Main Northern Road, via Currabubula, to Tamworth...	500
..	120	" Tamworth, via Barraba and Bingara, to Werrisda	.....
5	55	" Main Northern Road, at Bendemeer, to Bundarra	385
4	60	" Armidale to Glen Innes	600
4	58	" Glen Innes to Tenterfield	580
..	113	" Armidale, via Byron, to Frazer's Creek ... ..	.....
5	130	" Armidale, via Waleha, to Port Macquarie	910
4	82	" Armidale to Kempsey	820
5	135	" Armidale to Grafton	945
3	115	" Grafton to Tenterfield (New Line)	1,725
4	85	" Grafton to Casino	350
4	17	" Casino to Lismore	170
5	30	" Lismore to Ballina	210
4	70	" Lawrence to Grafton and Tenterfield Road, near Tabulam	700
			£ 16,816
Western Roads.			
2	4	{ Road from Main Western Road to Parramatta River, at Bedlam Ferry	100
3	10	" Parramatta to Bedlam Ferry	150
3	1	" Parramatta and Bedlam Ferry Road to Pennant Hills Wharf	15
3	1	" Parramatta and Bedlam Ferry Road at Ryde to Kissing Point Wharf	15
3	1	" Parramatta and Bedlam Ferry Road to Gladesville Wharf	15
3	3	" Kissing Point towards Field of Mars Common	45
3	3	" Main Western Road towards Parramatta River (Concord Road)	45
3	10	" Parramatta to Castle Hill (Pennant Hills Road)	150
4	13	" Castle Hill towards Wiseman's Ferry (Dural Road)	130
1	19	" Parramatta to Windsor... ..	950
4	4	" Windsor to Pitt Town	40
4	8	" Parramatta and Windsor Road to Pitt Town	80
4	20	" Pitt Town to Wiseman's Ferry	200
5	6	" Pitt Town to Churchill's Wharf	42
5	4	" Windsor to Wilberforce	28
5	10	" Wilberforce to Kurrajong	70
5	10	" Wilberforce to Sackville Reach	70
3	5	" Windsor to Richmond	75
3	6	" Windsor to Cornwallis and Richmond Bottoms	90
3	2	" Windsor to Blacktown Road	30
3	2	" Richmond to new Bridge	30
4	9	" Main Western Road, near Parramatta, through Domain and by old Windsor Road, to Windsor Road	90
3	19	" Main Western Road, near Prospect, to Richmond (Blacktown Road)	285
5	6	" Blacktown Road to Windsor Road	42
5	12	" Main Western Road, near Penrith, to Richmond	84
5	45	" Richmond Bridge to Main Western Road, near Bowenfels (Bell's Line)	315
5	9	" Bell's Line to Colo River (Comleroy Road)	63
4	15	" Main Western Road, near Penrith, to Bringelly Road	150
5	10	" Penrith, via Regentville and Mulgoa, to Greendale	70
5	10	" Main Western Road, at Little Hartley, to Ganbenang Swamp	70
4	29	" Hartley, via Fish River Bridge, to O'Connell Plains (Lockyer's Line)	290
1	80	" Main Western Road, at Bowenfels, to Mudgee*
5	10	" Mudgee Road, near Middle River, to Main Western Road at Meadow Flat	70
5	14	" Mudgee Road to Rylstone	98
5	50	" Mudgee to Cassilis	350
Carried forward			£ 4,347

* Provided for in Estimates of Secretary for Public Works.

SUBORDINATE ROADS OF NEW SOUTH WALES.

CLASS	LENGTH IN MILES.	Western Roads.— <i>continued.</i>		Proposed Expenditure out of £45,000 provided in Estimates for Roads other than Main Roads.
				£
			Brought forward... ..	4,347
5	30	Road from Mudgee to Rylstone ... ..	...	210
4	21	" Mudgee to Hargraves ... ..	...	210
4	5	" Mudgee and Hargraves Road to Windeyer ... ..	...	50
5	24	" Louisa Creek to Pyramul Hill ... ..	...	168
4	16	" Main Western Road to Bathurst and Sofala Road ... ..	...	160
2	27	" Bathurst to Sofala ... ..	...	675
5	15	" Sofala to Mudgee Road... ..	...	105
4	17	" Sofala to Tambaroora ... ..	...	170
5	27	" Tambaroora to Louisa Creek ... ..	...	189
5	35	" Bathurst to Ophir ... ..	...	245
5	40	" Bathurst to Tambaroora, <i>via</i> Kelloshiel and Lower Turon ... ..	...	280
2	29	" Bathurst to Carcoar ... ..	...	725
4	34	" Carcoar to Canowindra... ..	...	340
3	31	" Carcoar to Cowra ... ..	...	465
3	20	" Bathurst to Caloola ... ..	...	300
4	16	" Bathurst and Caloola Road to Rockley ... ..	...	160
5	29	" Caloola to Tuena ... ..	...	208
5	30	" Bathurst towards Goulburn, <i>via</i> Campbell's River ... ..	...	210
5	29	" Bathurst, <i>via</i> O'Connell Plains, to Fish River Creek... ..	...	203
5	12	" Orange to Ophir ... ..	...	84
4	38	" Orange to Stony Creek ... ..	...	380
5	50	" Orange to Nanima ... ..	...	350
5	16	" Stony Creek to Burrendong ... ..	...	112
5	27	" Stony Creek to Wellington ... ..	...	189
5	54	" Wellington to Dubbo ... ..	...	.....
				10,530
		Southern Roads.		
3	2	{ Road from Main Western Road, at Burwood, to Main Southern Road ... ..	...	30
3	6	" Main Western Road, near Parramatta, to Main Southern Road (Dogtrap Road) ... ..	...	90
4	10	" Main Western Road, near Parramatta, <i>via</i> Smithfield, towards Cabramatta ... ..	...	100
5	3	" Main Southern Road, near Irish Town, to George's River Road ... ..	...	21
4	6	" Main Southern Road to Saltpan Creek (Punchbowl Road) ... ..	...	60
5	15	" Main Southern Road, near Lansdowne Bridge, to Penrith and Bringelly Road (Orphan School Road) ... ..	...	105
5	3	" Liverpool to Orphan School Road ... ..	...	21
2	10	" Main Southern Road to Campbelltown ... ..	...	250
1	6	" Campbelltown to Menangle ... ..	...	300
1	5	" Menangle to Main Southern Road, at foot of Razor-back... ..	...	250
2	12	" Menangle to Picton ... ..	...	300
1	5	" Campbelltown to Main Southern Road, near Narellan... ..	...	250
4	27	" Campbelltown, <i>via</i> Appin, Broughton's Pass, and Mount Keera, to Central Illawarra Municipality ... ..	...	270
4	11	" Broughton's Pass, <i>via</i> Pheasant's Nest, to Main Southern Road ... ..	...	110
3	17	" Appin, <i>via</i> Rixon's Pass, to Wollongong & Bulli Road... ..	...	255
4	8	" Wollongong Municipality to Bulli ... ..	...	80
4	11	" Kiama Municipality, <i>via</i> Shoalhaven, to Nowra Municipality ... ..	...	110
5	84	" Nowra Municipality, <i>via</i> Ulladulla, to Bateman's Bay... ..	...	588
5	7	" Nowra and Ulladulla Road, at Tomerong, to Jervis Bay ... ..	...	49
4	20	" Bateman's Bay to Moruya ... ..	...	200
5	16	" Moruya to Boatalley ... ..	...	112
5	70	" Nowra Municipality, <i>via</i> the Sassafras Range, to Braidwood ... ..	...	490
4	10	" Main Southern Road, at Carne's Hill, towards Bringelly ... ..	...	100
5	7	" Main Southern Road to Cobbity ... ..	...	49
1	4	" Main Southern Road, at Camden, to Road from Menangle to Main Southern Road... ..	...	200
			Carried forward... ..	£ 4,390

CLASSES.	LENGTH IN MILES.		Proposed Expenditure out of £45,000 provided in Estimates for Roads other than Main Roads.
Southern Roads—continued.			
			£
		Brought forward... ..	4,390
5	15	Road from Main Southern Road, at Camden, towards Burragorang..	105
5	3	" Main Southern Road, at Cawdor, to Westbrook Bridge	21
5	18	" Picton, via the Oaks, to Burragorang	126
4	8	" Main Southern Road, near Mittagong, to Bong Bong...	80
5	15	" Old South Road, near Berrima, towards Wollongong...	105
5	12	{ " Bong Bong to Main Southern Road, near Black Bob's Creek }	84
5	10	" Marulan to Bungonia	73
...	35	" Bungonia to Braidwood and Goulburn Road ... ..	.....
5	30	" Goulburn to Taralga	210
5	60	{ " Goulburn Municipality, via Clear Hills and Laggan, to Tuena }	420
5	40	" Goulburn Municipality to Wecho	280
5	40	" Goulburn and Wecho Road to Binda	280
5	12	" Wecho to Binda	84
5	14	{ " Goulburn Municipality, via Wollondilly River, to Mummell }	98
5	42	" Goulburn Municipality, via Collector, to Gandaroo ...	294
5	60	" Goulburn Municipality to Braidwood	420
5	60	{ " Goulburn and Braidwood Road, via Bangalore Gap, Lake George, and Bungendore, to Queanbeyan... }	420
4	67	" Queanbeyan to Cooma	670
4	50	" Cooma to Kiandra	500
5	57	" Cooma to Bombala	399
5	25	" Bombala to Delegete	175
4	50	" Bombala to Merimbula	500
4	19	" Merimbula, via Jella Jellat, to Bega	190
3	45	" Bombala and Merimbula Road, at Cathcart, to Eden...	675
5	11	" Eden to Sturt	77
5	6	{ " Eden and Cathcart Road, via Panbula, to Merimbula Road }	42
1	31	" Braidwood to Nelligen	1,550
5	42	" Braidwood to Moruya	294
5	11	" Braidwood and Moruya Road, via Kiara, to Moruya ...	77
5	20	" Goulburn Municipality to Windellama	140
5	30	" Yass to Boorowa	210
5	70	" Yass to Tumut and Kiandra Road	490
5	110	{ " Main Southern Road, at Bowning, via Binalong, Cunningham, and Murrumboola, to Wagga Wagga }	770
4	20	" Gundagai to Tumut	200
3	12	" Tumut to Adelong	180
4	60	" Tumut, via Talbingo, to Kiandra	600
3	15	" Main Southern Road to Adelong	225
4	25	" Main Southern Road, at Tarcatta, to Wagga Wagga ...	250
3	18	" Albury Municipality to Howlong	270
5	77	" Albury Municipality to Wagga Wagga	539
5	50	" Deniliquin to Moama	350
			16,860

SUMMARY of Proposed Distribution.

	£
Sydney or Metropolitan Roads	1,961
Northern Roads	16,816
Western Roads	10,530
Southern Roads	16,860
Balance ... ..	.....
TOTAL	46,167

NOTE.—The amount per mile proposed to be expended on each class of Roads is as under:—

1st Class	£50 per mile.
2nd Class	25 "
3rd Class	15 "
4th Class	10 "
5th Class	7 "

Sydney: Thomas Richards, Government Printer.—1861.

1861.

—
Legislative Assembly.
NEW SOUTH WALES.

ROADS IN MACDONALD RIVER DISTRICT.
(PETITION.)

Ordered by the Legislative Assembly to be Printed, 12 March, 1861.

To the Honorable the House of Assembly of New South Wales.

The humble Petition of the undersigned Inhabitants of the District of Macdonald
River, in the Counties of Northumberland and Hunter,—

SHEWETH :—

That the Population of the District exceeds Eight hundred Inhabitants, who contribute considerably and cheerfully to the public resources of the Colony by the amount of Taxes levied from amongst them.

That your Petitioners are chiefly engaged in Agriculture.

That their operations and welfare are much impeded by the want of proper Roads in the District, and by the bad state of those which are now in existence.

That your Petitioners, therefore, humbly pray your Honorable House to take such steps as your Honorable House in its wisdom may think proper, in order to remove the impediments to the progress and improvement of one of the oldest settlements in the Colony.

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

[Here follow 72 Signatures.]

1861.

Legislative Assembly.

NEW SOUTH WALES.

ROAD FROM PARRAMATTA RIVER TO
GREAT NORTH ROAD.

(CORRESPONDENCE IN REFERENCE TO.)

Ordered by the Legislative Assembly to be Printed, 9 May, 1861.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 29 January, 1861, That there be laid on the Table of this House,—

“Copies of all Correspondence between the Executive Government and any person or persons, and of all Applications, Memorials, or Petitions, having reference to the opening of a Road leading from the Parramatta River near Kissing Point, and by the watch-house at Ryde, to the Great North Road from Bedlam Ferry.”

(Mr. Shepherd.)

SCHEDULE.

NO.	PAGE.
1. J. Blaxland to Colonial Secretary, transmitting Memorial of Inhabitants of Hunter's Hill, &c., for road communication with the water-side.—(Tracing.) 13 May, 1845 ..	3
2. Colonial Secretary to J. Blaxland. 15 May, 1845	3
3. Surveyor General's Report on Memorial. 20 May, 1845	4
4. Minute of His Excellency Sir George Gipps on above. 22 May, 1845	4
5. Colonial Secretary to J. Blaxland. 27 May, 1845	4
6. Same to Surveyor General.—(Enclosure).. .. .	4
7. J. Blaxland to Colonial Secretary, respecting the opening of road from the Great North Road to the Parramatta River under the Act 4 Will. IV., No. 11. 6 June, 1845 ..	4
8. Colonial Secretary to Surveyor General. 11 June, 1845	5
9. Same to J. Blaxland, in reply to his letter of 6 June, 1845	5
10. Memorial of Inhabitants of Kissing Point, respecting road from Kissing Point to that leading from Parramatta. 18 August, 1845	5
11. Colonial Secretary to Isaac Shepherd, in acknowledgment of receipt. 23 August, 1845 ..	5
12. Memorial of Inhabitants, same subject.—(Tracing.) 21 August, 1845	6
13. Isaac Shepherd to Colonial Secretary, same subject.—(Enclosure.) 26 August, 1845 ..	6
14. Colonial Secretary to Mr. J. O. Bradley. 6 September, 1845	7
15. Surveyor General to Assistant Surveyor Galloway—instructions to mark out road. 18 June, 1845	7
16. Surveyor General to Colonial Secretary. 9 September, 1845	7
17. Colonial Secretary to Surveyor General, respecting cost of survey of road. 20 September, 1845	7
18. Surveyor General to Colonial Secretary, in reply. 25 September, 1845	8
	19.

NO.	PAGE.
19. Stephen Face to Surveyor General—guarantee for payment of costs of survey. 30 September, 1845	8
20. Colonial Secretary to Surveyor General. 4 October, 1845	8
21. Memorial respecting the Proclamation of the Road under the Act. 29 September, 1845..	8
22. Surveyor Galloway to Surveyor General—Report, &c., on the road (with enclosures.) 8 September, 1845	9
23. Surveyor General to Colonial Secretary. 4 October, 1845	9
24. Isaac Shepherd to Colonial Secretary.—(Enclosure.) 8 October, 1845	10
25. Colonial Secretary to Surveyor General. 13 October, 1845	10
26. Deputy Surveyor General, in reply. 15 November, 1845	10
27. Colonial Secretary to Deputy Surveyor General—the whole matter to lie over till the District Council may be enabled to take it up. 21 November, 1845	11
28. Surveyor General to Isaac Shepherd, informing him to the above effect. 22 November, 1845	11
29. Directors of the Parramatta River Steam Navigation Company to Colonial Secretary, respecting landing-place in connection with the navigation. 10 September, 1856 ..	11
30. Colonial Secretary to Directors, in reply. 17 September, 1856	12
31. Surveyor General to Assistant Surveyor Burrowes. 3 October, 1856	12
32. Assistant Surveyor Burrowes, in reply. 19 November, 1856	12
33. Minute of Surveyor General. 22 November, 1856	12
34. Surveyor General to Under Secretary for Lands and Public Works. 17 December, 1856..	13
35. Under Secretary to Surveyor General, in reply. 23 January, 1857	13
36. Same to Directors of Parramatta Steam Navigation Company, respecting the opening of a road through the driftway to the river at Kissing Point, with space for a wharf, &c. 23 January, 1857	14
37. Under Secretary for Lands and Public Works to Surveyor General, relative to roads and reserves for wharves, &c., in the parish of Hunter's Hill. 10 June, 1857	14
38. Surveyor General to Assistant Surveyor Burrowes. 28 February, 1857	14
39. Assistant Surveyor Burrowes to Surveyor General.—(Enclosures.) 13 June, 1857	15
40. Surveyor General to Under Secretary for Lands and Public Works, enclosing plan, &c., of road leading from the Kissing Point Road, along the driftway to the Parramatta River. 23 July, 1857	15
41. Minute of Executive Council. 1 September, 1857	16
42. Notice in <i>Government Gazette</i> . 3 September, 1857	16
43. Surveyor General to Police Magistrate, Parramatta, enclosing copy of plan, &c., for public inspection	16
44. Police Magistrate to Surveyor General, acknowledging receipt. 4 August, 1857.. ..	16
45. Under Secretary for Lands and Works to Clerk of the Council. 9 September, 1857	17
46. Clerk of the Council, in reply. 14 October, 1857	17
47. Under Secretary for Lands and Public Works to The Principal Under Secretary. 16 November, 1857	17
48. The Principal Under Secretary, in reply. 6 January, 1858	17
49. Surveyor General to Assistant Surveyor Darke, instructions to open road. 20 January, 1858	17
50. Same to Assistant Surveyor Knapp. 21 May, 1858	18
51. Surveyor Darke to Surveyor General, reporting fulfilment of instructions. 14 June, 1858.	18
52. Surveyor General to Surveyor Knapp, to make survey of road from Kissing Point and Great North Roads, northerly, from the driftway leading from the Parramatta River to near junction. 3 July, 1858	18
53. Surveyor Knapp to Surveyor General. 14 August, 1858	18
54. Memo. of Surveyor General. 11 July, 1858	19
55. Memo. of same to Licensed Surveyor Knapp. 26 August, 1858	19
56. Surveyor Knapp to Surveyor General, reporting completion of survey of road. 17 August, 1858	19
57. Same to same, same subject. 28 August, 1858	19
58. Surveyor General to Under Secretary for Lands and Public Works, transmitting plan and book of reference of road, from the Kissing Point Road to the Great North Road. 21 May, 1859	20
59. Minute of Executive Council. 13 June, 1859	20
60. Clerk of the Executive Council to Under Secretary for Lands and Public Works, reporting no objections to road. 22 July, 1859	20
61. Minute of Executive Council, confirmatory. 1 August, 1859.. .. .	20
62. Under Secretary for Lands and Public Works to The Principal Under Secretary, to report any claims to compensation in respect of the said road. 22 August, 1859	20
63. The Principal Under Secretary, in reply (no such claims). 11 October, 1859	21
64. Acting Surveyor General to Licensed Surveyor Knapp, to formally open road. 9 November, 1859	21
65. Licensed Surveyor Knapp, in reply. 30 March, 1860	21
66. James Devlin to Secretary for Lands and Works, protesting against such opening. 24 May, 1860	21
67. Memorial of Inhabitants of Ryde, Hunter's Hill, &c., on same subject	22
68. Memorial of Messrs. Devlin and Shepherd, of Ryde, on same subject	22
69. Report of Acting Surveyor General, blank cover. 29 June, 1860	23
70. Under Secretary for Lands to Messrs. Booth, Small, and others, on same subject. 28 July, 1860	23
71. Same to J. Devlin and J. Shepherd, same subject. 28 July, 1860	24
72. J. Blaxland to Secretary for Lands, respecting delay in formal opening of road. 22 October, 1860	24
73. Under Secretary for Lands to J. Blaxland, in answer. 14 December, 1860.. .. .	24

ROAD FROM PARRAMATTA RIVER TO GREAT NORTH ROAD.

No. 1.

J. BLAXLAND, ESQ., to COLONIAL SECRETARY.

Hunter's Hill, Ryde,
13 May, 1845.

SIR,

The inhabitants of the District of Hunter's Hill have deputed me to transmit the accompanying Petition for the sanction of His Excellency; they also beg me to say, that no expense shall attend it, except the necessary officer to survey it.

You will observe, Sir, they have only petitioned to have the road laid out from the water-side to join the Kissing Point Road, as far as the Lock-up Station; to continue it would, in my opinion, be of further advantage to the district, as you will observe (by an accompanying sketch) the thoroughfare would cross the Kissing Point Road, and continue on till it joins the Great North Road, leading to the Common, which right of road belongs to the inhabitants, and which is at present completely shut up by fences.

This, however, can be decided upon as His Excellency may choose, when the proper officer has reported upon it.

Appendix A.

I have, &c.,
J. BLAXLAND.

Referred to the Surveyor General for report. B. C., May 18th, 1845.—E. D. T.
To be returned.

(Enclosure in No. 1.)

To His Excellency Sir George Gipps, Knight, Governor, &c., &c., &c.

We, the undersigned, resident inhabitants of the Parish of Hunter's Hill, Kissing Point, beg leave most respectfully to state, that there is a great and rapidly increasing population in that neighbourhood, and that at present there is no sufficient public thoroughfare leading to the Parramatta River.

That the roads now used all lead through private property, and can be stopped at any time, there being gates through which to pass, in consequence of which the inhabitants are exposed to great inconvenience in conveying their produce to the water-side, boats being the usual mode of transit to Sydney; that originally lines were marked out by the Government Surveyors, intended as roads, from the Parramatta River through the district; that one of those lines leads from the water-side by the watch-house, in the village, but in consequence of the encroachment of individuals who have land adjoining, it is rendered impassable.

We, therefore, most respectfully and earnestly entreat, that your Excellency will be pleased to direct, that the original line marked out in the parish map, leading from the water-side, by the watch-house, to the public road leading to Parramatta, may be thrown open, so as to enable the inhabitants to convey their produce to market.

And, as in duty bound, will ever pray.

Kissing Point,
Hunter's Hill,
6 May, 1845.

[Here follow 33 Signatures.]

No. 2.

COLONIAL SECRETARY to J. BLAXLAND, ESQ.

Colonial Secretary's Office,
Sydney, 15 May, 1845.

SIR,

Your letter, under date the 13th instant, on the subject mentioned below, has been duly received and referred for the report of the Surveyor General.

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

I have, &c.,
W. ELYARD, JUNR.

SUBJECT:—Enclosing Memorial from the inhabitants of Hunter's Hill, respecting the opening of a line of road leading to Parramatta.

No. 3.

No. 3.

REPORT of Surveyor General.

THE road which the Memorialists request the Government to "throw open," is one of those wide driftways left expressly for the purpose of facilitating, not only the carriage of produce to the river, but likewise the driving from the Commons behind, and the feeding and watering of cattle. This driftway, however, with the exception of the tract complained of as being rendered impassable, is in the occupation of the conterminous proprietors, who would have to be ejected by course of law, before they would resign land which some of them, I believe, have had in possession for twenty or thirty years. The readiest course seems to be, to have a proper parish road laid out and proclaimed under the Act of Council, 4 Gul. IV., No. 11.

There are several of these driftways in the neighbourhood in question. I look upon them as a sort of commonage, to which the inhabitants should maintain their right, instead of allowing them to be fenced up by the adjoining proprietors.

T. L. M.

Surveyor General's Office,
20 May, 1845.

No. 4.

MINUTE of Sir George Gipps.

I CANNOT undertake the eject of the intruders at the expense of Government, neither can I do anything which will strengthen their claim to the land. It is very probable that the Commons may be handed over to the Councils of the different districts in which they are situated, in which case the Council of this district may take measures for the recovery of this land.

I, nevertheless, will not object to the opening of a parish road in the way proposed by the Surveyor General, if that will satisfy the parties.

G. G.
May 22.

No. 5.

COLONIAL SECRETARY to J. BLAXLAND, ESQ.

(No. 166.)

Colonial Secretary's Office,
Sydney, 27 May, 1845.

SIR,

In acknowledging the receipt of the Memorial enclosed to me in your letter of the 13th instant, from certain inhabitants of the Parish of Hunter's Hill, Kissing Point, praying that the original line of road, as reserved on the parish map, from the Parramatta River to the Lock-up Station at Kissing Point—but which, they state, has been encroached upon, and blocked up by the adjoining proprietors—may be thrown open, I am directed by the Governor to inform you, that he cannot undertake to eject the intruders at the expense of the Government, neither can he do anything which will strengthen their claim to the land. It is, His Excellency remarks, very possible that the Commons may be handed over to the Councils of the different districts in which they are situated, in which case the Council of this district may take measures for the recovery of this land.

His Excellency further desires me to inform you, that he, nevertheless, will not object to the opening of a parish road, under the provisions of the Act of Council, 4th Gul. IV., No. 11, if that will satisfy the Memorialists.

I have, &c.,
E. DEAS THOMSON.

No. 6.

COLONIAL SECRETARY to SURVEYOR GENERAL.

See No. 5.

COPY of a letter, dated 27th May, 1845, addressed John Blaxland, Esq., Hunter's Hill, respecting road from the Parramatta River to the Lock-up at Kissing Point, sent to the Surveyor General, under B.C., with reference to his B.C. Report of the 20th instant, No. 45-59.

W. ELYARD.

No. 7.

J. BLAXLAND, ESQ., to COLONIAL SECRETARY.

Hunter's Hill, Ryde,
6 June, 1845.

SIR,

The inhabitants of the Parish of Hunter's Hill desire me to state, for His Excellency's information, that they are quite satisfied to have the line of road (now under correspondence) leading from the water side, to join the Great North Road, opened under the provisions of the Act of Council, 4th Gul. IV., No. 11.

I have, &c.,
J. BLAXLAND.

No. 8.

No. 8.

COLONIAL SECRETARY to SURVEYOR GENERAL.

(No. 45-175.)

*Colonial Secretary's Office,
Sydney, 11 June, 1845.*

SIR,

With reference to my communication of the 27th ultimo, respecting the opening ^{B. C.} of a public road from the Parramatta River, to join the Great North Road, as petitioned for by the inhabitants of the District of Hunter's Hill, I am directed by His Excellency the Governor to request that you will take the necessary steps to have a proper parish road in that locality marked out, in order to its being proclaimed, under the provisions of the Act of Council, 4 Gul. IV., No. 11, as suggested in your Blank Cover Report of the 20th ultimo, No. 45-59.

I have, &c.,
W. ELYARD, JUNR.

No. 9.

COLONIAL SECRETARY to J. BLAXLAND, ESQ.

(No. 45-188.)

*Colonial Secretary's Office,
Sydney, 11 June, 1845.*

SIR,

In attention to your letter of the 6th instant, I do myself the honor, by the direction of His Excellency the Governor, to inform you, that the Surveyor General has been instructed to mark out a parish road, as requested by the inhabitants of the District of Hunter's Hill, with a view to the same being proclaimed, under the provisions of the Act of Council, 4 Gul. IV., No. 11.

I have, &c.,
W. ELYARD, JUNR.

No. 10.

MEMORIAL of Inhabitants of Kissing Point.

*Kissing Point,
18 August, 1845.*

To His Excellency Sir George Gipps, Knight, Governor-in-Chief of New South Wales, &c., &c., and Vice Admiral of the same.

We, the undersigned resident inhabitants and lauded proprietors in the District of Kissing Point, beg leave to state to your Excellency, that a short time since, a number of us made application, requesting that your Excellency would be pleased to cause that a line of road (leading from the high road to Parramatta and the village) by the lock-up, to the Parramatta River, might be thrown open by the Government; and that we received in answer, that the Government would not incur any liabilities in reference to it; at the same time, that there would not be any opposition made by the Government to a parish road being formed, under the Act of Council in reference to roads, if that would satisfy the people. It is with feelings of alarm that we find that application has been made to your Excellency, representing it to be the wish of the people that a parish road may be laid down, to extend not only from the water-side to the road leading to Parramatta, but to continue on through the district. We would with respect, but firmly, state to your Excellency, that we were not consulted on nor made acquainted with such request; and however desirable it might be to form a road leading from the main road, either by the lock-up house or direct from the church, to the river, it is not, in our opinion, required to proceed further than the high road to Parramatta, as there is a sufficient road leading from the village, by the church, to the interior of the district; and that the present attempt has been made, not to benefit the district generally, but merely to serve the individual interest of one, and at the expense of many.

We would further observe, that we consider it very unreasonable that any attempt should have been made, by an interested party, to incur such a heavy expense as must unavoidably be the case, without the concurrence or knowledge of a majority of the people.

Trusting that your Excellency will see the justice of our petition, and that you will concur with our desire of not going to any needless expense at present,—

We have, &c.,

[Here follow 57 Signatures.]

No. 11.

COLONIAL SECRETARY to ISAAC SHEPHERD, ESQ.

*Colonial Secretary's Office,
Sydney, 23 August, 1845.*

SIR,

The Petition signed by yourself and other inhabitants of Kissing Point, under date the 18th instant, on the subject mentioned below, has been duly received and referred for the report of the Surveyor General.

6 ROAD FROM PARRAMATTA RIVER TO GREAT NORTH ROAD.

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

I have, &c.,
W. ELYARD, JUNR.

SUBJECT:—Respecting a road from Kissing Point to one leading from Parramatta.

No. 12.

MEMORIAL of Inhabitants of Kissing Point.

To His Excellency Sir George Gipps, Knight, Governor of the Colony of New South Wales.

The Petition of the undersigned Landholders and Residents of the Parish of Hunter's Hill,—

RESPECTFULLY SHEWETH:—

See Enclosure to
No. 1.

That on or about the 5th May last a Petition was got up and presented to your Excellency by certain parties of the Parish of Hunter's Hill, praying that a part of certain drift road, as therein described, should be thrown open to the public, there being no public thoroughfare for the convenience of the inhabitants.

That, in regard to this statement, your Petitioners respectfully desire to acquaint your Excellency that such statement is at variance with facts,—an easy access by the road in question to the river from the road leading to Parramatta having always been open for the use and purposes of the inhabitants; but that, there being no wharf (an indispensable convenience which cannot be constructed except at a serious outlay), the road has never been used by the inhabitants.

That if any substantial grievance have to be complained of on the part of the public, it exists in the fact, that the road alluded to in the Petition has never been open, even for foot passengers, in that part which is embraced between the road leading to Parramatta and the Great Northern Road, from which circumstance the inhabitants have been, and still are, debarred from that direct and easy access to the Common Lands to which they are justly entitled.

Your Petitioners therefore pray that the said road may be thrown open in the part just alluded to.

Appendix B.

In illustration of their Petition, your Petitioners beg to annex a sketch, as taken from the Government charts.

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

[Here follow 98 Signatures.]

*Kissing Point,
Parish of Hunter's Hill,
21 August, 1845.*

No. 13.

ISAAC SHEPHERD, ESQ., to COLONIAL SECRETARY.

*Kissing Point,
21 August, 1845.*

SIR,

See No. 13.

I would beg leave respectfully to state that I was one who signed a Petition to His Excellency the Governor, of date the 18th instant, disclaiming against any knowledge of, or participation in, a requisition addressed to the Government, representing it to be the wish of the inhabitants of this district that a parish road should be marked out, leading from the river side, through the district; and in order to acquaint Mr. Blaxland (the party applying to the Government), we sent him a copy of our Petition.

It is with regret that I have heard that a second Petition is got up, and signed by persons who, in order to influence the Government in their favour, have induced parties to sign who are neither resident inhabitants nor landed proprietors in the district, as proof of which, I beg to forward to you, for His Excellency's information, the enclosed letter, which, in my opinion, is quite sufficient to shew an attempt has been made to mislead the Government.

I have, &c.,
ISAAC SHEPHERD.

(Enclosure in No. 13.)

My Dear Sir,

I was asked by my neighbour, Mr. Drinkwater, to sign a Petition to the Governor to complete a road on your side the water. I did so. Since then I have seen the Government Surveyor, Mr. Galloway, and he says as I am not a resident in the parish I am not competent to sign such a document. I know not how to address Mr. Drinkwater to tell him this, and to request my signature may be erased. Will you take the trouble to forward this in some way to his present residence. I am sorry to give you this trouble, but if I delay I may be too late. I am forced to be in Sydney the next three days.

I am, &c.,
H. G. ALLPORT.

Concord, Augt. 25, '45.

No. 14.

No. 14.

COLONIAL SECRETARY to MR. J. O. BRADLEY.

*Colonial Secretary's Office,
Sydney, 6 September, 1845.*

SIR,

The Memorial signed by yourself and others, under date the 21st ultimo, on the subject mentioned below, has been duly received and referred for the report of the Surveyor General.

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

I have, &c.,
W. ELYARD, JUNR.

Subject:—Respecting a right of road.

No. 15.

SURVEYOR GENERAL to MR. ASSISTANT SURVEYOR GALLOWAY.

(No. 45-179.)

*Surveyor General's Office,
Sydney, 18 June, 1845.*

SIR,

The inhabitants of the Parish of Hunter's Hill having memorialized His Excellency the Governor to throw open the driftway passing through the Kissing Point lands to the Parramatta River, in order that they might have an unobstructed road communicating with the river in that direction, His Excellency the Governor, although he declines taking measures on the part of the Government to eject the intruders on the driftway, has been pleased to direct, as intimated to me by Colonial Secretary's letter No. 45-175 of the 11th June, that steps be taken to open a public road from the Great North Road to the Parramatta River, to be proclaimed as a parish road, under the provisions of the Act of Council, 4 Will. IV., No. 11; and I have therefore to request your attention to that Act, that you will make such a survey, and prepare and forward to me such plan and description as is required by this Act. See No. 8.

I have, &c.,
T. L. MITCHELL,
S. G.

No. 16.

SURVEYOR GENERAL to COLONIAL SECRETARY.

(No. 45-286.)

*Surveyor General's Office,
Sydney, 9 September, 1845.*

SIR,

I have the honor to return herewith the two Memorials addressed to the Governor by the inhabitants of Kissing Point and Hunter's Hill, relative to the parish road to the river, about to be surveyed in that district;—the one sent to me for my report, under your Blank Cover of the 22nd ultimo; the other under your Blank Cover of the 2nd instant. See No. 10.
See No. 12.

In pursuance of your letter of the 11th June last, No. 45-175, Mr. Licensed Surveyor Galloway has been instructed to survey and prepare a plan for a road from the Great North Road to the river, thus crossing the Parramatta Road, which is nearer to the river. The subscribers to the first Memorial object to the opening of that part of the proposed line which intervenes between the two roads; whilst the subscribers to the other Memorial represent that the portion between the two roads is the most essential to be opened. Under the circumstances therefore, and seeing that the extension of the Great North Road will make the arrangement most complete, Mr. Galloway's instructions need not, perhaps, be altered. See No. 8.

I have, &c.,
T. L. MITCHELL,
S. G.

No. 17.

COLONIAL SECRETARY to SURVEYOR GENERAL.

(45-322.)

*Colonial Secretary's Office,
Sydney, 20 September, 1845.*

SIR,

With reference to your letter of the 9th instant, No. 45-286, respecting the proposed extension of the Great North Road to the Parramatta River, a plan and survey of which you state has been called for in pursuance of my letter of the 11th June, No. 45-175, I am directed by His Excellency the Governor to remark to you, that he is not aware out of what fund you propose to pay the expense of the survey in question. See No. 16.

I have, &c.,
W. ELYARD, JUNR.

No. 18.

No. 18.

SURVEYOR GENERAL to COLONIAL SECRETARY.

*Surveyor General's Office,
Sydney, 25 September, 1845.*

SIR,

I have the honor to acknowledge the receipt of your letter of the 20th inst., No. 45-322, in which you refer to my letter of the 9th instant, No. 45-286, respecting the proposed extension of the Great North Road to the Parramatta River, which was ordered to be marked out in pursuance of your letter of the 11th June, No. 45-175, and state that you are directed by His Excellency the Governor to remark to me, that he is not aware out of what fund I propose to pay the expense of the survey in question, I have the honor to state, that your letter of the 11th June, No. 45-175, requesting that the necessary steps should be taken to have a proper parish road in that locality marked out, was considered by the Deputy Surveyor General sufficient authority to incur the expense, amounting to about five guineas. I am not indeed aware from what fund it may be deemed expedient to pay the amount, but I may observe that there being so many individuals interested in the matter, the expense could be met by them, should there be no fund out of which it could be paid for by the Government.

I have, &c.,
T. L. MITCHELL.

No. 19.

MR. STEPHEN FACE to SURVEYOR GENERAL.

Kissing Point, 30 September, 1845.

SIR,

On behalf of the parties signing the Petition for opening the road from the Parramatta River to the Great North Road, I hereby guarantee the payment of £5 5s. to the Licensed Surveyor for his survey and measurement of the road in question, provided it be opened for our use.

I have, &c.,
STEPHEN FACE.

No. 20.

COLONIAL SECRETARY to SURVEYOR GENERAL.

(No. 45-342.)

*Colonial Secretary's Office,
Sydney, 4 October, 1845.*

SIR,

No. 18.

With reference to your letter of the 25th ultimo, No. 45-301, reporting that the expense of marking out the extension of the Great North Road to the Parramatta River will amount to about five guineas, I am directed by His Excellency the Governor to inform you that, as the expense is not very considerable, it must be charged generally to the Survey Department.

I have, &c.,
W. ELYARD, JUNR.

No. 21.

*MEMORIAL respecting the Proclamation of the Road under the Act.**Hunter's Hill, Kissing Point,
29 September, 1845.*

To His Excellency Sir George Gipps, Knight, Governor-in-Chief of New South Wales and its Dependencies, and Vice-Admiral of the same.

We would most respectfully beg leave to state, that we are resident landed proprietors in this district.

That, some time since, a requisition was forwarded to your Excellency, representing it to be the wish of the people of this district, that a line of road should be laid down according to the Parish Road Act.

See No. 10.

That we, with others, in a Petition, of date 18th August, addressed to your Excellency, disclaimed any knowledge of, or participation in, such requisition; and expressed a hope that your Excellency would be pleased to cause that no unnecessary expense should be incurred in the matter.

That, since then, we learn that a Counter-Petition has been got up and signed by a number of persons who represent themselves to be landholders, or resident inhabitants in this parish. We would beg leave to state to your Excellency, that the said Petition is calculated to mislead the Government, inasmuch as many of the signatures are those of persons who are not *bonâ fide* residents or landholders in this parish, but of many who have not any stake in the place; domestic servants, non-residents, and prisoners of the Crown, three of whom we will

will name—Thomas Ward (prisoner of the Crown), John Logan, and William Davis,—who, at the time of signing said Petition, were in the service of one of the undersigned.

Under these circumstances, the inhabitants have thought it advisable to call a public meeting, so that the true wishes of the people may be obtained on a matter so important to us all; and we respectfully beg leave to request that your Excellency will be pleased to stay giving any decision in reference to the various Petitions, until after such meeting shall have been held, the result of which shall be forwarded to your Excellency.

We have, &c.,
ISAAC SHEPHERD.
JAMES DEVLIN.

No. 22.

MR. ASSISTANT SURVEYOR GALLOWAY to SURVEYOR GENERAL.

(No. 45-42.)

8 September, 1845.

SIR,

Agreeably with your instructions, No. 45-179, I now do myself the honor to Appendix C. transmit to you, herewith, a plan and description of a proposed road through a driftway, in the Parish of Hunter's Hill, from the Parramatta River to the Great North Road.

I beg leave to point out, that the proprietors of the abutting grants have encroached more or less upon this driftway; and in one case, that of Devlin, it is completely enclosed. As, however, it has been reserved as a right of way for the public, it cannot be considered as Crown Land, and I have, therefore, no power to eject these individuals as a Commissioner, and, I presume, that these encroachments must be remedied—should the lands be required—by the provisions of the Act of Council, 4 William IV., No. 11.

I have also to point out, that Mrs. Blanch, the owner of Chcer's 30 acres, considers the river to be the boundary of that grant; whereas a small strip of Crown Land, about four acres, intervenes between it and the water; and upon this portion of land her residence, outbuildings, and a cottage are built, as is shewn upon the accompanying plan.

I beg to be favoured with your instructions upon this subject.

I have, &c.,

JOSP. JAS. GALLOWAY,
Asst. Sur.

[Enclosure in No. 22.]

DESCRIPTION.

COUNTY of Cumberland, Parish of Hunter's Hill, a road forty feet on each side of the lines as herein described, viz., to commence at a mark on the fence adjoining Blanch's Wharf on the Parramatta River, and running first in the direction of north 29 degrees east 4 chains 75 links through Crown land, which at present forms a portion of Mrs. Blanch's orchard; then a line bearing north 30 degrees 15 minutes east 19 chains through a portion of a driftway or Government reserved road, but which portion has been encroached upon by the orchard and grass paddock of Mrs. Blanch, and also by the orchard of Mr. Edward Drinkwater; then a line bearing north 27 degrees 5 minutes east 19 chains 55 links to a post on the Kissing Point Road, and which line passes through a portion of the aforesaid driftway, which portion has been encroached upon by Mr. James Devlin, and by Mr. Edward Drinkwater; then a line bearing north 41 degrees 10 minutes east 8 chains, which passes over the Kissing Point Road and through a portion of the aforesaid driftway at present occupied by the schoolmaster, and by Mr. James Devlin; then a line bearing north 30 degrees 50 minutes east 18 chains, passing through a portion of the aforesaid driftway, a part of which is occupied by Mr. James Devlin; then a line bearing north 22 degrees 40 minutes east 12 chains, passing through the aforesaid driftway to a mark where the Great North Road turns off through Marsh's Grant.

No. 23.

SURVEYOR GENERAL to COLONIAL SECRETARY.

Surveyor General's Office,
Sydney, 4 October, 1845.

SIR,

With reference to your letter of the 11th June last, No. 45-175, wherein, in No. 8. acknowledging the receipt of my Report under Blank Cover, dated the 29th May last, respecting the opening of a Public Road from the Parramatta River to join the Great North Road, as petitioned for by the inhabitants of Hunter's Hill, you request, by the direction of His Excellency the Governor, that I will take the necessary steps to have a proper parish road in that locality laid out, in order to its being proclaimed under the provisions of the Act of Council, 4 Gul. IV., No. 11. I have now the honor to state that Mr. Licensed Surveyor Galloway, who was duly instructed in this matter, has furnished a survey report and description. Of the two latter I beg to forward copies, together with his original plan, in order that the necessary steps may be taken for proclaiming the road, as above referred to.

At the same time, and with reference to my letter of the 25th ultimo, No. 45-301, I have the honor to enclose a letter which I have received from Mr. Stephen Face, of See No. 19. Kissing Point, wherein he guarantees the payment of the sum of five guineas to the Licensed Surveyor for his services in this matter, provided the road in question be opened for public convenience.

I have, &c.,
T. L. MITCHELL,
S. G.

10 ROAD FROM PARRAMATTA RIVER TO GREAT NORTH ROAD.

No. 24.

ISAAC SHEPHERD, Esq., to COLONIAL SECRETARY.

Hunter's Hill,
8 October, 1845.

SIR,

I beg leave to forward to you, for his Excellency the Governor's information, a resolution passed at a public meeting of the inhabitants of this district, held at the Parochial School House, yesterday, the 7th instant, the Rev. George E. Turner in the chair.

I have, &c.,
ISAAC SHEPHERD.

[Enclosure in No. 24.]

1st Resolution moved by I. Shepherd, Esq.; seconded by — Mitchell, Esq.

That, however desirable it may be to have an authorized line of road marked out, leading either direct past the Church or from the road to Parramatta by the lock-up house to the river, that this meeting, taking into consideration that the inhabitants have a sufficient thoroughfare to the water side, and in the event of any interruption to travelling the present road, that there is space enough left dividing the lands of Mr. Drinkwater and Mrs. Blanch,* to admit of a road being made; it is of opinion that no expense shall be incurred with the Government in laying out any line of road, as the present road, leading by the church to the interior, fully answers every purpose, and that this meeting will not be liable for any expense that shall be incurred.

Hunter's Hill, 7 October, 1845.

GEORGE TURNER,
Chairman.

No. 25.

COLONIAL SECRETARY to SURVEYOR GENERAL.

(No. 352.)

Colonial Secretary's Office,
Sydney, 13 October, 1845.

SIR,

See No. 23.

In acknowledging the receipt of your letter of the 4th instant, No. 318, forwarding a plan of the proposed road from the Parramatta River to the Great North Road, I am directed by the Governor to observe to you, that, of the parties who oppose the opening of this road, one (viz: Mr. Devlin) has encroached greatly on the driftway, and it may be presumed, perhaps, that the opposition is chiefly maintained by parties who, like Mr. Devlin, have encroached on it. This leads His Excellency to ask when, and how, the driftway was reserved? And why Mr. Galloway says in his report, that he has no power as a Commissioner of Crown Lands to eject the intruder?

If the Crown cannot shew a better title to the driftway alluded to than was recently shewn in the case of the driftway near the Pennant Hills quarry, His Excellency is inclined to agree with Mr. Galloway; but, on the other hand, if there be a clear reservation of it recorded in any public document, he cannot see why the land may not be resumed, like any other Crown land which may have been encroached on.

I am accordingly to request your further report on the foregoing points.

I have, &c.,
W. ELYARD, JUNR.

No. 26.

DEPUTY SURVEYOR GENERAL to COLONIAL SECRETARY.

Surveyor General's Office,
Sydney, 15 November, 1845.

SIR,

In attention to your letter of the 13th ultimo, No. 45-352, in which, with reference to the proposed parish road at Kissing Point, you inform me that His Excellency the Governor observes that the parties who oppose this road are those who have encroached upon the driftway through which it has to pass, and inquire why Mr. Galloway says that, as a Commissioner of Crown Lands, he has no power to eject the intruders, and why, if there be a clear reservation of the driftway recorded in any public document, it may not be resumed like any other Crown land which may have been encroached upon; on which points I am requested to report.

I have the honor to state, for the information of His Excellency the Governor, that all the maps exhibit the driftway as the boundary of the conterminous locations, and that unless any special claim be set up by the parties encroaching they can have no title: the main question, however, appears to be, whether the driftway (most certainly left as a way of access and commonage to all) can, after such dedication, be considered Crown land; if so Mr. Galloway might proceed to eject the parties; but then long occupancy would be pleaded, and the parties would not yield possession unless compelled to do so by an action in the Supreme Court. It might, on the other hand, be a more simple process to proceed against the parties as encroaching on a highway or common; but in such a case, I apprehend, Mr. Galloway,

* Mrs. Blanch is an intruder on Crown Lands (See Mr. Galloway's Report, 45-7213)

ROAD FROM PARRAMATTA RIVER TO GREAT NORTH ROAD. 11

Galloway, as a Commissioner of Crown Lands, would have no voice in the matter, nor would the Crown have any direct interest in proceeding for the benefit of a neighbourhood, in a matter which ought to be done at their own expense, rather than at that of the public.

I have, &c.,
S. A. PERRY,
Dy. Sr. Gl.

No. 27.

COLONIAL SECRETARY to DEPUTY SURVEYOR GENERAL.

(No. 401.)

*Colonial Secretary's Office,
Sydney, 21 November, 1845.*

SIR,

With reference to the report in your letter of the 15th instant, No. 45-367, No. 26. respecting the proposed parish road at Kissing Point, I am directed, by the Governor, to inform you, that he can incur no expense in this matter, and the whole proceedings must therefore, His Excellency imagines, lay over until the District Council may be enabled to take it up.

I have, &c.,
W. ELYARD, JUNR.

No. 28.

COLONIAL SECRETARY to ISAAC SHEPHERD, ESQ.

(No. 573.)

*Colonial Secretary's Office,
Sydney, 22 November, 1845.*

SIR,

With reference to your letter of the 8th ultimo, transmitting to me a copy of See No. 21. a resolution passed at a public meeting of the inhabitants of the District of Hunter's Hill, on the subject of the proposed parish road at Kissing Point, I am directed to inform you that the Governor can incur no expense in respect to the opening of the road in question, and the matter must therefore, His Excellency imagines, lay over until the District Council may be enabled to take it up.

I have, &c.,
W. ELYARD, JUNR.

No. 29.

DIRECTORS OF THE PARRAMATTA RIVER STEAM NAVIGATION COMPANY to COLONIAL SECRETARY.

*Ryde, Kissing Point,
10 September, 1856.*

SIR,

A Company having been formed, styled the Parramatta River Steam Navigation Company, for the purpose of plying steamers to and from Sydney from various points of the Parish of Hunter's Hill, and as no public wharves have as yet been formed in that locality, though there is a large space of Crown Lands set apart on the original charts, intended as landing-places, and for the purpose of forming roads through the district, we, as Directors of the said Company, have the honor to request that the Surveyor General be directed to cause the said public reserves to be marked out and defined; and particularly the part commencing at the Parramatta River, on the north-west side of James Wood's grant of 30 acres, and extending as far as the main road leading from Ryde to Parramatta. And also to determine which would be the best line of road to connect Onions' Point with the present Bedlam Road; as at present there does not exist any line of road connecting one extremity of the parish with the other.

We beg further to state, that we are prepared to pay the necessary expenses which may be incurred by the Government in making the survey.

We have, &c.,
The Directors of the Parramatta River Steam
Navigation Company,
ISAAC SHEPHERD,
JAMES DEVLIN,
EDWARD DRINKWATER,
D. N. JOUBERT.

No. 30.

COLONIAL SECRETARY to DIRECTORS OF THE PARRAMATTA RIVER STEAM
NAVIGATION COMPANY.

*Colonial Secretary's Office,
Sydney, 17 September, 1856.*

GENTLEMEN,

See No. 23.

Your letter, under date the 10th instant, on the subject mentioned below, has been duly received and referred for the report of the Surveyor General.

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

I have, &c.,
W. ELYARD.

SUBJECT:—Landing-places in connection with the Parramatta River Steam Navigation Company.

No. 31.

SURVEYOR GENERAL to MR. ASSISTANT SURVEYOR BURROWES.

(No. 56-1694.)

*Surveyor General's Office,
Sydney, 3 October, 1856.*

SIR,

See No. 22.

In the year 1845, Mr. Galloway, in forwarding a plan and description of a proposed road through a driftway, in the Parish of Hunter's Hill, from the Parramatta River to the Great North Road, stated that the proprietors of the abutting grants had encroached more or less upon the driftway, and that in one case, that of Devlin, it was completely enclosed. This matter having been now re-opened by a letter addressed to the Colonial Secretary, by the Directors of the Parramatta River Steam Navigation Company, I request that you will favour me with your early report as to whether this driftway is still in the state described by Mr. Galloway.

I have, &c.,
GEO. BARNEY,
S. G.

No. 32.

MR. ASSISTANT SURVEYOR BURROWES to SURVEYOR GENERAL.

Sydney, 19 November, 1856.

SIR,

See No. 31.

With reference to your letter, No. 56-1694, dated 3rd October, 1856, requesting me to report whether the driftway in the Parish of Hunter's Hill, leading from the Parramatta River to the Great North Road, is still in the same state (*i. e.*, encroached upon by various parties) as shewn by Mr. Galloway on his plan, forwarded to the office in the year 1845,—I have now the honor to report that I have examined the driftway in question, and find it exactly in the same state as described by Mr. Galloway.

I have, &c.,
M. E. L. BURROWES,
A. S.

No. 33.

MINUTE of Surveyor General.

See No. 27.

It appears from Colonial Secretary's letter (within) of 21st Novr., 1845, that Sir George Gipps declined taking any steps against the parties who had encroached on the driftway, on account of the expense which legal proceedings would involve.

Should it now be determined to proceed in the resumption of this land, the course would be to send a copy of Mr. Galloway's plan to the Secretary for Lands and Works, with a recommendation that legal measures should be resorted to to induce the abatement of the encroachments.

From various causes, however, such as the imperfect nature of the old surveys, the vague descriptions in deeds, the lengthened possession of the lands encroached on, and the valuable improvements which have been made upon them—considerable expense and loss of time would be incurred, in all probability, by the pursuit of this course; and as much conflicting evidence of surveyors would doubtless be brought forward by the persons encroaching, the result might after all be unfavourable to Government. (See note below.*).

It therefore seems to be worthy consideration, whether it would not be a shorter and better course to proclaim a parish road sufficiently wide to meet all the requirements of the district, through the driftway, from the North Road to the river, and with a space for a wharf

* NOTE.—The portion of driftway now in question is only part of one of several which exist in the Parish of Hunter's Hill.

wharf on the river. Although this would perhaps interfere slightly with "orchards," and pass nearer than the Act of Council (4 William IV., No. 11.) admits to "dwelling houses," the circumstance that the land over which the road will pass is legally public property, would probably obviate any illegality, while individuals would most likely be too well satisfied at not incurring the risk of losing all their encroachment occupations, to make any objection.

A. G. M.,
22 Novr.

No. 34.

SURVEYOR GENERAL to UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

Surveyor General's Office,
Sydney, 17 December, 1856.

SIR,

In returning the letter of the Directors of the Parramatta River Steam Navigation Company, respecting reserves for wharves on the river in, and roads through, the Parish of Hunter's Hill, referred to me under your Blank Cover of the 17th September last, I do myself the honor to state that, from the lengthened occupation of the grants in the parish in question, and the period which has elapsed since the lands therein comprised were surveyed, great difficulty exists in determining, with any degree of certainty, the boundaries between alienated lands and the reserves for roads, wharves, &c. See No. 29.

2. A survey made some time back by Mr. Surveyor Galloway determines, however, and probably with considerable accuracy, the position of certain grants adjacent to the Kissing Point Wharf, and shews also that great encroachments had been made on the wharf reserve and the driftway (which should be 200 feet wide), extending northerly therefrom, and ultimately communicating with the Field of Mars Common. Between the river and the road to Parramatta, however, the road or driftway had not in any portion been stopped by these encroachments, although narrowed in more than one place to little more than 50 links, and fenced across at the river bank; and, from a report recently received from Mr. Assistant Surveyor Burrows, the encroachments exist at the present time to precisely the same extent shewn by Mr. Galloway.

3. This latter subject was under the consideration of the Government in the year 1845, when His Excellency Sir George Gipps declined taking any steps against the parties who had encroached on the driftway, on account of the expense which legal proceedings would involve. Should it now, however, be considered desirable that measures should be taken to induce the abatement of the encroachments, a copy of Mr. Galloway's plan will be furnished.

4. From various causes, however, such as the imperfect nature of the old surveys, the vague descriptions in deeds, the lengthened possession of the lands encroached on, and the valuable improvements which have been made upon them—considerable expense and loss of time would be incurred, in all probability, by the pursuit of this course; and as much conflicting evidence of Surveyors would, doubtless, be brought forward by the persons encroaching, the result might, after all, be unfavourable to the Government. And here it may be remarked, that the portion of driftway in question is only part of one of several which exist in the Parish of Hunter's Hill.

5. It therefore seems to be worthy of consideration whether it would not be a shorter and better course to proclaim a parish road sufficiently wide to meet all the requirements of the district through the driftway, from the North Road to the river, and with a space for a wharf on the river.

6. Although this would perhaps slightly interfere with "orchards," and pass nearer than the Act (4 William IV., No. 11.) admits to "dwelling houses," yet the circumstance that the land over which the road will pass is legally public property, would probably obviate any illegality, while individuals would most likely be too well satisfied at not incurring the risk of losing all their encroachment occupations, to make any objection.

7. Of the question of the road from the Bedlam Point, or Great North Road, to Onions' Point, that of the road through Monsieur Sentsis' property forms a part. The best course would, I apprehend, be, without instituting careful surveys, to determine the positions of the reserved roads bounding grants, and which are in all probability ill suited to general use, to determine, survey, and proclaim, as a parish road, the best line which can be found between the Bedlam Road and Onions' Point, at the very spot most suited to the construction of a wharf, for which the breadth of the road would probably afford sufficient space; more breadth could, if necessary, however, be given to the extremity of the road.

I have, &c.,
GEO. BARNEY.
S. G.

No. 35.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to SURVEYOR GENERAL.

(No. 975.)

Department of Lands and Public Works,
Sydney, 23 January, 1857.

SIR,

In reference to your letter of the 17th ultimo, in which, with regard to the representation of the Directors of the Parramatta River Steam Navigation Company, on the subject of the reserves for roads and wharves in the Parish of Hunter's Hill, you state that,
from

14 ROAD FROM PARRAMATTA RIVER TO GREAT NORTH ROAD.

from the lengthened occupation of the grants in the parish in question, and the period that has elapsed since the lands in that parish were surveyed, great difficulty exists in determining with any degree of certainty the boundaries between alienated lands and the reserves for roads, wharves, &c.; and that also, from various other causes, such as the imperfect nature of the old surveys, the vague descriptions in the deeds, the lengthened possession, and the encroachments made on the wharf reserve and driftway at Kissing Point, it seems to you to be worthy of consideration, whether it would not be a shorter and better course to proclaim a parish road sufficiently wide to meet all the requirements of the district, through the driftway from the North Road to the river, and with a space for a wharf on the river,—I am directed to inform you that, under all the circumstances of the case, the Secretary for Lands and Public Works is inclined to think that the best course will be to try the efficiency of the Road Act; for if that should fail, the Government are still in as good a position as before to seek a legal remedy against intruders.

2. I am to add, that the course suggested by you, with regard to the road from the Bedlam Point, or Great North Road, to Onions' Point, has been approved.

I have, &c.,

MICHL. FITZPATRICK.

No. 36.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to DIRECTORS OF THE
PARRAMATTA STEAM NAVIGATION COMPANY.

(No. 379.)

*Department of Lands and Public Works,
Sydney, 23 January, 1857.*

GENTLEMEN,

No. 30.

In reference to the letter addressed to you on the 17th September last, from the Colonial Secretary's Office, on the subject of your request that the reserves for certain roads and wharves in the Parish of Hunter's Hill may be defined,—I am now directed to inform you, that the Surveyor General has been instructed to take the necessary steps for having the road from the North Road through the driftway to the river at Kissing Point, together with a space for a wharf at that place, proclaimed, under the Act of Council, 4 William IV., No. 11.

2. I beg to add, that similar instructions have been issued with regard to the road from the Bedlam Point, or Great North Road, to Onions' Point.

I have, &c.,

MICHL. FITZPATRICK.

No. 37.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to SURVEYOR GENERAL.

(No. 332.)

*Department of Lands and Public Works,
Sydney, 10 June, 1857.*

SIR,

a. 34.

With reference to your letter of the 17th December last, respecting roads and reserves for wharves in the Parish of Hunter's Hill, I am directed to draw your attention thereto, and to request the favour of your early report as to what has since been done in the matter.

I have, &c.,

MICHL. FITZPATRICK.

No. 38.

SURVEYOR GENERAL to MR. ASSISTANT SURVEYOR BURROWS.

(No. 57-219.)

*Surveyor General's Office,
Sydney, 28 February, 1857.*

SIR,

No. 32.

Referring to your letter of the 19th November last, No. 56-51, I have now to request that you will, with a view to its proclamation under the Act, 4 Wm. 4, make a survey of a road, of sufficient breadth to meet all the requirements of the district, through the driftway at Kissing Point, from the North Road to the river, leaving a space for a wharf on the river, and forward to me a plan and book of reference thereof.

2. It is also desirable that a road from Bedlam Point, or Great North Road, to Onion's Point (that through Monsr. Sentis' property forming a part), should be marked out and also proclaimed under the Act before mentioned.

The best course would appear to be, that is, without instituting careful surveys to determine the positions of the reserved roads bounding grants, which are in all probability ill suited to general use, to determine and survey the best line which you can find between the two places, Bedlam Road and Onions' Point, at the spot at the latter most suited to the construction of a wharf, for which the breadth of a road would afford sufficient space.

You will, however, if you consider it necessary, allow a greater breadth at the extremity of the road than the general width thereof.

I have, &c.,

GEO. BARNEY,
S. G.

No. 39.

No. 39.

MR. ASSISTANT SURVEYOR BURROWES to SURVEYOR GENERAL.

Sydney, 13 June, 1857.

SIR,

In obedience to the instructions conveyed in your letter, No. 57-219, dated 28th February, 1857, I have now the honor to forward you a plan and book of reference for a road (60 feet wide) leading from the Kissing Point Road, near the watch-house at Ryde, along the driftway to the waters of the Parramatta River, which I have surveyed and marked out.

2. This road runs entirely through Crown land, but has been partially enclosed and cultivated as orchards by Mr. Devlin and by the late Mr. Blanchard. Mr. Devlin does not object to give up the portion in his possession required for the road. I have, however, not yet been able to see the trustees of the late Mr. Blanchard on the subject.

I have, &c.,

M. E. L. BURROWES,
A. S.

(Enclosure in No. 39.)

BOOK OF REFERENCE.

PROPOSED Parish Road (60 feet wide) from the Kissing Point Road, near the Watch-house at Ryde through the Driftway to the Parramatta River.

No.	STARTING POINT.	OWNER OR OCCUPIER.	DESCRIPTION OF LAND.	BEARINGS OF ROAD.	STATE OF CULTIVATION.	NATURE AND QUALITY OF LAND.	ENCLOSURES.	AREA.
1	Commencing on the south side of the Kissing Point Road, between the watch-house at Ryde and Mr. Devlin's land, along the drift way to the waters of the Parramatta River.	The Public.	Roadway.	S. 31° 30' W. 8 63 S. 23° 20' W. 8 45 S. 31° 0' W. 25 66	Very partially cultivated as orchard land.	Swampy and rocky.	Partially fenced.	s. r. p. 3 3 36

M. E. L. BURROWES,
A. S.

N.B.—This road runs through land which has been devoted to the public as a driftway, but which has been partially enclosed and cultivated as orchards by Mr. Devlin and by the late Mr. Blanch, as shewn on plan. These individuals have no right to the land, and Mr. Devlin does not object to give up the portion required for the road. The Surveyor did not see the trustees of the late Mr. Blanch.

(To accompany plan, and my letter No. 57-33, dated 13 June, 1857.)

No. 40.

SURVEYOR GENERAL to UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

(No. 377.)

Surveyor General's Office,
Sydney, 28 July, 1857.

SIR,

Referring to your letter of the 10th ultimo, No. 332, and to the previous correspondence on the subject of Roads and Reserves for Wharves in the Parish of Hunter's Hill, I have now the honor to inform you that a road leading from the Kissing Point Road, near the watch-house at Ryde, along the driftway to the Parramatta River, has been marked out by Mr. Assistant Surveyor Burrowes, and I beg to forward a copy of the plan and book of reference thereof, with a view to its proclamation under the Act, 4 Wm. IV, No. 11.

2. The road runs entirely through land which has been devoted to the public, but which has been partly enclosed and cultivated as orchards by Mr. Devlin and the late Mr. Blanch (as shewn on the plan), who have no right to the land.

Mr. Burrowes has ascertained that Mr. Devlin has no objection to give up the portion required for the road; but he did not see the trustees of the late Mr. Blanch.

3. I may add, that copies of the plan and book of reference have been forwarded to the Police Office, Parramatta.

I have, &c.,

GEO. BARNEY,
S. G.

The attention of the Council is drawn to the particular circumstances under which this road is proposed to be proclaimed.—J. H., 15 August.

W. D., 22 August, '57.

B. C., 17 August, 1857.—M. F.

See No. 37.

See Enclosure
No 39.

16 ROAD FROM PARRAMATTA RIVER TO GREAT NORTH ROAD.

No. 41.

MINUTE of Executive Council.

THE Executive Council advise that the intended formation of the road in question be notified in the manner prescribed in the Act of Council, 4 Wm. IV., No. 11.

EDWARD C. MEREWETHER,
Clerk of the Council.

1 September, 1857.—No. 57-601.

No. 42.

NOTICE in Government Gazette.

*Department of Lands and Public Works,
Sydney, 3 September, 1857.*

ROAD.

HIS Excellency the Governor General, with the advice of the Executive Council, having deemed it expedient to open and make a parish road (to be maintained at the expense of the parishes through which it passes) from the Kissing Point Road, along the driftway, to the Parramatta River,—Notice is hereby given, that in conformity with the provisions of the Act of the Governor and Council, 4th William IV, No. 11, intituled, "An Act 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," a plan and book of reference, shewing the intended line of the said road, as undermentioned, are now deposited in the Office of the Surveyor General, in Sydney, and at the Police Office, Parramatta; and all persons interested therein are requested to transmit, in writing, to the Clerk of the Executive Council, within one month from this date, any well-founded objections which may exist to the formation of the road in question.

BOOK OF REFERENCE.

No.	Portion of Road.	Owner, or Occupier.	Character of Land.	General Bearings.	Distances.		Cultivation.	Enclosures.	Width of Road.	Area.
					Chains.	Links.				
1	Commencing on the south side of the Kissing Point Road, between the Watch-house at Ryde and Mr. Derlin's land, along the Driftway to the waters of the Parramatta River.	The Public.	Roadway; swampy and rocky.	S. 31° 30' W. S. 22° 30' W. S. 31° 0' W.	8 63 9 45 25 66	Very partially cultivated as Orchard land.	Partially fenced.	60 feet wide.	A. R. P. 3 3 35	

By His Excellency's Command,
JOHN HAY.

No. 43.

SURVEYOR GENERAL to POLICE MAGISTRATE, PARRAMATTA.

(No. 316.)

*Surveyor General's Office,
Sydney, 24 July, 1857.*

SIR,

See No. 40.

I have the honor to forward copies of the plan and book of reference of a road leading from the Kissing Point Road, near the watch-house at Ryde, along the driftway to the Parramatta River; and I request that you will have the goodness to exhibit the documents in question in your office for the inspection of the public, favouring me with an acknowledgment of their receipt.

I have, &c.,
GEO. BARNEY,
S. G.

No. 44.

POLICE MAGISTRATE, PARRAMATTA, to SURVEYOR GENERAL.

*Police Office, Parramatta,
4 August, 1857.*

SIR,

I have this day the honor to acknowledge the receipt from you of a copy of a plan and book of reference of a road leading from the Kissing Point Road, near the watch-house at Ryde, along the driftway to the Parramatta River.

I have, &c.,
F. O. DARVALL,
P.M.

No. 45.

No. 45.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to CLERK OF THE EXECUTIVE COUNCIL.

(No. 276.)

*Department of Lands and Public Works,
Sydney, 9 September, 1857.*

SIR,

In drawing your attention to the notice in the *Government Gazette*, of the 8th instant, respecting the intended formation of a line of road from the Kissing Point Road along the driftway to the Parramatta River, I am directed to request that you will have the goodness, at the end of one month from the date thereof, to state whether any objections have been made to the formation of the said road, in pursuance of the notice in question.

I have, &c.,

MICHL. FITZPATRICK.

No. 46.

CLERK OF THE EXECUTIVE COUNCIL to SECRETARY FOR LANDS AND PUBLIC WORKS.

*Executive Council Office,
Sydney, 14 October, 1857.*

SIR,

The time having expired within which objections under the Act of Council, 4th William IV., No. 11, can be received to the proposed formation of a line of road from the Kissing Point Road along the driftway to the Parramatta River, which was notified in the *Government Gazette* of the 8th September last, I do myself the honor to inform you that no objections to the road in question have been received by me.

I have, &c.,

EDWARD C. MEREWETHER.

No. 47.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to THE UNDER SECRETARY.

(No. 342.)

*Department of Lands and Public Works,
Sydney, 16 November, 1857.*

SIR,

In drawing your attention to the notice which appeared in the *Government Gazette* of the 13th instant, respecting the confirmation of a line of road from the Kissing Point Road along the driftway to the Parramatta River, I am directed to request that you will have the goodness, at the end of forty days from the date thereof, to inform me whether any claims to compensation have been made in respect to the said road, in accordance with the notice above alluded to.

I have, &c.,

MICHL. FITZPATRICK.

No. 48.

THE UNDER SECRETARY to UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

(No. 416.)

*Colonial Secretary's Office,
Sydney, 6 January, 1858.*

SIR,

Referring to your letter of the 16th November last, I am directed to state, for the information of the Secretary for Land and Public Works, that no applications have been received in this office for compensation in respect to a line of road from the Kissing Point Road along the driftway to the Parramatta River.

I have, &c.,

W. ELYARD.

No. 49.

SURVEYOR GENERAL to MR. ASSISTANT SURVEYOR DARKE.

(No. 58.)

*Surveyor General's Office,
Sydney, 20 January, 1858.*

SIR,

The line of road leading from the Kissing Point Road through the driftway to the Parramatta River, marked out by Mr. Surveyor Burrowes, having been approved of and confirmed, I beg to inform you that, in accordance with an opinion of the Crown Law Officers, given on the general question as applied to a specific case, the road in question should be formally opened by the Surveyor General, or some person deputed by him, the expense of such opening, and the security of the person so proceeding from loss by action, being

18 ROAD FROM PARRAMATTA RIVER TO GREAT NORTH ROAD.

guaranteed by the Government. I now, therefore, depute you to open the road alluded to, by causing to be removed any fencing or other obstruction which may stand in its direct line, the obstructing parties being, in the first instance, informed of the authority, and called upon immediately to remove and abate the obstruction.

2. You will be good enough to report your fulfilment of these instructions.

I have, &c.,

GEO. BARNEY,

S. G.

No. 50.

(Blank Cover, No. 746.)

SURVEYOR GENERAL to MR. ASSISTANT SURVEYOR KNAPP.

Mr. Surveyor Darke is requested to inspect the accompanying papers and to make a survey and measurement of the land intended to be resumed with as little delay as possible.

GEO. BARNEY,

S. G.

Surveyor General's Office,
21 May, 1858.

Transferred to Mr. Licensed Surveyor Knapp, 14th July, 1858. 58-1347.

No. 51.

MR. ASSISTANT SURVEYOR DARKE to SURVEYOR GENERAL.

(No. 58-358.)

Sydney, 14 June, 1858.

SIR,

By your letter of the 20th January, No. 58-58, I was instructed to formally open the line of road leading from the Kissing Point Road through the driftway to the Parramatta River, marked out by Mr. Surveyor Burrowes, the same having been duly approved and proclaimed.

I have the honor to report that I performed this duty on the 7th instant, in the presence of Mr. Devlin and a tenant of the representatives of the late Mr. Blanch; these parties being occupants of that part of the original driftway through which the road now opened passed.

I have, &c.,

WM. WEDGE DARKE.

No. 52.

SURVEYOR GENERAL to MR. SURVEYOR KNAPP.

(No. 949.)

Surveyor General's Office,
Sydney, 3 July, 1858.

SIR,

I have to request, by direction of the Honorable the Secretary for Lands and Public Works, that you will have the goodness to make a survey of the Kissing Point and Great North Roads, northerly from the driftway leading from the Parramatta River, at Ryde, to their junction; as also an examination of the portion of that driftway between those roads, for the purpose of ascertaining the practicability and in that case (on account of the distance which would thereby be saved to persons coming from the north) the expediency of continuing the road, recently opened by you through the now enclosed driftway, northerly, to the Great North Road.

2. As should the portion of the driftway between the two lines referred to prove suitable, it is in intention to open a road through it, under the Act, 4 Wm. 4, No. 11. You will be good enough to obtain and furnish such information as will render practicable the preparation in the office of a plan and book of reference for proclamation purposes.

I have, &c.,

GEO. BARNEY,

S. G.

No. 53.

MR. SURVEYOR KNAPP to SURVEYOR GENERAL.

(No. 1.)

79, Elizabeth-street, Sydney,
14 August, 1858.

SIR,

In obedience to the instructions contained in your letters of the 21st May, 1858, B. C., No. 746, and the 3rd July last, No. 58-949, to Mr. Assistant Surveyor Darke, which have been transferred to me, I do myself the honor to inform you, that having made a careful survey and examination of the Kissing Point and Great North Roads, and a portion of the driftway in question, and after mature consideration, I am of opinion that the road at present in existence is more practicable than the portion of the driftway sought to be resumed.

I have, &c.,

E. KNAPP, JUNR.,

Ld. Surveyor.

No. 54.

No. 54.

MEMO. of Surveyor General.

ROAD FROM THE PARRAMATTA RIVER TO KISSING POINT ROAD.

THE road recently proclaimed and opened from the Parramatta River through a reserved driftway terminates at the road from Bedlam Ferry to Kissing Point.

The road called the Great North Road diverges from the Bedlam and Kissing Point Road, a short distance to the north of the point where the recently opened road meets the latter, and the driftway joins the two roads which, in its line, are about a quarter of a mile apart.

Beyond this point, that is, north of the North Road, the driftway is believed to be open—it was so in 1847—and what I understand is now desired is, that the road recently opened should be continued northerly to the Great North Road, through the now enclosed driftway.

The plans in the office shew this portion of the driftway to be unsuitable for a road, but do not shew what distance would be saved by the use of it by persons coming from the north, although the probability is that it would be less than a quarter of a mile.

These points could be set at rest by one day's labour of a surveyor, if it be so desired.

Mr. Secretary Robertson wishes the question of the expediency of opening this road to be looked into without delay. It will involve a survey of the Kissing Point and Great North Roads northerly to their junction, and an examination of the intervening portion of driftway, and its suitability to a road.

Mr. Darke must, I presume, be employed, as it is only a matter of one day's work, and he may obtain efficient information to render practicable the preparation of a fair plan and book of reference, for proclamation purposes, in the office.

A. G. M.

30 June, 1855.

G. B.

July 11.

No. 55.

MEMO. of Surveyor General to Mr. Licensed Surveyor Knapp.

WITH the view of completing this report, Mr. Knapp is requested to say what difference of distance there is between the existing road through Ryde and that proposed, which can be done easily from his plan, and to state what advantages are possessed by the former line over the other to more than compensate for the difference of distance, as may be inferred from this letter.

GEO. BARNEY.

Surveyor General's Office,

26 Augt., 1858.

B. C., 58-1267.

No. 56.

MR. SURVEYOR KNAPP to SURVEYOR GENERAL.

(No. 4.)

91, Elizabeth-street, Sydney,

17 August, 1858.

SIR,

I do myself the honor to inform you that, according to verbal instructions received, I have made a careful survey of the portion of the Great North Road from the Village of Ryde to Onions' Point Road.

The plan of which accompanies this letter.

Appendix E.

I have, &c.,

E. KNAPP, JUNR.,

Ld. Surveyor.

This survey was made with the view of connecting the survey of the Onions' Point Road, by Burrowes, with the Village of Ryde and the Kissing Point Road. It may be catalogued, and, with the survey in 58-7908, charted on the Parish Map and the Road Map.

A. G. M.

21 Augt.

No. 57.

MR. SURVEYOR KNAPP to SURVEYOR GENERAL.

79, Elizabeth-street,

Sydney, 28 August, 1858.

SIR,

In accordance with instructions contained in your letter of the 26th ultimo, B. C. 58-1267, I beg to append to my letter, No. 1, 14th August, 1858, my grounds for advocating the superiority of the present road through Ryde over that sought to be opened.

1st.

20 ROAD FROM PARRAMATTA RIVER TO GREAT NORTH ROAD.

1st. The present line of road traverses the crest of a range, whereas the proposed road will have to be carried over an undulating surface, and through a portion of two waterholes situate in the line. And, secondly, the expense of maintaining the present line of road (which is only 16 chains 40 links longer than the proposed road) will not, on account of its self-drainage, be so great as the necessary expenditure which will be required to keep the proposed new line of road in a fit state of repair.

I have, &c.,
E. KNAPP, JUNR.,
Ld. Surveyor.

No. 58.

SURVEYOR GENERAL to UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

Surveyor General's Office,
Sydney 21 May, 1859.

SIR,

See No. 56.

I have the honor to forward for proclamation a plan and book of reference of a road which has been marked out from the Kissing Point Road to the Great North Road, and in continuation of that from the Parramatta River through the driftway to the Kissing Point Road, opened in June last, and I beg to state that copies of the plan and book of reference have been forwarded to the Police Office, Parramatta.

I have, &c.,
GEO. BARNEY,
S. G.

No. 59.

MINUTE of Executive Council.

The Executive Council advise that the intended formation of this line of road as a parish road be notified in the manner prescribed in the Act of Council, 4th Will. IV, No. 11.

Executive Council Office,
13 June, 1859.

A. ORPEN MORIARTY,
Clerk of the Council.

Notice dated 18th June, 1859.

No. 60.

CLERK OF EXECUTIVE COUNCIL to UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

Executive Council Office,
Sydney, 22 July, 1859.

SIR,

The time having expired within which objections under the Act of Council, 4 William IV, No. 11, can be received to the proposed line of road from the Kissing Point Road to the Great North Road, which was notified in the *Government Gazette* of the 21st ultimo, I do myself the honor to inform you that no objection to the road in question has been received by me.

I have, &c.,
A. ORPEN MORIARTY.

No. 61.

MINUTE of Executive Council.

The Executive Council advise that the formation of the road in question be confirmed, in accordance with the provisions of the Road Act, 4th William IV, No. 11.

1 August, 1859.—No. 59-706.

See *Gazette* of 19 Augt., 1859.

A. ORPEN MORIARTY,
Clerk of the Council.

No. 62.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to THE UNDER SECRETARY.

Department of Lands and Public Works,
Sydney, 22 August, 1859.

SIR,

In drawing your attention to the notice in the *Government Gazette* of the 19th instant, respecting the confirmation of the line of road from Kissing Point to the Great North Road, I am directed to request that you will have the goodness, at the end of forty days from the date thereof, to state whether any claims to compensation have been made, in respect of the said road, in pursuance of the notice alluded to.

I have, &c.,
MICHL. FITZPATRICK.

No. 63.

THE UNDER SECRETARY to UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

*Colonial Secretary's Office,
Sydney, 11 October, 1859.*

SIR,

In reply to your letter of the 22nd August last, I am directed to state that no applications have been received in this Office for compensation in respect to the line of road from Kissing Point to the Great North Road.

I have, &c.,
W. ELYARD.

No. 64.

ACTING SURVEYOR GENERAL to MR. LICENSED SURVEYOR KNAPP.

*Surveyor General's Office,
Sydney, 9 November, 1859.*

SIR,

The road from Kissing Point Road to the Great North Road having been confirmed as a parish road, by a notice dated 17th August, 1859, in the *Government Gazette* of ——— I have to request that you will, as early as may be convenient, proceed to formally open the road.

In carrying out this instruction you will give notice, either verbally or in writing, to the proprietors of any enclosed lands through which the road passes, and suggest to them the desirability of removing any fences or other obstructions which may exist; and you will then proceed to define the road, by marking trees or fences with the broad arrow, and, where you can do so, by the letter R, and by stakes or lockspits, by which persons desiring to fence the road may be able to place the fences in their proper positions. The marking should be on one side of the road throughout, with occasional marks on the other side, to shew the breadth.

Should the parties to whom you may give notice not remove the fences or other obstructions, you will summarily remove them, and, in doing so, you will be guaranteed from loss by action by the Government.

You will be good enough to report the fulfilment of this instruction, and to state in your report the mode in which you may have marked the road.

I have, &c.,
A. G. McLEAN,
A. S. G.

No. 65.

MR. LICENSED SURVEYOR KNAPP to ACTING SURVEYOR GENERAL

*100, Elizabeth-street,
Sydney, 30 March, 1860.*

SIR,

In obedience to the instructions in your letter, 59-9776 (No. 59-2775), dated No. 61. 9 November, 1859, that I should proceed formally to open the road from the Kissing Point Road to the Great North Road, which has been confirmed as a parish road, in the *Government Gazette* of the 19th August, 1859, I have the honor to state that I have done so, and herewith transmit a plan shewing the same, colored pink. cc Enclosure to No. 56.

The road is marked with stakes driven into the ground, and the soil at each of them is lockspitted; the fences crossing the line of road are also all notched.

The southern division of the road passes through a valuable orchard, the property of Mr. James Devlin, including a large number of choice and valuable fruit trees.

Mr. Devlin states he will remove the trees and fences when required by the Government, but hopes he shall not be called upon to do so before the season for transplanting has arrived, or much loss will accrue to him thereby.

I may take this opportunity of informing you that the road round the hill in front of the Church is far more preferable and accessible, notwithstanding its greater length, than this line, which, in its present unformed state, is with difficulty passable.

I have, &c.,
E. KNAPP, JUNR.
Ld. Surveyor.

No. 66.

MR. JAMES DEVLIN to SECRETARY FOR LANDS AND WORKS.

Ryde, 24 May, 1860.

SIR,

I am this day in receipt of a communication from the Acting Surveyor General, requesting me to remove my fruit trees and fences on the site of the road reserve from the Kissing Point Road (meaning, I suppose, the road from Bedlam Point to Parramatta) to the Great North Road, in order that this road reserve may be opened as a public road for the use of the parishioners. Not traceable in Survey Office.

I

I have the honor to inform you, that petitions are now in course of signature by the parishioners, praying that the road may not be opened, as being totally needless, and uncalled for by the local public, which petition, I have reason to believe, will materially influence the determination at which the Government has arrived, and induce it to suspend, indefinitely, further action upon the initiatory proceedings which have already been taken, which I venture to anticipate will be the result when taken in the matter His Excellency the Governor shall be in receipt of the proposed petitions.

I beg respectfully to request, therefore, that you will authorize a suspension of further proceedings in the matter, say for one month from this time. The delay will be of no injury to the public, who have for upwards of thirty years remained passive under the supposed grievance, and it may be the means of preventing great individual injustice.

I have, &c.,
JAMES DEVLIN.

No. 67.

MEMORIAL of Inhabitants of Ryde, Hunter's Hill, &c.

To His Excellency Sir William Thomas Denison, Knight Commander of the Bath, Governor General of Her Majesty's Australian Colonies, and Captain-General and Governor-in-Chief of Her Colony of New South Wales, &c., &c., &c.

The humble petition of the undersigned inhabitants of the Village of Ryde, and surrounding district, Parish of Hunter's Hill,—

SH EWETH :—

That a considerable portion of land within the Parish of Hunter's Hill is occupied as orchard and garden lands.

That your petitioners' chief market for their produce is Sydney, and that this produce is sent to market partly by water and partly by land, crossing the Parramatta River on the ferry at Bedlam.

That the Great North Road, and the road leading from Parramatta by the Village of Ryde, are the only roads that are or can be used by your petitioners to convey their produce to market.

That your petitioners are informed that it is the intention of the Government to proclaim a new line of road, branching off from the Great North Road, on the north side of the village (passing through the orchard and inclosed land in the occupation of Mr. James Devlin), meeting the Parramatta Road near the Ryde Watch-house, and evading the Village of Ryde.

That your petitioners have not nor have any of them sought to have the said contemplated line of road open, and if opened it is certain that they would not use it, unless certain gullies along it were bridged over or filled up.

That your petitioners consider that to open the said contemplated line of road would be inflicting an injury on the present occupant, without in any way benefiting the public.

Your petitioners therefore pray that your Excellency will be pleased, so far as in you lies, to revoke the Proclamation of the said intended road, or to suspend the opening thereof for an indefinite period. And your petitioners will ever pray, &c., &c., &c.

[Here follow forty (40) signatures.]

By direction of the Governor General referred to the Hon. the Secretary for Lands.

EDWARD C. MEREWETHER.

No. 68.

MEMORIAL of Messrs. Devlin and Shepherd, of Ryde.

To His Excellency Sir William Thomas Denison, Knight Commander of the Bath, Governor General of Her Majesty's Australian Colonies, and Captain-General and Governor-in-Chief of Her Colony of New South Wales, &c.

The petition of James Devlin, of Ryde, Parish of Hunter's Hill, landowner, and Isaac Shepherd, of Ryde aforesaid, landowner,—

SH EWETH :—

That your petitioners became possessed of land by purchase, situated in the Parish of Hunter's Hill, prior to the year one thousand eight hundred and thirty.

That, in or about the year one thousand eight hundred and thirty your petitioners were applied to by Major Lockyer, who then held the office of Surveyor of Roads in the said Colony, to allow certain roads to be opened through the land so purchased by them, for the purpose of obtaining suitable lines of road for the convenience of the inhabitants of the district, the sites of which were level and otherwise convenient for traffic.

That Major Lockyer, whom your petitioners believed to be duly authorized by the Government to make all necessary arrangement for promoting the traffic of the district, made the following :—That, in consideration of their permitting roads to be made through their

No such application traceable.

their land for the use and benefit of the public, they should have an equivalent for the land so given up by them out of the reserves made for a road upon the original survey of the district, and adjoining the land held by petitioners.

That your petitioners, in full reliance in the arrangement made, permitted roads to be made through their respective lands. That the said line of road was opened and is now used by the public; and upon the faith of the promise so made to them, they took possession of, and fenced in, the said reserved road, and have expended considerable sums of money in the cultivation and improvement thereof, and they have been in the uninterrupted possession of to this time.

That the said lines of road given up by your petitioners for the use of the public have been used for the public traffic ever since, and are the only lines so available in the immediate neighbourhood.

That your petitioners have been informed, and believe, that it is the intention of the Government to proclaim the said reserve as a parish road, under the provisions of the Act, 4 William IV, No. 11. A fact of which your petitioners, who are not in the habit of reading the *Government Gazette*, through which alone notification is made to landowners of the intention to open roads, that such a road through the said reserve was contemplated, and that they neglected, therefore, to set forth in writing their objections to the adoption of the line of road so proclaimed.

That your petitioners are informed, and believe, that a great number of the inhabitants of the district are prepared to petition your Excellency, praying that the said line of road may not be adopted in preference to the lines of road which have been in use for thirty years; and your Petitioners respectfully submit, that as the proposed new road will be of no benefit, as they are prepared to shew from the physical difficulty of its construction, that the equitable estate in the land, which they submit that they have under the promise, may be continued.

Your petitioners, therefore, pray that your Excellency will be pleased to withhold your Excellency's assent to opening the said line of road; and your petitioners, for such mark of justice, will pray, &c., &c.

MEMO.

By direction of the Governor General, referred to the Honorable the Secretary for Lands.

	EDWARD C. MEREWETHER, Private Secretary.
B. C., 4 June, 1860.	Acting Surveyor General.
B. C., 6 June.	M. F.

No. 69.

REPORT of Acting Surveyor General.

THE line of road referred to will, in my opinion, be of little public advantage, even See No. 61. should expenditure be made on its construction; and without that would never be used in preference to the road through the Village of Ryde for vehicles.

The road has, however, been confirmed, although not yet formally opened, and the only extent to which Government could now comply with the request in this petition would be by the omission to formally open the road and to notify such opening. And this would scarcely, I think, protect Mr. Devlin in the occupation of the land, did any one desire to use the road, as neither the formal opening nor the notice is specifically prescribed by the Act. There is no room for doubt that the road passes through a driftway which has not been alienated by the Crown, although long occupied by Mr. Devlin, and it will be for the consideration of the Secretary for Lands whether, under the circumstances, the formal opening should be proceeded with.

A. G. McLEAN,
B. C., 29 June, 1860.

No. 70.

UNDER SECRETARY FOR LANDS to MESSRS. BOOTH, SMALL, AND OTHERS.

(No. 60-860.)

Department of Lands,
Sydney, 28 July, 1860.

GENTLEMEN,

Referring to your petition that the proclamation of the road from the Kissing Point Road to the Great North Line may be revoked, or the opening thereof suspended, I am directed to inform you that under the circumstances set forth in a report from the Acting Surveyor General (of which a copy is enclosed), the Secretary for Lands does not consider that there is any necessity for pressing the formal opening of the road in question, 20th June, 1860.
See 69. although the Proclamation cannot be revoked.

I have, &c.,
MICHL. FITZPATRICK.

No. 71.

No. 71.

UNDER SECRETARY FOR LANDS to MESSRS. DEVLIN AND SHEPHERD.

(No. 60-859.)

*Department of Lands,
Sydney, 28 July, 1860.*

GENTLEMEN,

See No. 68.

Referring to your petition against the formal opening of the proclaimed road from the Kissing Point Road to the Great North Line, I am directed to inform you that under the circumstances set forth in a report from the Acting Surveyor General on the subject (of which a copy is annexed), the Secretary for Lands does not consider that there is any necessity for pressing the formal opening of the road in question.

27th June, 1860.
See No. 69.I have, &c.,
MICHL. FITZPATRICK.

No. 72.

J. BLAXLAND, ESQ., to SECRETARY FOR LANDS.

Hermitage, Ryde, 22 October, 1860.

SIR,

I did myself the honor of calling on you some time ago, wishing to know why a line of road which, I understand, has been duly proclaimed, from the station-house, or lock-up, at Ryde, to join the Great North Road, and blocked up by Mr. Devlin, had not been opened; you said you would let me know. Not having heard from you on the subject, I do myself the honor of calling your attention to it, begging you will do the people of Ryde the favour of having it opened.

Yours, &c.,
J. BLAXLAND.

No. 73.

UNDER SECRETARY FOR LANDS to J. BLAXLAND, ESQ.

(No. 60-1882.)

*Department of Lands,
Sydney, 14 December, 1860.*

SIR,

No. 72.

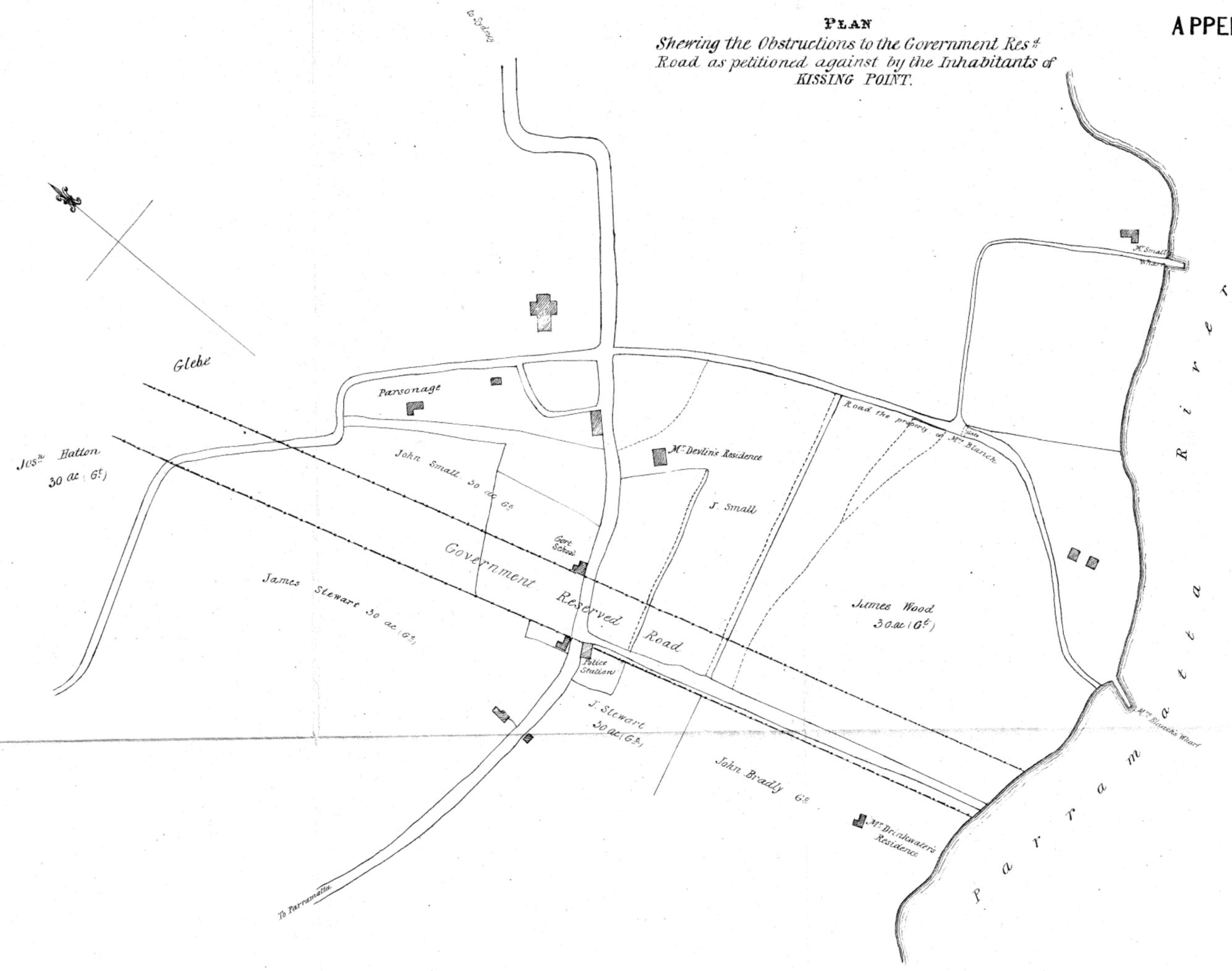
See No. 67.

See No. 61.
29 June, 1860.

Referring to your letter of the 22nd ultimo, inquiring why the proclaimed line from the Kissing Point Road to the Great Northern Line has not been opened, I am directed to apprise you that a petition against the opening of this road was sent in, signed by forty residents in the neighbourhood of Ryde, who were informed that Mr. Secretary Robertson did not consider, under the circumstances set forth in a Report from the Acting Surveyor General (of which a copy is enclosed), that there was any necessity for pressing the formal opening of the road in question.

I have, &c.,
MICHL. FITZPATRICK.

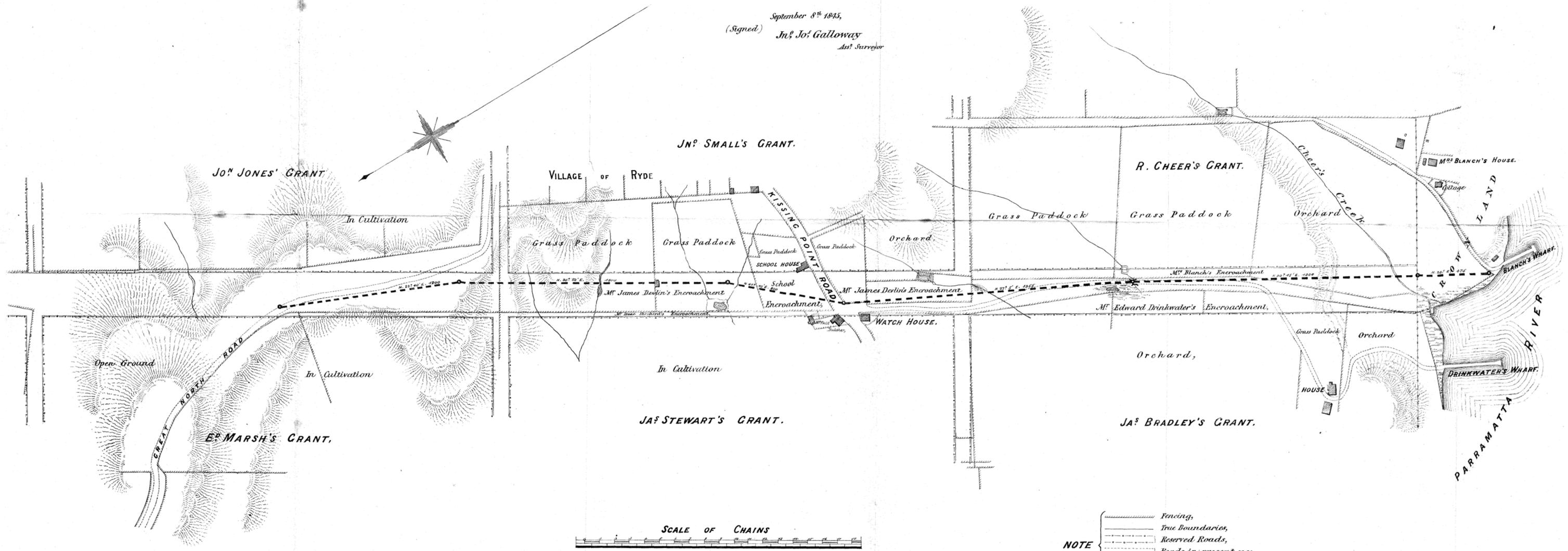
PLAN
*Shewing the Obstructions to the Government Res^d
Road as petitioned against by the Inhabitants of
KISSING POINT.*



PLAN
 OF THE
PROPOSED ROAD
 IN THE PARISH OF
HUNTER'S HILL

(APPENDIX C)

September 8th 1845,
 (Signed) *Jn^o Jo^o Galloway*
 Asst. Surveyor



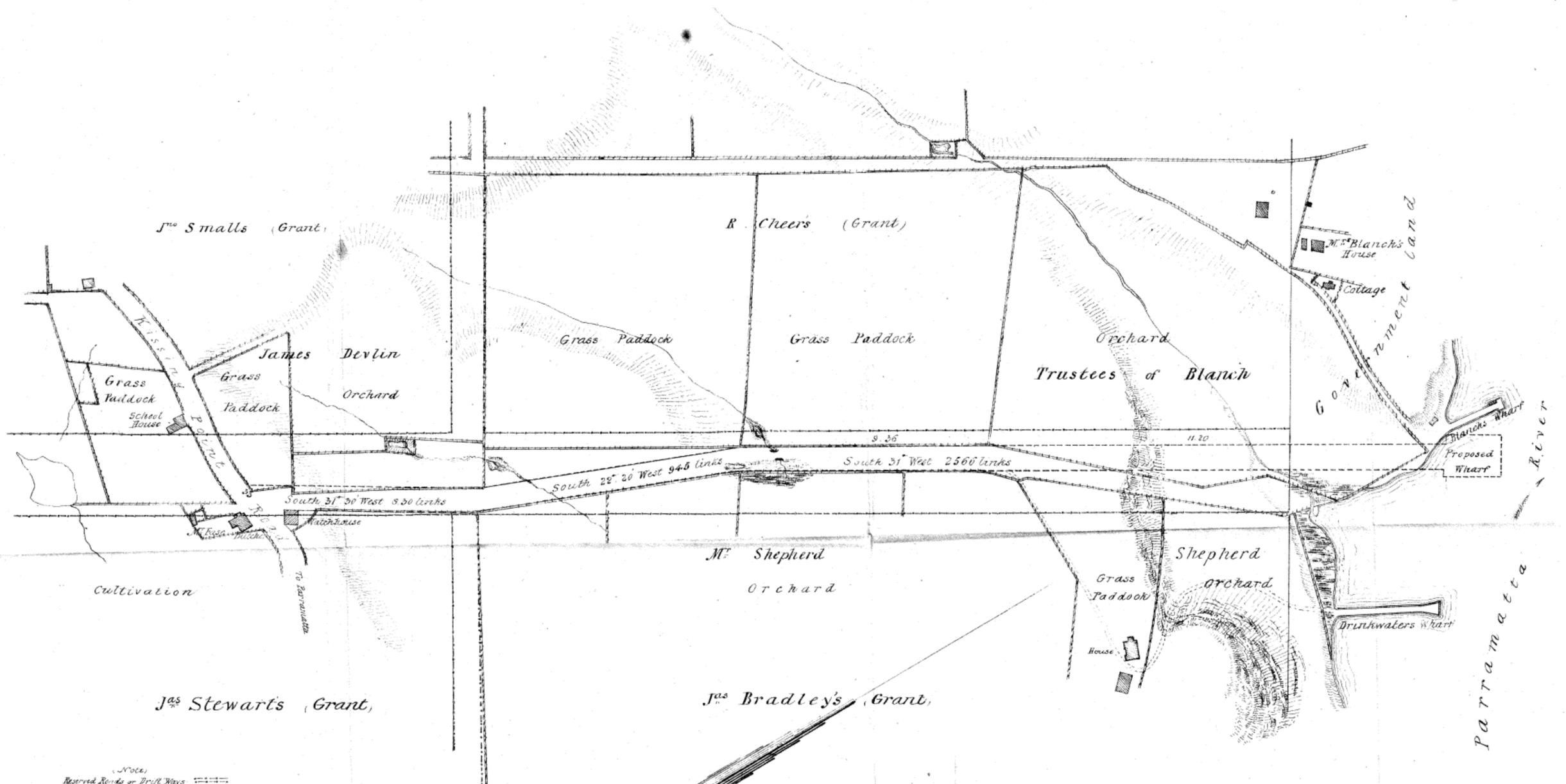
NOTE

- Fencing,
- True Boundaries,
- Reserved Roads,
- Roads in present use,
- Crown lands
- Proposed Road

Plan
of the
Proposed Road
down the Kissing Point Drift-Way
From the
Kissing Point Road
to the Parramatta River
1857

APPENDIX D

Read before the Ex. Council
26th August 1857. M^{rs} J^o S^r/10
(Sig^{ty} Edward C. Merrett
Clerk of the Council.



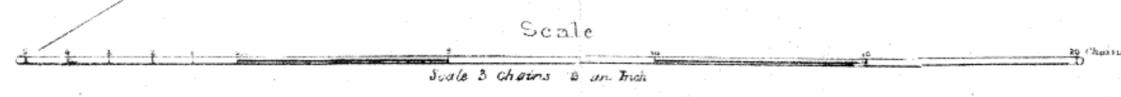
(Note)
Reserved Roads or Drift Ways
Proposed Road

(Sig 288)

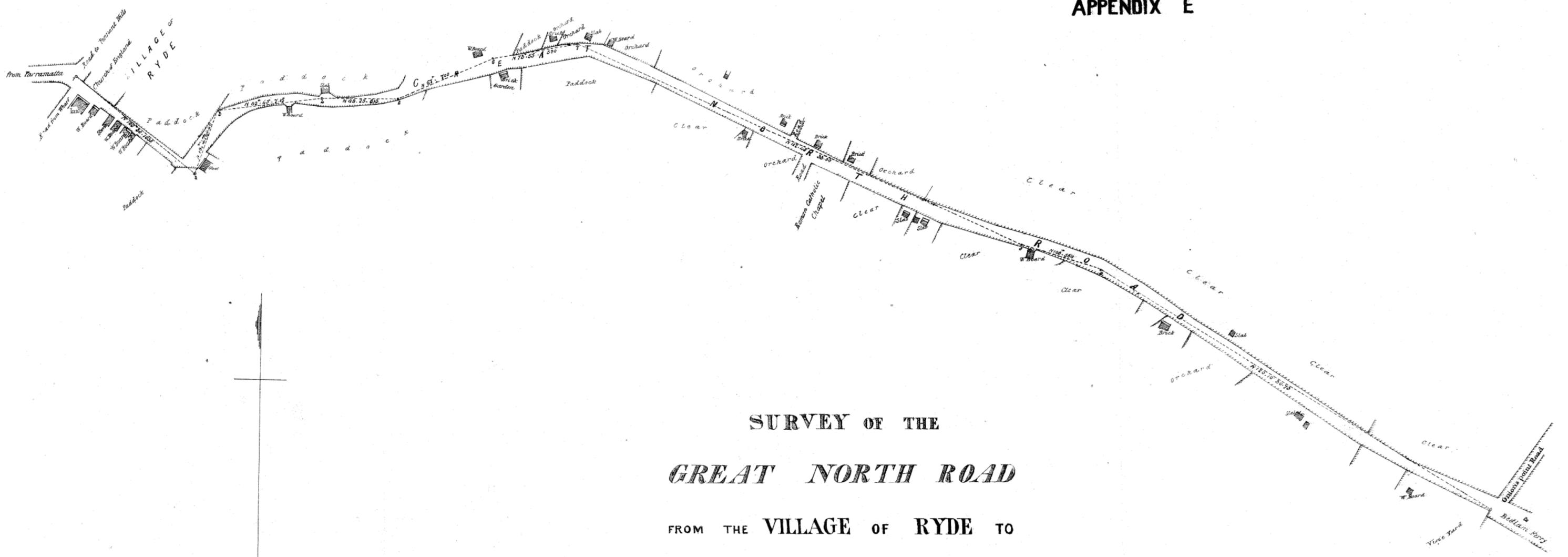
Tables from Ord. 2. 10. 1850

(Sig^{ty} M. H. Barrons A.S.
18th June 1857

Forwarded to the Sec^y of Lands & with
Surveyor General's Letter of 20th July 1857. A^o S^o/577

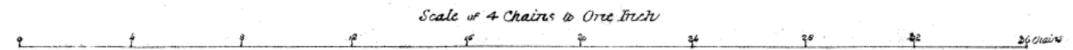


APPENDIX E



SURVEY OF THE
GREAT NORTH ROAD
 FROM THE VILLAGE OF RYDE TO
 Onion's Point Road.

(Sig 288)



17th August 1858
 (Signed) *A. Knapp Jr*
Ld. Surveyor

1861.

Legislative Assembly.

NEW SOUTH WALES.

BRIDGE OVER THE MURRUMBIDGEE AT GUNDAGAI.
(PETITION FROM GUNDAGAI.)

Ordered by the Legislative Assembly to be Printed, 15 January, 1861.

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

The humble Petition of the undersigned Residents in the Police Districts of Gundagai and Tumut, and at the Adelong Gold Fields, and others,—

HUMBLY SHEWETH :—

1. That between the townships of North and South Gundagai, the Great Southern Road of this Colony is intersected by the Murrumbidgee River.

2. That the only means available to the public of crossing the river at this place is a punt, the property of two individuals, who hold from the Government a lease of the ferry, which lease expires on the 31st day of December, 1861. The lessees pay to the Government for their privileges an annual rent of £40; whilst their receipts from this source are, at the lowest calculation, £1,000 a year.

3. That, notwithstanding this large sum paid by the public every year for transit, the most vexatious and injurious delay is caused to travellers and traffic, by the necessarily insufficient accommodation afforded by the punt, and by the interruption to its working, resulting from the frequent rising of the river. Owing to these causes, the overland postal communication between Sydney and Melbourne, as well as the usual traffic, is often completely obstructed for more than a week at a time.

4. That the traffic between the districts on the further side of the Murrumbidgee and Sydney—including as they do the richest portions of the whole Colony—is so great, and, owing to the discovery of various Gold Fields in those districts, is so rapidly increasing, as to render the present arrangements for crossing the Murrumbidgee River, at Gundagai, utterly inadequate to the requirements of the case.

5. That, for these reasons, your Petitioners do humbly pray that your Honorable House will be pleased to take the grievances herein set forth into your consideration, and will adopt the only sufficient measures for their removal, namely, the construction of a Bridge over the Murrumbidgee River at Gundagai.

And your Petitioners will ever pray.

[Here follow 245 Signatures.]

1861.

Legislative Assembly.
NEW SOUTH WALES.

WAHGUNYAH MURRAY BRIDGE COMPANY'S BILL.

REPORT

FROM

THE SELECT COMMITTEE

ON THE

WAHGUNYAH MURRAY BRIDGE COMPANY'S BILL;

TOGETHER WITH

THE PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
15 March, 1861.

SYDNEY:
THOMAS RICHARDS, GOVERNMENT PRINTER,
PHILLIP-STREET.

1861.

1861.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES, No. 23. TUESDAY, 19 FEBRUARY, 1861.

17. Wahgunyah Murray Bridge Company's Bill:—Mr. Hay moved pursuant to notice,—
(1.) That the Bill to incorporate a Company to be called the Wahgunyah Murray Bridge Company to erect and maintain a Bridge over the Murray River at Wahgunyah, be referred to a Select Committee of this House for consideration and report.
(2.) That such Committee consist of Mr. Lucas, Mr. Wilson, Mr. Morris, Mr. Mate, Mr. Macleay, Mr. Watt, Mr. Arnold, Mr. Robertson, and the Mover.
Question put and passed.

VOTES, No. 38. FRIDAY, 15 MARCH, 1861.

6. Wahgunyah Murray Bridge Company's Bill:—Mr. Hay, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report this Bill was referred on the 19th February last.
Ordered to be printed.

CONTENTS.

	PAGE.
Extracts from the Votes and Proceedings	2
Report.....	3
Proceedings of the Committee	4
Schedule of Amendments	5
List of Witnesses	5
Minutes of Evidence	7

1861.

WAHGUNYAH MURRAY BRIDGE COMPANY'S BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 19th February last, the "*Wahgunyah Murray Bridge Company's Bill*," beg leave to report to your Honorable House:—

That they examined the Solicitor for the Bill,* and the other • Mr. W. G. M'Carthy. witnesses† named in the margin, whose evidence will be found appended † Mr. J. M'Bean.
Mr. E. O. Moriarty.
Mr. R. Napier. hereto; and that the Preamble of the Bill, 'as *verbally* and *formally* amended,‡ having been satisfactorily proved, your Committee proceeded to ‡ Vide Schedule of Amendments. consider the several Clauses and Schedules, in which they found it necessary to make several Amendments.‡

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

JOHN HAY,
Chairman.

Legislative Assembly Chamber,
Sydney, 13 March, 1861.

PROCEEDINGS OF THE COMMITTEE.

FRIDAY, 8 MARCH, 1861.

MEMBERS PRESENT:—

Mr. Hay,	Mr. Morris,
Mr. Macleay,	Mr. Watt,
Mr. Mate,	Mr. Wilson.

On motion of Mr. Morris, J. Hay, Esq., called to the Chair.

Copies of the Wahgunyah Murray Bridge Company's Bill before the Committee.

Solicitor for the Bill, Mr. W. G. M'Carthy.

Mr. W. G. M'Carthy, *Solicitor*, called in and examined.

Witness produced a plan in reference to the site of the proposed Bridge, and also a specification and certain plans of the structure intended; but the said documents were not handed in, as the terms of the Bill do not seek to bind the Company in the details of construction.

Mr. J. M'Bean called in and examined.

Witness withdrew.

Committee deliberated upon the allegations contained in the Preamble.

And the wording of the said Preamble being defective in point of form and expression,—

On motion of Mr. Morris, certain amendments therein severally agreed to. (*Vide Schedule of Amendments.*)

Motion made (*Chairman*) and *Question*,—That the Preamble, as amended, stand part of the Bill—*agreed to.*

And Committee desiring to hear further evidence in respect to certain Clauses,—

The *Chairman* informed the *Solicitor for the Bill* accordingly, and of the present adjournment of the Committee.

[Adjourned till Wednesday, 13th instant, at Eleven o'clock.]

WEDNESDAY, 13 MARCH, 1861.

MEMBERS PRESENT:—

J. Hay, Esq., in the Chair.

Mr. Macleay,	Mr. Morris,
Mr. Mate,	Mr. Watt.

Solicitor for the Bill, Mr. W. G. M'Carthy, present.

E. O. Moriarty, Esq., C.E., *Engineer-in-Chief for Harbours and River Navigation*, called in and examined.

Witness withdrew.

Mr. R. Napier called in and examined.

Witness withdrew.

Committee then proceeded with the several Clauses and Schedules.

Clauses 1 and 2, respectively, read and agreed to without amendment.

Clause 3, read, amended (*Vide Schedule of Amendments*), and agreed to.

Clauses 4 to 29, severally read and agreed to without amendment.

Clauses 30 and 31, severally read, amended (*Vide Schedule*), and agreed to.

Clauses 32 to 34, severally read and agreed to without amendment.

Clause 35, read, amended (*Vide Schedule*), and agreed to.

Clauses 36 and 37, severally read and agreed to without amendment.

Clause 38, read, amended (*Vide Schedule*), and agreed to.

Clauses 39 to 41, severally read and agreed to without amendment.

Clause 42, read, amended (*Vide Schedule*), and agreed to.

Clause 43, read and agreed to without amendment.

Clauses 44 and 45, severally read, amended (*Vide Schedule*), and agreed to.

Clauses 46 and 47, read and agreed to without amendment.

Schedules A to G severally read and agreed to without amendment.

On motion of Mr. Macleay, the *Chairman* requested to report the amended Bill to the House.

SCHEDULE

SCHEDULE OF AMENDMENTS.

Page 1, Preamble, line 1	—Omit "on"; insert "over."
" " 2	—After "Wahgunyah", insert "in the Colony of Victoria."
" " 4	—Omit "direct."
" " 7 to 9	—Omit "His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof"; insert "the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—"
Page 2, Clause 3, line 2	—After "respectively", insert "from."
" " 12	—Omit "92 to 100"; insert "82 to 89."
" " "	After line 12, insert the following paragraph:— "With respect to the proceedings and liabilities of the Directors clauses numbered respectively from 92 to 100 both inclusive."
" " 16	—After "respectively", insert "from."
" " 17 and 18	—Transpose the paragraph contained, so as to follow the next paragraph, after line 21.
" " 25	—Omit "134"; insert "135."
Page 7, Clause 30, line 20	—Omit "received"; insert "recovered."
" Clause 31, line 28	—Omit "committed"; insert "convicted."
" Clause 35, line 58	—Omit "in"; insert "or."
Page 8, Clause 38, line 54	—After "all", insert "reasonable."
Page 9, Clause 42, line 42	—Omit "enacting"; insert "erecting."
Page 10, Clause 44, line 20	—Omit "on"; insert "over."
" Clause 45, line 30	—Omit "Government."

LIST OF WITNESSES.

Friday, 8 March, 1861.

	PAGE.
W. G. McCarthy, Esq., Solicitor	7
Mr. J. McBean	8

Wednesday, 13 March, 1861.

E. O. Moriarty, Esq., C.E., Engineer-in-Chief for Harbours and River Navigation	11
Mr. R. Napier	12

1861.

Legislative Assembly.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

WAHGUNYAH MURRAY BRIDGE COMPANY'S BILL.

FRIDAY, 8 MARCH, 1861.

Present:—

MR. HAY,
MR. MACLEAY,
MR. WILSON,

MR. MORRIS,
MR. MATE,
MR. WATT.

JOHN HAY, Esq., IN THE CHAIR.

William Godfrey McCarthy, Esq., (*Solicitor for the Bill*) called in and examined:—

1. *By the Chairman*: You are solicitor for this Bill? I am.
2. What is the intention of the Bill? To erect a bridge over the Murray River, as stated in the preamble, at Wahgunyah, and in connection with Corowa, which is on the New South Wales side of the river—Wahgunyah being on the Victoria side.
3. What is the proposed amount of capital? Eight thousand pounds, as stated in the second clause. W. G. McCarthy, Esq.
 8 Mar., 1861.
4. You prepared this Bill? No; I did not prepare it myself.
5. You have examined the Bill with a view to its completeness for the objects intended? Yes, I have read it through.
6. Do you know what is the model of the Bill: it seems different from that passed in this Colony? It has been founded on the Studeley Park Bill in force in Victoria.
7. I see it adopts extensively certain clauses of an Imperial Act—the Companies Clauses Consolidation Act of 1845? Yes; I have it here.
8. Have you examined those clauses with reference to their applicability to this Bill? I have.
9. And what is your opinion with regard to the efficacy of those clauses? The clauses in question are made expressly applicable to all special Acts for these purposes. I have examined them carefully with reference to their applicability to the special Bill we seek to carry through, and they do apply perfectly.
10. Those clauses, I suppose, have been very well considered, and have been long in operation in England? They have.
11. And do you consider it then a preferable course to adopt those clauses in a Bill like this rather than frame separate clauses for the purpose? Undoubtedly. They have not only stood the test of experience, but they also prevent every special Act being burdened with clauses unnecessarily. They are all referred to a parent form.
12. I suppose the interpretation too has been well tested by their having been so long in use in the Mother Country? Yes.
13. Have you any particular information to afford with regard to the plan or the site of this bridge? I have a witness in attendance who is a resident at Wahgunyah, and who is, I believe, informed very fully on all those local points.

14.

- W. G. McCarthy, Esq.
8 Mar., 1861.
14. What is the witness's name? Mr. J. McBean.
15. Have you got any plans of the bridge? I have (*witness produced two maps and a plan*): The large plan is, with respect to the district and surrounding localities, to show the situation of the bridge. I produce also plans shewing the elevation, and so on, and giving the scientific information in reference to the bridge.
16. From whom did you receive them? That plan, with the specification, I received from the Secretary to the Company, as the bridge they have decided on building—shewing the size, measurement, and all other particulars.
17. These (*plans*) are copies? Yes, prepared for the purpose of being shewn to the Committee.
18. They have the name of Mr. Merrit? Yes.
19. Is he engineer to the Company? Yes.
20. You give this as a plan of the intended structure? Yes.
21. But not as a plan by which the Company desire to be bound? No; the Bill does not profess to bind them to any particular plan, but is merely to authorize them at their own expense to build a bridge.
22. From whom have you received your instructions? From the Secretary to the Company, Mr. William Butler.

Mr. John McBean called in and examined:—

- Mr. J. McBean.
8 Mar., 1861.
23. *By the Chairman*: Do you know the side on which it is proposed to erect a bridge at Wahgunyah? Yes.
24. You are well acquainted with that part of the country? Yes; I have been there for the last four years.
25. Do you know the gentlemen named in this Bill: John Foord, Christopher Godfrey Baldock, and Henry Baylis? Yes.
26. Are you aware that they, with others, are prepared to form a Company for the construction of a bridge at Wahgunyah? Well, I only know from what they told me, that they were prepared to begin and build a bridge as soon as the Bill was passed.
27. Do you know if any survey has been made for the purpose of erecting a bridge? Yes, they have made arrangements with the contractors to commence constructing a bridge as soon as the Bill is passed—Mr. Cornwell, and some other gentlemen from Melbourne.
28. They have entered into contracts for the work to be commenced as soon as the Bill is passed? Yes.
29. Where is the proposed site for the bridge—do you know? On the Victorian side it is the north end of Foord-street, in the township of Wahgunyah.
30. Is that opposite the Corowa Reserve, on the New South Wales side? It is not opposite the township of Corowa, but it is opposite the Corowa Reserve.
31. Do you think that is a more suitable site than opposite the township of Corowa itself? Oh, yes; it is flooded on the Victorian side, and any bridge there would have to be made half a mile long.
32. That is, if it were erected opposite Corowa? Yes, if it were erected opposite the township of Corowa.
33. Of your own knowledge, can you say whether the site selected is the most favourable site for the erection of the bridge? It is the best site I have seen all the way from Adelaide to Albury.
34. The best site you have seen from Albury downwards? Yes.
35. And you are well acquainted with the Murray? I have been up and down the river six or seven times by the steamer. It is acknowledged by everybody acquainted with the river that this is the best site for the bridge.
36. Have you been resident at Wahgunyah for any length of time? Yes, for three years.
37. What makes the site particularly eligible—does the river not spread so much as usual there? On the Victorian side it is a high cliff, on the New South Wales side it is lower—much lower.
38. And level land? Yes.
39. As this map (*the smaller*) shews clearly? Yes, it is low land, but it is very seldom flooded, except along this lagoon. (*Lagoon pointed out by witness.*)
40. It is very seldom flooded on the New South Wales side? Yes.
41. Then the level land is higher than the surrounding land generally is? Yes.
42. And the communication with the bridge will be very seldom interrupted, even on occasions of very high flood? Very seldom; but I understood that the Company were to make approaches from the high bank to the bridge, so that it would not matter what the flood might be.
43. So that the bridge would be passable at any time—in the highest flood? Yes.
44. What is the distance of Wahgunyah from Albury? Forty miles by land.
45. What is the distance from the township of Chiltern, in Victoria? From where?
46. From Wahgunyah? It is sixteen miles.
47. Is there a considerable population at Wahgunyah now? I cannot state what is the number of the population, but four miles from the south of Wahgunyah there is a town called Rutherglen. There was a rush to that place, and there are about seven thousand people there.
48. At the present time? Yes, they were there when I left, a month ago. And again, six miles to the south of Rutherglen there is a town called Christmas Town, where there are about three thousand people.

49. Engaged in mining? Engaged in mining—and further on is Chiltern.
50. Which is about sixteen miles distance? Yes, through which the Sydney road passes.
51. Chiltern is on the main line of road? Yes, from Wangaratta to Albury.
52. Is there a large population near Chiltern? Oh, yes, there are five thousand people in the neighbourhood of Chiltern. There is, within a radius of sixteen miles from Wahgunyah, according to the police returns, a population of fifteen thousand people.
53. In the Colony of Victoria? In the Colony of Victoria.
54. How far is it from Wahgunyah to Beechworth? Thirty miles.
55. Do you know how far it is from Albury to Beechworth? About the same distance.
56. Then do you consider Wahgunyah, as far as the present mining population is concerned, to be the most eligible terminus of the Murray River steam trade? Yes; you save, in the first place, by landing your cargoes at Wahgunyah, one hundred and twenty miles of navigation.
57. To Albury? Yes; you will be nearer the Gold Fields: you will be only sixteen miles from Chiltern, four miles from Rutherglen and the intermediate place called Christmas Town—and you will be as near Beechworth; steamers have found it necessary to land their cargoes there.
58. What sort of country is it on the New South Wales side of the river at and about the site of the bridge? It is a very fine country indeed, it is all good country.
59. An agricultural country? Yes.
60. Both up and down? I have not seen finer country in the Colony than that between Corowa and Albury. A great many farmers are settled there now.
61. Is there much land sold there? Yes, considerable quantities of land have been sold.
62. What is their principal market? Rutherglen, Chiltern, and Beechworth.
63. In fact the population—which is the mining population—on the southern side of the river? Yes, they are obliged to sell their produce on the diggings.
64. So that to get at their market they must cross the river? They must cross the river to get at their market.
65. Do you anticipate that it would be of great advantage to the agriculturists who are settled on the New South Wales side of the river, if a bridge were erected at this place? Most decidedly.
66. According to your account, it would enable them at all times to cross with their produce? Yes; they are now paying high rates to cross in punts.
67. What is the nature of the provision for crossing the river now at Wahgunyah? Just a common punt.
68. That is where? A little below the site of the proposed bridge.
69. Is there only one punt in that vicinity? There is only one.
70. To whom does that punt belong? It is Mr. Foord's.
71. Does that pay anything to the Government of New South Wales, do you know? I am not aware that it does.
72. The Government of New South Wales derive no advantage from it—can you tell us what the charges are? I cannot exactly state what the charges are.
73. They are not regulated by any Act of the Government of New South Wales? No; Mr. Foord himself fixes them; they are lower than the Albury rates, and the Government rates too—this is all I know.
74. Then you cannot tell us exactly what they are? No; but I understood that the revenue exceeded six hundred pounds a year—that was twelve months ago; but now the traffic is increased considerably, owing to the rush to Corowa.
75. There is a Gold Field now on the New South Wales side of the river? Yes, about four miles north of Wahgunyah.
76. Have you been there lately? I have not been on the Gold Field, it was discovered about the time I left.
77. Is that Gold Field extensively developed? From letters which I have lately received, there were only about a thousand people at Corowa,—there is a great scarcity of water there.
78. *By Mr. Morris:* Four miles back from the river? There is no water except in the river.
79. *By the Chairman:* You cannot tell us, then, what the tolls are at the punt? They are much higher than the scale in the Bill.
80. Have you seen that—foot passengers, 3d.; pigs or goats, 2d.; and sheep, ½d? The passengers now pay 6d.
81. Foot passengers? Yes.
82. Do you know what they charge for sheep? I do not; but I know I pay 1s. 6d. for crossing on my horse.
83. 1s. 6d. for a horse? Yes.
84. You do not recollect what they charge for vehicles? For a dray and eight bullocks it is 8s.
85. A two-wheeled dray? Yes, 8s.
86. You know a good deal about the steamers? Oh, yes.
87. And the steam trade on the Murray? Yes.
88. What do you think will be the effect of the erection of this bridge on the navigation of the river? It will not obstruct the navigation, unless there is some enormous flood which rises to a height that has not been known before. The cliff is very high on the Victoria side; and I see by the Bill that there will be allowed fifteen feet clear of high water—the river at the very highest flood does not remain at that height. I never knew it to remain at its highest above twenty-four hours; the water then recedes.
89. It recedes rapidly? Yes. I think fifteen feet is ample, if steamers had their funnels hinged.

Mr. J.M. Bean:

8 Mar., 1861.

- Mr. J. M. Bean. 90. Is the space of fifteen feet ample for any of these steamers if they have their funnels hinged? Yes, at the highest water fifteen feet will be quite sufficient.
- 6 Mar., 1861. 91. I suppose that when the funnels are hinged, a steamer does not require much greater height than to allow the paddle-boxes to pass? That is all.
92. The bridge is the highest part, higher than the funnels? Yes, where the wheel is.
93. There is no difficulty in having the funnels hinged? No; they can be lowered in a second. All river steamers should have their funnels hinged for this reason—there are overgrown branches of trees along the rivers, and they are compelled to lower their funnels.
94. Have you been at Wahgunyah at very high floods? Yes, I have been there at the highest flood which has occurred for the last three years.
95. Could you say, from recollection, what number of feet it rose to from the top of the cliff on the Victoria side? I cannot tell; we have a water-gauge at Wahgunyah, which shews us the number of feet the water rises from the lowest ebb; and the highest I have seen it rise is twelve feet, according to the gauge.
96. From the lowest to the highest? From low water; twelve feet above that is the highest I have seen it there.
97. *By Mr. Watt*: In how many years? In three years.
98. *By the Chairman*: And from what you have heard, what would you suppose to be the comparative height of that flood you spoke of as having been the highest during the last three years, in reference to floods which have taken place before? Mr. Foord told me of a much higher flood than that.
99. *By Mr. Morris*: How much higher, do you remember? I could not state the number of feet, but it was a much higher flood than any I have seen.
100. *By the Chairman*: That was one particular great flood? Yes.
101. Did he point out to you any spot on the bank? He pointed out logs which the flood had left on the bank, and shewed me the height of the water from that.
102. *By Mr. Watt*: On the New South Wales side—on the low ground? Yes, it must have been an extraordinary high flood to leave the logs where he pointed them out to me: it is impossible for it to get flooded on the Wahgunyah side.
103. I see they have marked here (*on the plans produced*) the distance between the level of low water and the highest flood as being fifteen feet perpendicularly? Very likely.
104. That would be three feet higher than the highest you have observed? Yes.
105. And have you any idea how high that would be from the top cliff—the highest that you have observed? I should think it would be about seventeen feet.
106. It might be twenty? It might be twenty. I calculated always seventeen feet when I saw the river at its highest. I did not measure it, but I calculated it at that.
107. I see by this plan that it would be a little more? They will very likely raise the bridge a little above the roadway.
108. Does that (*showing plan to witness*) give you a pretty accurate idea of the construction? Oh, yes, it shews you the high cliff, and the road is higher than the cliff, and that would make the height appear greater; I calculated from the cliff itself.
109. So that your observation would pretty well agree with this plan? Yes; it is very seldom the river is at the height shewn in the plan. I never saw the flood so high at Wahgunyah as at the time I mentioned, and it only remained so for twenty-four or thirty hours.
110. How far would it have fallen in the course of these twenty-four hours? It generally falls about two feet per day on an average, until it comes down to about middle flood.
111. Six or eight feet above low-water mark? Yes, and then it remains stationary, perhaps for months.
112. Does the river run with great rapidity in high floods? It does there, on account of the contracted channel.
113. Do you think river steamers could stem the current? Yes.
114. *By Mr. Watt*: At high flood? Yes, at any flood.
115. *By the Chairman*: What width between the piers would it require to give accommodation for the largest class of steamers that navigate the Murray? The largest beam that I have seen on the Murray, or that I know of about to be placed on the river, is thirty-four feet over all; but there is no steamer on the river at present as broad as that; there is, however, one building of that size.
116. Do you think it likely that steamers of greater beam are likely to be employed on the Murray? They will require to have a larger beam to have lighter draught of water.
117. Perhaps forty feet? Perhaps so.
118. It is not likely to be more? I have no knowledge of ship-building, but that is what I understood.
119. You are not prepared to give an opinion as to the likelihood of increased beam or increased height in the steamers? I know the height; the depth of the hold is never more than six or seven feet; and if they draw two feet of water, that would be four feet above water to the deck, and then comes the funnel.
120. I see it mentioned that some steamer on an American plan was to be built? That is thirty-four feet build over all.
121. Do you mean the one being put together now? Yes.
122. Do you know what height that will be out of the water? When laden, her deck could not be above four feet above water.
123. But what would be the height of the bridge of the steamer above water—would she be higher than ordinary vessels? That is the highest, certainly. It would be four feet more—another four feet.
124. Than what you have mentioned? Yes.
125. But what height would the bridge of this steamer be above the water's edge? It would be at least ten feet.

126. Not more? No; if you notice in going along decked ships, you can just get under ^{Mr. J.M'Bean.} the bridge, and not much more—which is six or seven feet to the deck.
127. Then if the vessel was light coming down the river, it would require more room? ^{8 Mar., 1861.} Yes, a little more.
128. Twelve feet, perhaps? There is one just built; it is reported that this vessel will draw two feet, but when light she would only draw half that, which would make one foot difference.
129. Did you say what was the greatest height required by any of the steamers? The "Gundagai" is the only one trading up now, and the "Sturt." The "Gundagai," when laden, draws four and a half feet; that would leave about three feet above water to the deck.
130. How much more? The bridge is six and a half feet above the deck, and the funnel is hinged.
131. She would only take, then, according as she was laden or light, from ten to twelve feet? Yes.
132. To give her a free passage under the bridge? Yes.
133. You think seventeen feet ample? Seventeen feet is ample for steamers.
134. Do you know the "Bunyip"—Randolph's steamer? Yes.
135. That steamer would require a greater height, would it not? I do not know. If they can lower their funnels, the height of the deck is nothing;—it could not be anything like seventeen feet—the depth of the boat; besides, at present none of the steamers pass Wahgunyah, and have not for the last three years; no steamers have been at Albury since five years ago.
136. *By Mr. Watt:* Why? There is no inducement for them; the trade is done with the diggings—the Gold Fields in the neighbourhood of Wahgunyah and Beechworth; and by going to Albury it would be one hundred and twenty miles further of navigation, and you would not be any nearer to the Gold Fields; nor would there be as good a way as from Wahgunyah.
137. Is not there a sufficient number of inhabitants above Albury to create a market, and supply a steamer? No; not above Albury. There are the Yakadandah Diggings above Albury, to supply steamers from Wahgunyah, but that is only thirty miles from Wahgunyah.
138. *By the Chairman:* Still there is a considerable trade at Albury? Oh, yes.
139. But it is the increased distance from Wahgunyah which I suppose prevents that trade from being carried on by the steamers to Albury? Yes.
140. The trade is carried on otherwise overland? Yes; besides the river is not navigable from Albury, except at high water.
141. That is to say, the navigability is not so practicable above Wahgunyah? No.
142. At the same time you do not consider it would be desirable to make Wahgunyah the head of the navigation? It will be the principal.
143. You think it will be so? Yes, I think so, because one or two cargoes would supply Albury for twelve months: they raise their own produce, and only require general merchandise—foreign goods.
144. *By Mr. Watt:* They would have no market for flour down the river? But Albury exports a good deal of flour to the diggings.
145. *By the Chairman:* Which may be sent as cheaply by the road? Yes; three years ago I sold a thousand tons of Adelaide flour in twelve months, but last year there were only eight hundred tons of flour brought from Adelaide.
146. To Wahgunyah? Yes, but there would not have been so much required had it not been for the Ratherglen and Corowa rush, and the new diggings.

WEDNESDAY, 13 MARCH, 1861.

Present:—

MR. MACLEAY, | MR. MATE,
MR. MORRIS.

JOHN HAY, Esq., IN THE CHAIR.

Present for parties—W. G. M'Carthy, Esq., *Solicitor for the Bill.*

Edward Orpen Moriarty, Esq., called in and examined:—

147. *By the Chairman:* What is your profession? I am a Civil Engineer by profession. ^{E.O.Moriarty, Esq.}
148. You are likewise in the Government employment? Yes, I am Engineer-in-Chief for Harbours and Rivers. ^{13 Mar., 1861.}
149. You are aware of the project for building a bridge over the Murray River at Wahgunyah? Yes, I am aware that there is a Bill for that purpose.
150. You have seen certain plans? I have.
151. It is a pile bridge that is proposed? Yes, a pile bridge.
152. Do you think that is the best sort of bridge, generally speaking, in this country? That depends upon the locality, the facilities for getting timber and so on; I am not sufficiently acquainted with the locality there to pronounce an opinion as to the suitableness of the bridge.

- E.O. Moriarty, Esq.
13 Mar., 1861.
153. There is not the same cause to operate against a pile bridge in the interior that there is on the coast—the timber is not likely to be attacked by the worm? Not in the fresh water. The mere effect of that is to save the cost of coppering.
154. Do you think the proposed height, 15 feet above the highest water mark, would be sufficient to provide for any navigation there is likely to be on such a river as the Murray? I think 15 feet is quite enough above the highest flood level.
155. That is on the supposition that the funnels of the steamers are hinged and capable of being depressed? Yes; it is a very simple arrangement, and a very common one.
156. Have you looked over the Bill proposed? No, I have not.
157. You were engineer for some bridges that were put up on the Hawkesbury? Yes.
158. Were they pile bridges? Both pile bridges.
159. As to the width of the piers—what do you think should be the minimum width of pier sufficient to provide for the passage of such vessels as are likely to navigate a tortuous river like the Murray? The bays, or openings, in that design are 72 feet.
160. That would be sufficient? Ample.
161. Would not less than that be sufficient? Less than that would do, but as they have fixed that amount I should say that is a very fair allowance.

Mr. Robert Napier called in and examined:—

- Mr. R. Napier.
13 Mar., 1861.
162. *By the Chairman:* What are you by profession? An engineer.
163. Have you been connected with the construction or ownership of any of the steamers that have been plying on the Murray River? Yes, I was part owner of one that my partner and myself brought out in frame and put together at Port Adelaide, and with which we traded on the Murray.
164. Were you trading yourself on the Murray in that vessel? Yes, my partner and myself went together, he was master and I was engineer of the vessel.
165. Have you been up the Murray as far as Wahgunyah? Yes, several times.
166. As far as Albury? No.
167. Have you taken steamers as far as Wahgunyah? Yes.
168. But not further? No.
169. Have you reason to suppose that the navigability of the river is inferior above Wahgunyah to what it is below? No, the navigation is quite as easy up to Albury, but at present there is no trade there.
170. Then Wahgunyah was as well situated as a terminus for the trade as Albury? Yes.
171. And of course there was so much less river navigation? Yes.
172. Do you know the site of the proposed bridge at Wahgunyah? No, I cannot say I do.
173. You are not aware of the exact locality? No.
174. Is the river near there, in your opinion, favourable for the erection of a bridge? Yes, there is high ground on each side.
175. The access to the river is comparatively good at that part of it? Yes.
176. The river is more confined within one channel? Yes, than it is in some other parts.
177. There is not such a great extent of flooded ground? No, the land lies higher there than it is in other places.
178. There is a considerable population on the Victorian side of the river, is there not? Yes, but I could not say how many.
179. There are extensive diggings in the neighbourhood, are there not? Yes; I have not been there since the newest diggings were found.
180. Have you been up since the Chiltern diggings were opened? Yes.
181. From your experience of the navigation of the river, and of the steamers which are used, or are likely to be used on that river, what is your opinion as to the provision that will require to be made, in the erection of a bridge, for the passage of steamers under it? Well, I could say what height would be absolutely requisite to enable them to go under at a given height of the water. It would require fourteen feet for the largest at present on the river; and I think there is not likely to be any requiring more than fourteen feet clear from the top of the paddle-boxes to the water.
182. What is the largest steamer now that requires the greatest height? There used to be a vessel called the "Sturt," which was about 37 feet overall.
183. That vessel would require a height of about fourteen feet? Yes, when light.
184. What tonnage is the "Sturt"? I think about 120 or 130 tons.
185. And you do not think it is likely that vessels will be navigated on the Murray requiring any greater height? No, not on that part of the Murray; when there is any trade up there it is more likely to be carried on by a small class of vessels.
186. Is it likely that vessels may be constructed for the navigation of the Murray, something more on the American principle, with a small draught of water, but standing higher out of the water? I should think not. There is an American at present building a vessel at Port Adelaide for the Murray, but I do not apprehend she would be higher than fourteen feet. She is a larger vessel than any at present on the river, but will not be so much overall; she is broader, but the paddle-wheel is placed at the stern of the vessel.
187. So that she will not require so much width? No.
188. Do you think she will require more height? I cannot say what size the paddle-wheel is likely to be. It depends upon that. The Americans are rather given to very extensive paddles; but I should think it would have the advantage in this case of being exactly in
the

the middle of the bridge, and so taking the highest part of it. It could soon be ascertained ^{Mr. R. Napier.} what height she is to be.

189. If there was any difference in the height of that particular bay of the bridge it would be ^{13 Mar., 1854.} an advantage to this vessel in particular on account of her only paddle being in the centre of the vessel? Yes.

190. And the highest part would therefore be exactly in the centre? Yes.

191. In this vessel, or any vessel constructed according to American principles, do you suppose the height of the paddle-wheel would regulate the necessary height—that that in fact would be the highest part of the vessel—or would the decks rise higher? In the American vessels the decks frequently rise higher than the paddles; but I do not apprehend that that class of vessels will be suitable for the Murray trade, inasmuch as there is not likely to be so much passenger traffic as on the American rivers, and they are only made that way to get accommodation for passengers.

192. Even if the traffic was considerably extended on the Murray, you do not think the passenger traffic would be likely to become very extensive? No; not to require such vessels as the American.

193. The circuitous nature of the river rendering travelling by it somewhat tedious? Yes.

194. Your opinion then is that a bridge having bays 72 feet wide and 15 feet clear above high-water mark in the central bays would be sufficient for the accommodation of any trade likely to arise on that part of the Murray? If that 15 feet is above the highest flood level I should say it is quite sufficient.

195. Do you know anything about the highest flood level at Wahgunyah? I do not. I have never been there when the river was high.

196. There is a very high bank on the Wahgunyah side, is there not? Yes.

197. A sort of cliff? You can hardly call it a cliff.

198. A steep bank? Yes.

199. You cannot form a reliable opinion as to whether the water overtops that bank or not? No, not of my own knowledge.

200. You have never heard of its have done so, have you? No; I should feel myself safe in saying it would be a very long way from overtopping that at the very highest.

201. I suppose you do not know anything about the management of the punt at Wahgunyah, and the tolls charged there? No, I do not.

1

1. The first part of the paper is devoted to a generalization of the results of [1] and [2] to the case of a general linear group.

2. The second part is devoted to a study of the structure of the group of automorphisms of a general linear group.

3. The third part is devoted to a study of the structure of the group of automorphisms of a general linear group.

4. The fourth part is devoted to a study of the structure of the group of automorphisms of a general linear group.

5. The fifth part is devoted to a study of the structure of the group of automorphisms of a general linear group.

6. The sixth part is devoted to a study of the structure of the group of automorphisms of a general linear group.

7. The seventh part is devoted to a study of the structure of the group of automorphisms of a general linear group.

8. The eighth part is devoted to a study of the structure of the group of automorphisms of a general linear group.

9. The ninth part is devoted to a study of the structure of the group of automorphisms of a general linear group.

10. The tenth part is devoted to a study of the structure of the group of automorphisms of a general linear group.

1861.

Legislative Assembly.

NEW SOUTH WALES.

PUBLIC WHARF AT WINDSOR.

(PETITION FOR.)

Ordered by the Legislative Assembly to be Printed, 9 April, 1861.

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

The Petition of the undersigned Inhabitants of the Town and District of Windsor,—
RESPECTFULLY SHEWETH:—

That the town and district of Windsor are amongst the oldest settled localities of the Colony, containing, in round numbers, about ten thousand inhabitants.

That the town of Windsor is the head of the navigation of that important river called the Hawkesbury, and, for many years, numerous sailing crafts have traded upon it, to and from Windsor and Sydney.

That latterly the traffic upon the river has greatly increased, and steamboats frequently visit Windsor greatly to the advantage of the residents of Sydney and other parts of the Colony, as well as of the people of the town and district.

That much inconvenience and loss is occasioned to the steamboats and vessels trading to and stopping at Windsor, and to passengers and others interested, by reason of there being no proper wharf or landing-place for passengers or goods at Windsor; and your Petitioners believe that the time has arrived when it is absolutely necessary that a structure of that description should, at a moderate cost, be erected.

That considering that the town and district of Windsor, from their extent, importance, and population, necessarily contribute largely to the revenue and general prosperity of the Colony.

Your Petitioners humbly pray that your Honorable House will be pleased to take the premises into your early consideration, and grant your Petitioners such relief as to your Honorable House shall seem meet.

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

[Here follow 154 Signatures.]

1861.

Legislative Assembly.

NEW SOUTH WALES.

PROPOSED STEAM FERRY AT RAYMOND TERRACE.

(PETITION.)

Ordered by the Legislative Assembly to be Printed, 3 April, 1861.

To the Honorable the Legislative Assembly of New South Wales.

In consequence of the immense traffic existing between Stroud, Port Stephens, Manning, Gloucester, Port Macquarie, M'Leay, and New England, with Newcastle, Morpeth, East and West Maitland, the only outlet being across the River Hunter, by the Raymond Terrace Punt, it was unanimously agreed at a meeting convened at the Court House, Raymond Terrace, of the householders, landowners, and others, that a Petition should be presented to your Honorable House, relative to the present communication across the River Hunter, at Raymond Terrace, and to suggest an alteration by which the present means of transit would be materially improved, and the expenses greatly lessened.

We, the undersigned, beg most respectfully to inform your Honorable House, that the Government having lately surveyed and opened a road from Seaham and Hinton to Raymond Terrace, at the junction of the Williams and Hunter Rivers, on which a punt will of necessity be required, and which will entail a cost of from five to six hundred pounds for a punt, besides the making of roads, wharves, and approaches, on both sides of the ferry, we, with all due respect, beg to suggest the granting to Raymond Terrace a Steam Ferry of five or six horse-power, capable of carrying a team of six bullocks and loaded dray, when the present punt could be removed to some other ferry of smaller traffic. The present ferry to Maitland, and the one across the Williams to Hinton, being so close to each other, the same steam ferry would be enabled to act on both lines of road, thus saving a new punt, rope, &c., besides preventing an obstruction in the navigation, which a punt rope at the junction of the Williams would be. The increasing number of passengers and traffic on the Maitland line will, in a short time, require either a punt of larger carrying capacity or a quicker means of propulsion. The plying of the steam ferry from the present punt wharf, centrally situated in the town to both termini, would thus save the expense of making the approaches and wharf on the Raymond Terrace side of the Williams River. Hoping your Honorable House will take into its favourable consideration the foregoing resolutions.

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

[Here follow 481 Signatures.]

1861.

—
Legislative Assembly.
NEW SOUTH WALES.

FLOOD AT WINDSOR.

(DISTRIBUTION OF RELIEF TO SUFFERERS.)

Ordered by the Legislative Assembly to be Printed, 27 March, 1861.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 29 January, 1861, praying that His Excellency the Administrator of the Government would be pleased to cause to be laid upon the Table of this House,—

“ A Return shewing the names and occupation of the various
 “ parties relieved by the Bench of Magistrates at Windsor, upon
 “ the occasion of the last Flood in that District, shewing the
 “ quantity of goods received by each party, and the names of
 “ the individuals, if any, recommending such parties for relief.”

(*Mr. Driver.*)

SCHEDULE.

NO.	PAGE.
1. The Bench of Magistrates, Windsor, to the Colonial Secretary, forwarding return of persons relieved on occasion of last Flood in their district. 25 February, 1861	2
2. The Colonial Secretary to the Bench of Magistrates, Windsor, applying for further information on the subject. 14 March, 1861	6
3. The Bench of Magistrates, Windsor, to the Colonial Secretary, in reply. 25 March, 1861 ..	7

FLOOD AT WINDSOR.

No. 1.

BENCH OF MAGISTRATES, WINDSOR, to COLONIAL SECRETARY

*Court House, Windsor,
25 February, 1861.*

SIR,

We do ourselves the honor herewith to forward (under separate cover) a Return of the names, &c., of the individuals relieved by us, on the occasion of the last Flood in this District, called for in your letter of the 30th ultimo.

In some cases we have been unable to give the occupations, as the recipients were women; and where the relief is entered as given to "Bearer," the name was through inadvertence not stated in the order, and cannot now be ascertained.

We have, &c.,

JAMES ASCOUGH, J.P.
JAMES B. JOHNSTON, J.P.

[Enclosure.]

A RETURN, shewing the Names and Occupations of the various parties relieved by the Bench of Magistrates at Windsor, upon the occasion of the last Flood in the Windsor District, shewing the quantity of goods received by each party, and the names of the individuals, if any, recommending such parties for relief.

PARTIES RELIEVED.		GOODS RECEIVED BY EACH PARTY.			NAMES OF THE INDIVIDUALS, IF ANY, RECOMMENDING SUCH PARTIES FOR RELIEF.
Name.	Occupation	Flour, lbs.	Tea, lbs.	Sugar, lbs.	
Henry Aspery	farmer ..	300	7	30	Thomas Primrose. James G. Doyle. J. F. Jones.
James Abraham .....	.....	100	3	12	
John Akierton	farmer ..	200	4	20	John Elder.
Mrs. Richard Arnold	farmer ..	200	2	8	
John Alcorn	farmer ..	200	5	28	Thomas Tiernan. Alfred Smith.
John Armstrong	farmer ..	200	5	20	
Charles Allen .....	.....	300	4	16	James Winton. Same. Isaac Hopkins. Same.
Thomas Bashin	labourer..	.....	6	28	
Thomas Butler .....	.....	200	4	20	James Winton. Edward Robinson. Isaac Hopkins.
William Bayley	farmer ..	100	4	20	
William Bell	labourer..	200	5	20	James Winton. W. Buttsworth. John Cunningham. Charles Barker. Richard Edwards.
Mrs. Becroft .....	.....	250	4	16	
Mrs. Bowers .....	.....	350	3	12	Jas. Thos. Rowthorn and Robert Stewart. William Hopkins, jun. John Ducker. James Winton. Same.
Thomas Brady .....	.....	200	3	12	
Mrs. Byrnes .....	.....	300	3	12	Edward C. Robinson. Thomas A. Maloney. John A. Walker.
David Brown	farmer ..	100	2	8	
Alfred Bushell	farmer ..	300	4	16	John Selkirk. John Ryan. James Pendergast. Henry Forrester. William Dunston. John A. Walker. Charles Barker. Tristram Dunston. John Selkirk. James G. Doyle. C. W. May and James Pendergast.
Mrs. Butler .....	.....	350	5	20	
Mrs. Bowd .....	.....	200	7	30	George Freeman. Edward Robinson.
William Brown .....	.....	350	4	16	
John Basham	labourer..	200	3	10	John Selkirk. John Ryan. James Pendergast. Henry Forrester. William Dunston. John A. Walker. Charles Barker. Tristram Dunston. John Selkirk. James G. Doyle. C. W. May and James Pendergast.
Mrs. Bell (widow)	farmer ..	200	5	28	
George Bushell	farmer ..	200	5	20	John Selkirk. John Ryan. James Pendergast. Henry Forrester. William Dunston. John A. Walker. Charles Barker. Tristram Dunston. John Selkirk. James G. Doyle. C. W. May and James Pendergast.
William Bragg	farmer ..	300	7	30	
George Bowd	farmer ..	100	2	8	John Selkirk. John Ryan. James Pendergast. Henry Forrester. William Dunston. John A. Walker. Charles Barker. Tristram Dunston. John Selkirk. James G. Doyle. C. W. May and James Pendergast.
Mrs. Bushell	farmer ..	250	4	16	
Walter Bourke	farmer ..	200	5	28	John Selkirk. John Ryan. James Pendergast. Henry Forrester. William Dunston. John A. Walker. Charles Barker. Tristram Dunston. John Selkirk. James G. Doyle. C. W. May and James Pendergast.
Paul Bushell	farmer ..	100	2	8	
Mrs. Bushell	farmer ..	150	3	12	John Selkirk. John Ryan. James Pendergast. Henry Forrester. William Dunston. John A. Walker. Charles Barker. Tristram Dunston. John Selkirk. James G. Doyle. C. W. May and James Pendergast.
Edward Breeze	farmer ..	200	.....	.....
Matthew Buttsworth	farmer ..	100	2	10	John Selkirk. John Ryan. James Pendergast. Henry Forrester. William Dunston. John A. Walker. Charles Barker. Tristram Dunston. John Selkirk. James G. Doyle. C. W. May and James Pendergast.
Edward Breeze	farmer ..	150	3	12	
Joseph Bashan	farmer ..	200	4	20	John Selkirk. John Ryan. James Pendergast. Henry Forrester. William Dunston. John A. Walker. Charles Barker. Tristram Dunston. John Selkirk. James G. Doyle. C. W. May and James Pendergast.
Mrs. Barker .....	.....	100	4	20	
Richard Bonus	farmer ..	200	5	28	John Selkirk. John Ryan. James Pendergast. Henry Forrester. William Dunston. John A. Walker. Charles Barker. Tristram Dunston. John Selkirk. James G. Doyle. C. W. May and James Pendergast.
David Beynon	farmer ..	200	5	20	
Mrs. Beadall	farmer ..	200	5	28	John Selkirk. John Ryan. James Pendergast. Henry Forrester. William Dunston. John A. Walker. Charles Barker. Tristram Dunston. John Selkirk. James G. Doyle. C. W. May and James Pendergast.
Joseph Brooks	labourer..	200	4	20	
Mrs. Beeson .....	.....	160	3	14	John Selkirk. John Ryan. James Pendergast. Henry Forrester. William Dunston. John A. Walker. Charles Barker. Tristram Dunston. John Selkirk. James G. Doyle. C. W. May and James Pendergast.
Thomas Burgess	gardener .	100	3	14	
Mrs. David Brown .....	.....	200	5	20	John Selkirk. John Ryan. James Pendergast. Henry Forrester. William Dunston. John A. Walker. Charles Barker. Tristram Dunston. John Selkirk. James G. Doyle. C. W. May and James Pendergast.
Michael Bates	farmer ..	200	4	14	
Hugh Bannister	farmer ..	200	5	20	John Selkirk. John Ryan. James Pendergast. Henry Forrester. William Dunston. John A. Walker. Charles Barker. Tristram Dunston. John Selkirk. James G. Doyle. C. W. May and James Pendergast.
John Baker	farmer ..	200	4	20	
Daniel Buckridge	farmer ..	150	3	14	John Selkirk. John Ryan. James Pendergast. Henry Forrester. William Dunston. John A. Walker. Charles Barker. Tristram Dunston. John Selkirk. James G. Doyle. C. W. May and James Pendergast.
John Brown .....	.....	.....	6	20	
Mrs. Connor	farmer ..	200	5	14	John Selkirk. John Ryan. James Pendergast. Henry Forrester. William Dunston. John A. Walker. Charles Barker. Tristram Dunston. John Selkirk. James G. Doyle. C. W. May and James Pendergast.
Mrs. Carroll	farmer ..	300	7	40	

FLOOD AT WINDSOR.

3

PARTIES RELIEVED.		GOODS RECEIVED BY EACH PARTY.			NAMES OF THE INDIVIDUALS, IF ANY, RECOMMENDING SUCH PARTIES FOR RELIEF.
Name.	Occupation	Flour, lbs.	Tea, lbs.	Sugar, lbs.	
William Cupitt.....	farmer ..	200	5	14	William Walker.
Mrs. Cavanaugh	farmer ..	300	7	30	J. B. Ridge.
Daniel Cnuancen	farmer ..	200	4	14	
John Curtiss	farmer ..	200	5	14	
James Clark	farmer ..	200	3	12	Richard Edwards.
George Cupitt, junr.....	farmer ..	200	6	28	
John Colbran	farmer ..	100	4	14	Edward Robinson.
Mrs. Cross	farmer ..	200	6	28	
Mrs. Campbell	farmer ..	....	3	12	John Wood, sen.
William Cross	farmer ..	100	5	20	James Geehan and William Dunston.
John Crotty	farmer ..	100	2	8	
Lucy Carroll.....	.....	200	5	28	Edward Enhall.
George Creek	farmer ..	250	6	28	William J. Crew.
James Clarke	farmer ..	300	7	30	
John Cavanaugh	labourer..	200	7	30	
Patrick Caligan .....	.....	250	6	28	
C. Cross	farmer ..	200	5	20	
Mary Connell (widow) ..	.....	200	5	20	Daniel Harresky and John Ezzy.
Thomas Carter	farmer ..	200	5	28	John Selkirk.
John Carney	farmer ..	200	5	28	John M. M'Quade.
John Cross	farmer ..	150	4	14	Edward Robinson.
George Crief.....	labourer..	150	3	14	John M. M'Quade.
John Collins	labourer..	200	5	28	Richard Edwards.
William Clarke.....	farmer ..	100	4	14	Edward Robinson.
Thomas Cupitt	farmer ..	200	5	20	John M. M'Quade.
Frederick Chamberlain ..	labourer..	250	3	12	William Hull.
Mrs. Connor .....	.....	200	3	16	
Samuel Clarke	farmer ..	200	2	8	Edward Robinson.
George Cupitt	farmer ..	250	..	..
Samuel Clarke	farmer ..	200	7	30	
John Cannon.....	farmer ..	200	4	14	William Alderson.
Owen Cavanaugh.....	farmer ..	200	4	16	Charles Creed.
William Cutmore .....	.....	200	3	10	W. Buttsworth.
James Cavanaugh .....	.....	100	5	20	
Bridget Cruminy .....	.....	150	3	14	James Geehan.
Lucy Carroll .....	.....	300	..	..
George Coppa .....	.....	200	3	14	Geo. S. Hall, jun.
Owen Conly	farmer ..	200	4	20	Mathew Adam.
Mrs. Ed. Cross (widow) ..	farmer ..	250	6	30	Thomas Arndell, jun.
William Constable	labourer..	100	4	14	Patrick Moley.
Isaac Cook.....	farmer ..	200	5	30	John Ryan.
John Curtis	farmer ..	....	2	8	
Mrs. Cook .....	.....	150	4	14	Charles Gardner.
Mrs. William Cross	farmer ..	200	4	20	Same.
Martin Conly	farmer ..	100	3	14	William J. Crew.
Sarah Clyburn .....	.....	100	2	8	Mathew Adam.
Mrs. Conor.....	.....	....	2	6	
William Cupitt	farmer ..	....	3	12	
Joseph Diggings	labourer..	100	2	8	James Mountford.
Stephen Donley .....	.....	200	3	12	Edward Robinson.
Mrs. Dolly.....	.....	200	3	12	
John Denovan	farmer ..	100	3	12	C. W. May and James Pendergast.
John Daley	farmer ..	250	5	28	Edward Robinson.
Mrs. Dunn .....	.....	350	3	12	Isaac Hopkins.
John Durbans .....	.....	200	..	..
Patrick Dillon .....	.....	200	3	12	Thomas Tebbutt.
Mrs. Docking	farmer ..	350	4	16	Francis M'Donnah.
Mrs. Daley	farmer ..	350	5	20	
Mrs. Dunn	farmer ..	200	5	20	
Mrs. Dunn	farmer ..	300	..	..
Edward Davis	farmer ..	300	7	28	
Joseph Davis	farmer ..	200	6	28	
J. Doyle	farmer ..	100	4	20	
Thomas Douglass.....	.....	200	4	14	
Patrick Daly	farmer ..	200	5	20	J. B. Ridge.
Mrs. Thomas Eather, jun.	farmer ..	250	3	12	John Jones and William Beard.
Mrs. Enright.....	.....	200	4	20	
George Eather	farmer ..	200	2	8	David Cobcroft.
Robert Eales	farmer ..	250	3	12	J. B. Ridge.
Joseph Elliott	farmer ..	200	4	20	John M. M'Quade.
Thomas Everingham .....	.....	200	4	20	Thomas Marsden.
William Eather.....	farmer ..	250	4	16	John M. M'Quade.
Mrs. Forster .....	.....	200	5	14	
S. Freeman .....	.....	250	6	28	John Wood.
Henry Featherstone.....	.....	250	3	12	Thomas Primrose.
Susan Forster	farmer ..	200	2	8	P. Hallinan, D.D.
Michael Flood.....	.....	250	3	12	George Seymour.
Andrew Fraser	farmer ..	300	4	12	John M. M'Quade.
Robert Forrester	farmer ..	150	2	8	Mathew Adam.
Thomas Forrester	farmer ..	200	..	..
Patrick Flood	farmer ..	300	7	30	
Mrs. Fairs	farmer ..	200	..	..
— Forrester	farmer ..	200	..	..
Michael Fitzpatrick.....	farmer ..	200	7	28	
John Ford	farmer ..	200	6	28	
William Fletcher .....	.....	200	4	14	
Mrs. Goodwin .....	.....	200	5	28	
Mrs. Gardiner .....	.....	100	4	14	

FLOOD AT WINDSOR.

PARTIES RELIEVED.		GOODS RECEIVED BY EACH PARTY.			NAMES OF THE INDIVIDUALS, IF ANY, RECOMMENDING SUCH PARTIES FOR RELIEF.
Name.	Occupation	Flour, lbs.	Tea, lbs.	Sugar, lbs.	
John Gardner		200	5	20	
G. Graham	farmer	200	5	28	
John Gleeson		200	5	20	
Joel Grono	farmer	200	7	30	
John Ceehan	farmer	200	5	20	Edward Robinson.
Mrs. Greenfield	farmer	200	6	28	
Ann Gardiner		200	5	20	Thomas Wilson.
Alexander Gough	farmer	300	7	30	
James Godrick		200	4	14	James Bourke.
Mr. Griffiths		200			
Mrs. Griffiths	farmer	200	5	20	
Mrs. Green		350	4	16	Thomas Primrose.
Mrs. Greentree	farmer	200	3	14	James Pendergast and Patrick Cunneen.
Michael Gleeson		100	4	20	
Thomas Grono	farmer	300	7	30	
William Grono	farmer	200	7	30	
Mrs. Greentree	farmer	200	5	20	
Thomas Graham	farmer	250	7	30	
Job Gough		200	3	12	J. F. Jones.
John Guillam	farmer	100	4	14	C. W. May and James Pendergast.
James Graham	farmer	200	6	20	
Benjamin Gosh	farmer	150	5	14	
John Guillam	farmer	200	5	28	
Robert Gee	farmer	200	4	20	George S. Hall, jun.
Mrs. Graham (widow)	farmer	200	5	28	Edward Robinson.
Owen Hunt	farmer	200	7	20	
Mrs. Hunt	farmer	200	4	14	
Mrs. Horan		300	5	28	
David Hartley	farmer	250	3	12	C. W. May and James Pendergast.
William Hutchinson	farmer	200	4	20	Joseph Davis.
James Hartley	farmer	200	3	12	Thomas Wilson.
Edwin Huxley	farmer	250	2	8	Same.
John Holden	farmer	200	5	20	Charles Barker and James Bourke.
James Hough	farmer	100	4	14	Richard Edwards.
Edward Haize	farmer	250	3	12	Edward Robinson.
Rody Heffernan	farmer	200	5	20	
Edward Huxley	farmer	100	3	12	Richard Edwards.
Mrs. Hand		200			
James Huxley, jun.	farmer	200	4	12	
Mrs. Horton	farmer	200	6	28	
— Hill	farmer	200	7	28	
Joseph Hobbs	farmer	200	6	28	
Mrs. Humphreys	farmer	200	5	20	
John Hobbs	farmer	200	4	14	Richard Edwards.
Robert Hobbs	farmer	200	3	14	C. W. May and James Pendergast.
John Hopkins	farmer	200	4	20	James Pendergast.
Daniel Higgins	farmer	150	4	14	Thomas Wilson.
James Hulbert	farmer	200	4	20	George S. Hall, jun.
James Hayman	farmer		6	20	
John Izzard	farmer	100	4	14	
Mrs. Izzard		350	4	16	Henry T. Stiles.
Jacob Innes		200	5	28	
Thomas Jones	farmer	200	7	30	
John James	farmer	200	5	28	John Selkirk.
Joseph Jacklin	farmer	200	7	28	
John Jones	farmer	350	4	16	C. W. May and James Pendergast.
Mrs. Johnston		100	2	8	
Joseph Jasper		100	3	14	John Langford.
Mrs. Jones	farmer	200	4	12	James Pendergast.
Charles Jones	farmer	200	6	28	David Cobofoft.
John Kirwin	farmer	200	5	28	
Frederick King		200	3	12	Francis M'Donall.
George Kable	farmer	200	5	30	
Elizabeth King	farmer	200	4	16	Thomas A. Maloney.
Mrs. Kemp		350	4	16	Ann Primrose, sen.
Thomas Kearnes	farmer	200	4	16	J. F. Jones.
Sarah Kelly (widow)		300	4	16	Henry T. Stiles and Edward Robinson.
Patrick Kenny	farmer	200	5	20	
Mrs. Kermond	farmer	200	3	12	John Cunningham.
Mrs. Lecson		200	4	14	
William Lockery	farmer	300	3	12	John Ducker.
John Ledam		300	7	30	
Mrs. Looby		100	4	14	
Hugh Lindsay	farmer	200	7	30	C. May.
Pierce Lyons		200	3	12	William Dunston.
Mrs. Lillis		300	3	12	
George Lucas	farmer	150	4	20	
Joseph M'Kenzie	farmer	100	2	8	Richard Edwards.
John Murray	farmer	200	3	12	Edward Robinson.
Mrs. Mason	farmer		3	12	Richard Edwards.
Ann M'Guffin		100	2	8	George Walker.
Thomas Mayne	farmer	100	2	8	James G. Doyle.
Mrs. Morrison	farmer	150	3	12	Patrick Butler.
Edward Myers	farmer	200	3	12	William J. Crew.
Henry Moore	farmer	200	6	28	W. Williams.
Mrs. Moran	farmer	200	7	30	
Mrs. Mortimer	farmer	150	2	8	Charles Barker and C. Creed.
Mary Moran		100	2	8	Isaac Hopkins.

FLOOD AT WINDSOR.

PARTIES RELIEVED.		GOODS RECEIVED BY EACH PARTY.			NAMES OF THE INDIVIDUALS, IF ANY, RECOMMENDING SUCH PARTIES FOR RELIEF.	
Name.	Occupation	Flour, lbs.	Tea, lbs.	Sugar, lbs.		
Edward Moran	farmer	200	6	20	James Bourke. Francis M'Donall. Henry T. Stiles.	
— Murphy		250	..	..
Donald M'Kellar		300	4	16		
Thomas Miles		100	2	8	Robert Hobbs, jun., and James Pendergast.	
Mrs. Murphy		100	..	..
George Morley		150	2	8		
Mrs. Moran		200	..	..
James M'Carrol		200	4	20		
Mrs. Munday	farmer	200	7	30		
Charles Martin	farmer	200	6	20		
Thomas Mitchell	farmer	100	4	14		Henry Everingham.
Mrs. Mitchell	farmer	200	5	20		
James Manus		200	4	20		Richard Edwards. Patrick Moley. C. W. May and James Pendergast. John Ryan.
Joseph Munday	farmer	200	5	20		
John Mills	farmer	150	3	14		
Alexander Morrison	farmer	100	2	8		
Patrick Murphy	farmer	150	4	14		
Ann Neale	farmer	200	4	14		
Alfred Norris	farmer	200	6	28		
Christopher Norris	farmer	300	5	30		
Patrick Norris	farmer	200	6	28	Charles Gardner.	
Richard Norris	farmer	300	7	30		
Mrs. Norris, sen.	farmer	200	5	20	Francis M'Donall.	
Frank Norris	farmer	300	7	30		
William Norris	farmer	200	4	14	John Ridge. Same.	
William Norris	farmer	150	3	14		
Mrs. North		150	3	12	James Bourke.	
Mrs. Norris	farmer	300	7	30		
Thomas Nippres		200	6	28	C. W. May and James Pendergast Thomas Wilson and James Pendergast. W. Farlow, G. Williams, and H. Timmins.	
John Owens	farmer	200	5	20		
James Orton		200	4	20		
James O'Neil	farmer	150	4	14		
Mrs. Phillips		200	4	20		
Mary Pivett	farmer	200	4	12		C. W. May and James Pendergast.
Mrs. Paul	farmer	200	5	28		
Henry Phipps		350	4	16		John Elder.
John Pyc		350	5	20		
William Page	farmer	200	4	20		Andrew Turnbull.
Mrs. Phillips		200	..	..
Mary Pivett		200	James G. Doyle.	
Samuel Percival	farmer	200	4	20		
Henry Pyc		200	6	20		
Henry Plato		100	4	14		
Henry Peck		150	4	14		
William Priestly	farmer	200	3	14		James Upton.
Darby Ryan	farmer	200	7	28		
William Rogers	farmer	300	7	30		Francis M'Donall.
Thomas Reddy	labourer	200	4	20		
Richard Ryall		200	2	8		
Robert Rutter	farmer	200	5	30		
Mary Rose		250	3	12		
William Henry Rose		200	3	12		
William Robinson	farmer	150	3	12		
Margaret Rafter	gardener	200	5	20		
J. Smallwood	farmer	300	7	40		
Barney Shanlan	farmer	100	4	12		
John Smith		200	7	30	Edward Robinson.	
William Scarf	labourer	100	3	14		
William Stenfollow		100	3	14	Richard Edwards. Edward Robinson. Henry T. Stiles.	
James Shepherd	labourer	200	7	30		
John Shearing	farmer	200	5	20		
George Stewart	farmer	200	5	28		
Bridget Sullivan		200	2	10		
Edward Secley	farmer	100	3	12		
James Stubbs	farmer	200	4	20		
Robert Smith		150	3	14		
John Stewart	farmer	150	4	20		
Mrs. Smith	farmer	100	4	14		
M. Sheehy	farmer	300	4	16	James Melville and Robert Robberts. Edward Robinson and William Beard.	
Catherine Slater		100	2	8		
James Staples	farmer	150	3	12	James Mountford. Same.	
James Smith		200	6	20		
John Speirs	farmer	200	7	30		
Henry Stephen		200	5	20		
James Smith	farmer	250	8	28		
C. Smith	farmer	150	5	20		
Mrs. Savage		200	6	28		
— Stapleton		200	4	14		
Robert Smith	farmer	200	5	28		
Mrs. Smith		200	4	14		
Joseph Stubbs	farmer	..	5	20	Edward Robinson.	
Mrs. Symons	farmer	200	5	30		
James Smith		..	4	14		
Eliza Tamey		200	4	14		
John Taylor	farmer	100	2	10		
Mrs. Teale		350	5	20		
Mrs. Turner		250	4	16		
Mrs. Teale		250	4	16		

FLOOD AT WINDSOR.

PARTIES RELIEVED.		GOODS RECEIVED BY EACH PARTY.			NAMES OF THE INDIVIDUALS, IF ANY, RECOMMENDING SUCH PARTIES FOR RELIEF.
Name.	Occupation	Flour, lbs.	Tea, lbs.	Sugar, lbs.	
Mrs. Thompson		350	4	16	Charles Gardner.
George Turner	farmer	200	4	14	
Edward Turner	farmer	250	7	30	
Robert Taylor	farmer	200	4	16	William Beard, jun.
Jesse Tolhurst		150	4	14	George Seymour.
Patrick Tuney	labourer	100	3	14	Joseph Ward and George Seymour.
Lucy Upton	farmer	200	7	28	
Joseph Vauxhall	farmer	200	4	20	Thomas Wilson.
Sarah Vaughan		100	2	8	T. Paul.
Winifred Vaughan		100	2	8	Francis M'Donnell.
Catherine Vaughan		100	3	14	Stephen Gow.
Mrs. Wood		200	7	28	
John Widdows	farmer	200	6	30	
Mrs. Wilson		100	4	14	
Ellen Ward		100	4	14	John Cunningham.
James Walker		250	8	12	James Mountford.
Richard Weaver		..	5	20	
William White		200	6	28	
Thomas Wall	farmer	200	5	20	Edward Robinson.
Edward Wenlock	farmer	100	3	14	Daniel HARRISKY and John Ezzy.
Robert Wood	farmer	250	3	12	William Maxwell.
Elizabeth Wood		100	2	8	J. F. Jones.
James Wheeler	farmer	300	4	16	John Elder.
George Wood	farmer	300	4	16	William Walker.
Richard Wian		200	..	..
Thomas Wood		200	4	20	
Mrs. Wilson		200	3	12	Patrick Byrne.
Judith Whitford		100	2	8	John Cassidy.
Edward Webb		100	..	..
James Whitechurch		150	3	14	William West.
Catherine Wilson		200	7	30	
Edgar Williams		200	4	14	William Alderson.
— Wood		200	5	14	
William Walker	farmer	300	7	30	
Richard White		100	4	14	John Cunningham.
James White		200	5	14	
Joseph Wood		100	4	14	
Robert Wade	farmer	100	3	14	Thomas Hy. Hart and Jas. Pendergast.
Charles Young	farmer	200	4	20	S. Tuckerman.
Mrs. Norris		..	2	10	
Bearer		..	2	8	
Do.		..	5	30	
Do.		..	4	14	
Do.		..	7	30	
Do.		..	7	30	
Do.		..	4	20	
Do.		200	..	..
Do.		100	..	..
Do.		200	..	..
Do.		200	..	..
Thomas Bashin		1 pair blankets.			
Thomas Blake		{ 1 pair blankets and 1 pair trousers.. }			James Dorset.

JAMES ASCOUGH, J.P.
HENRY DAY, J.P.
JAS. B. JOHNSTON, J.P.

Court House, Windsor,
25 February, 1861.

No. 2.

COLONIAL SECRETARY to BENCH OF MAGISTRATES, WINDSOR.

Colonial Secretary's Office,
Sydney, 14 March, 1861.

GENTLEMEN,

With reference to your letter of the 25th ultimo, I am directed to point out that in the accompanying Return, relative to persons relieved by you on the occasion of the last Flood in your District, you have, in several cases, omitted to furnish the names of the gentlemen at whose instance the relief was afforded, and to request that you will be good enough to complete the Return in this particular, and transmit it to this office at your earliest convenience.

I have, &c.,
W. ELYARD.

No. 3.

BENCH OF MAGISTRATES, WINDSOR, to COLONIAL SECRETARY.

Court House, Windsor,
25 March, 1861.

SIR,

In acknowledging the receipt of your letter of the 14th instant, relative to the Return of persons relieved on the occasion of the last Flood in this District, which was furnished by us on the 25th ultimo, and pointing out that, in several cases, the names of the gentlemen, at whose instance the relief was afforded, is omitted, we do ourselves the honor to inform you, that the idea never occurred to the Magistrates that the recommendations would ever be required, and, therefore, they were not taken such care of as if they had been considered public documents. In some instances, it was known to us that the parties applying were in distress and stood in need of relief, owing to the Flood, either of our own knowledge, or from recommendations received on former occasions.

The list of persons relieved is now returned under separate cover.

Dated 25 Feb.,
1861.

We have, &c.,

HENRY DAY, J.P.
JAMES ASCOUGH, J.P.

1861.

—
Legislative Assembly.
NEW SOUTH WALES.

—
PILOTAGE AND HARBOR DUES.
 (DESPATCHES RELATIVE TO.)

—
Ordered by the Legislative Assembly to be Printed, 5 February, 1861.

SECRETARY OF STATE FOR THE COLONIES to GOVERNOR GENERAL.

(No. 11.)

*Downing-street,
7 February, 1859.*

SIR,

With reference to that part of my Despatch, No. 43, of the 17th of November, in which you were informed that the Act of your Government, No. 4, of 22nd Victoria, "to increase the rates of Pilotage and to impose certain Harbor Dues and to provide further for the Pilot Establishments of New South Wales," was under the consideration of Her Majesty's Government, I transmit to you herewith the copy of a letter which has been received from the Lords of the Committee of Privy Council for Trade, in reply to the reference which was made upon the subject to that Board, and I have to request that you will submit to your responsible advisers the expediency of amending the Act in the manner pointed out by their Lordships.

I have, &c.,
E. B. LYTTON.

—
 [Enclosure.]

*Office of Committee of Privy Council for Trade,
Whitehall, 26 November, 1858.*

SIR,

I am directed by the Lords of the Committee of Privy Council for Trade, to acknowledge the receipt of your letter of the 16th ultimo, transmitting a copy of an Act of New South Wales (No. 4, 22nd Victoria), entitled an Act to increase the rates of Pilotage, and to impose certain Harbor Dues, and to provide further for the Pilot Establishment of that Colony.

In reply, I am to request that you will state to Secretary Sir E. B. Lytton, that, by the 3rd section of this Act, vessels trading between the ports of New South Wales, or between any port of New South Wales and any port in any other of the Australian Colonies, or in the whaling trade, and being registered in New South Wales, or in any other Australian Colony, or in the United Kingdom, are, except in certain cases, subject to one payment only of the Pilotage rate fixed by the Act for each year in respect of any port in New South Wales. This provision is inconsistent with these treaties of reciprocity between this country and Foreign States, which provide that not only in Great Britain, but in any of Her Majesty's dominions, no other or higher dues shall be levied on the shipping of those States than are levied on national vessels.

It may perhaps not be necessary that, on this account, the expression of Her Majesty's pleasure on the Act should be suspended, but my Lords would suggest that the attention of the Governor should be called to the subject, in order that the Act may, at the earliest convenient opportunity, be amended so as to extend to all vessels of whatever country (or at least to the vessels of countries with which treaties of reciprocity may be subsisting) engaged in the trades specified in the 3rd section of the Act, the privilege conferred by that section.

Mr. Elliot.

I have, &c.,
JAMES BOOTH.

SECRETARY OF STATE FOR THE COLONIES to GOVERNOR GENERAL.

(No. 43.)

Downing-street,
17 November, 1858.

SIR,

I have received your Despatch No. 109, of the 29th July, forwarding authenticated copies of three Acts passed by the Legislature of New South Wales, the numbers, dates, and titles of which will be found in the annexed Schedule, and to which you have assented in Her Majesty's name.

I have to acquaint you that I have laid the two Acts, No. 3 and No. 5, before the Queen, and that they will be left to their operation.

The Act No. 4 is still under the consideration of Her Majesty's Government.

I have, &c.,
E. B. LYTTON.

SCHEDULE OF ACTS.

- No. 3. An Act to extend the Provisions of the 20th Victoria No. 30. 21st July, 1858.
No. 4. An Act to increase the rates of Pilotage and to impose certain Harbor Dues and to provide further for the Pilotage Establishments of New South Wales. 21st July, 1858.
No. 5. An Act to enable the Government to raise a certain Loan for 1858. 21st July, 1858.

Sydney: Thomas Richards, Government Printer.—1861.

[Price, $\frac{1}{2}$ d.]

1861.

Legislative Assembly.

NEW SOUTH WALES.

VESSELS ENTERING PORT JACKSON.

(RETURN IN REFERENCE TO.)

Ordered by the Legislative Assembly to be Printed, 26 March, 1861.

RETURN to an Order made by the Honorable the Legislative Assembly of New South Wales, dated 1 February, 1861, That there be laid upon the Table of this House,—

“ Returns of all Vessels entering Port Jackson requiring Pilots, “ in each year, commencing on the 1st January, 1852, and “ ending on the 31st December, 1860; of the Number of such “ Vessels that did not receive the assistance of a Pilot, in each “ year, and the cause thereof.”

(Mr. Watt.)

A RETURN of all VESSELS entering PORT JACKSON requiring PILOTS, from 1st January, 1852, to 31st December, 1860.

YEAR.	VESSELS REQUIRING PILOTS.	VESSELS THAT TOOK PILOTS.	REMARKS.
1852.....	283	378	This Return shows that more vessels than those required by law to take Pilots availed themselves of the services of Pilots. Vessels have arrived without obtaining Pilots, and the manner in which such cases have been disposed of will be ascertained by reference to a Return printed 27th September, 1860.
1853.....	406	516	
1854.....	425	549	
1855.....	361	477	
1856.....	301	395	
1857.....	321	341	
1858.....	297	480	
1859.....	305	398	
1860.....	293	384	

Pilot Board Office,
6 March, 1861.

W. J. WILSHIRE,
Secretary.

1861.

Legislative Assembly.

NEW SOUTH WALES.

LIGHT-HOUSE, NEAR JERVIS BAY.

REPORT FROM THE SELECT COMMITTEE

ON THE

LIGHT-HOUSE, NEAR JERVIS BAY;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
9 May, 1861.

SYDNEY :

THOMAS RICHARDS, GOVERNMENT PRINTER,
PHILLIP-STREET.

1861.

116-A

[Price, 1s.]

CONTENTS.

	PAGE.
Extracts from the Votes and Proceedings	3
Report	5
Proceedings of the Committee	7
List of Witnesses	11
List of Appendix	11
Minutes of Evidence	1

1861.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 19. TUESDAY, 12 FEBRUARY, 1861.

22. Light-house, near Jervis Bay:—Mr. Gray moved, pursuant to notice,—
(1.) That a Select Committee be appointed to inquire into all the circumstances connected with the erection of the Light-house, near Jervis Bay.
(2.) That such Committee consist of Mr. Arnold, Mr. Parkes, Mr. Egan, Captain Moriarty, Mr. Piddington, Mr. Wilson, Mr. John Garrett, Mr. Dalgleish, and the Mover.
Question put and passed.

VOTES No. 30. FRIDAY, 1 MARCH, 1861.

12. Light-house, near Jervis Bay:—Captain Moriarty moved, pursuant to notice, That the Return of all Correspondence and other Documents connected with the erection of the Light-house, near Jervis Bay, laid upon the Table of the Legislative Assembly on 23rd October, 1860, be referred to the Select Committee now sitting in reference to the erection of the said Light-house.
Question put and passed.

VOTES No. 33. THURSDAY, 7 MARCH, 1861.

2. Light-house, near Jervis Bay:—Captain Moriarty moved, with the concurrence of the House, without notice, That the Report of the Commissioners appointed by the Governments of New South Wales, Victoria, South Australia, and Tasmania, to confer upon the subject of Light-houses in the several Australian Colonies, together with the Minutes of Evidence taken before the said Commissioners, severally laid upon the Table of the Legislative Assembly on the 25th November and 18th December, 1856, be referred to the Select Committee now sitting in reference to the erection of the Light-house, near Jervis Bay.
Question put and passed.

3. Member of Legislative Council as Witness:—Captain Moriarty moved, That the following Message be carried to the Legislative Council:—

MR. PRESIDENT,

The Legislative Assembly having appointed a Select Committee to inquire into all the circumstances connected with the erection of the Light-house, near Jervis Bay, and that Committee being desirous to examine the Honorable John Lamb, Captain, R.N., in reference thereto, requests that the Legislative Council will give leave to its said Member to attend accordingly, on such day and days as shall be arranged between him and the said Committee.

*Legislative Assembly Chamber,
Sydney, 7 March, 1861.*

Speaker.

* * * * *

FRIDAY, 8 MARCH, 1861, A.M.

* * * * *

8. Messages:—The Speaker reported that shortly after the House had gone into Committee on the Crown Lands Alienation Bill of 1861, the following Messages were received from the Legislative Council:—

(1.) * * * * *
(2.) * * * * *
(3.) * * * * *

(4.) Member of Legislative Council as Witness:—

MR. SPEAKER,

In answer to the Message from the Legislative Assembly, dated the 7th March instant, requesting leave for the Honorable John Lamb, Captain, R.N., a Member of the Legislative Council, to attend and be examined before a Select Committee of the Legislative Assembly on "Light-house, near Jervis Bay," the Council acquaints the Assembly that leave has been granted to its said Member to attend and be examined by the said Committee, if he think fit.

*Legislative Council Chamber,
Sydney, 7 March, 1861.*

W. W. BURTON,
President.

VOTES No. 68. THURSDAY, 9 MAY, 1861.

8. Light-house, near Jervis Bay:—Captain Moriarty, as Chairman, brought up the Report from, and laid upon the Table the Minutes of the Proceedings of, and Evidence taken before the Select Committee for whose consideration and report the inquiry into the circumstances connected with the erection of the Light-house, near Jervis Bay, was referred on 1 March last.
Ordered to be printed.

1861.

—

LIGHT-HOUSE, NEAR JERVIS BAY.

—

REPORT.

—

THE SELECT COMMITTEE of the Legislative Assembly appointed on the 12th February last, "to inquire into all the circumstances connected with the erection of the Light-house, near Jervis Bay," and to whom, on the 1st and 7th March, were severally referred "the Return of all Correspondence and other documents connected with the erection of the Light-house," and "the Report of the Commissioners appointed by the Governments of New South Wales, Victoria, South Australia, and Tasmania, to confer upon the subject of Light-houses in the several Australian Colonies, together with the Minutes of Evidence taken before the said Commissioners," have agreed to the following Report:—

Your Committee having given to the subject submitted to their consideration all the attention which its importance demanded, now beg to state the result they have arrived at, after very full and careful inquiry. They have examined very fully all the members of the Pilot Board, with whom they imagined this question principally rested, as well as other persons who might through circumstances have been in a position to have afforded information.

Capt. H. J. Browne.
Capt. DeLoitte.
Capt. Darley.
Capt. Chas. Smith.
Capt. Fox.
Capt. Watson.
Colonial Architect.
Surveyor General.
Engineer for Rivers and Harbours.

2. Your Committee have to express their unqualified regret that errors—very grave errors, highly censurable—have been committed in the erection of this Light-house, which, from the evidence of the entire Pilot Board, is not only not erected on the spot where its benefits would have been most extensive, but has been placed where it never should have been built, according to the unanimous opinion of the Board; while the majority—and these four gentlemen, it is now shewn, incomparably the best qualified to give an authoritative opinion on the subject—assert, unhesitatingly, that the Light is calculated to prove prejudicial, and should be at once extinguished.

Vide 89, 97, 125, 159, 155,
156, 196, 227, 229, 233,
240, 258, 350, 361, 361,
418, 413.

Vide 449.

Vide 371, 477, 608.

Vide 480, 482.

Vide 577, 579.

Vide 364, 365, 367, 460,
478, 617, 618.

3. It appears that the Government of the day, influenced by the report of a Conference, requested the Surveyor General to direct a survey of the coast near Cape St. George, with the view of fixing a site for a Light-house in that vicinity. (It is worthy of remark that the subject was never brought under the notice of the Port Master, the head of the Light Department at that time, although that officer had on various occasions,

Vide 583, 584.

occasions,

Vide Appendices A. B. C.
pp. 33, 34.

occasions, orally and by letter, submitted to the Government the necessity of erecting a Light on Crocodile Head, as well as on other places in the Colony.)

4. This survey, when made, was forwarded to the Pilot Board, to determine which of two spots, marked S and T, was preferable.

Vide 444.

5. The Pilot Board at once decided that neither was the proper spot for a Light-house, the majority—four to two—agreeing that Crocodile Head was the best situation. This decision the Chairman overruled; enforced a decision as to which of the points, S or T, was preferable; and conveyed to the Government, not only that S was preferable to T, but added, without any authority, that “they therefore approve of the tower as recommended by you being erected.” This addition was removed from the Minute Book at the next meeting, but it does not appear that this fact was communicated to the Government; and your Committee feel bound to express their disapprobation of the disingenuousness of an officer who, as Chairman of the Pilot Board, conveyed to the Government, authoritatively, as the opinion of the Board, what in point of fact was at variance with it, and which by one member has been stigmatized as untrue.

Vide 411, 445, 308, 294.

Vide 448.

Vide 316, 318, 319, 387,
388, 390, 443, 446.

Vide 562, 563, 564, 565,
566, 557, 571.

Vide 447.

Vide 585.

6. Another gross neglect on the part of the Pilot Board was, in not having suggested the necessity of fixing the precise spot for the erection of the building after a personal inspection, a procedure which would have saved the country an outlay of over £5,000—a course actually pointed out by the Port Master not very long previously.

In conclusion, your Committee recommend, that a Commission of competent persons be at once appointed to investigate and decide upon the proper situation—whether at Cape St. George, Crocodile Head, or any other spot in that vicinity.

MERION MORIARTY.

Chairman.

*Legislative Assembly Chamber,
Sydney, 8 May, 1861.*

PROCEEDINGS OF THE COMMITTEE.

FRIDAY, 22 FEBRUARY, 1861.

MEMBERS PRESENT:—

Mr. Egan, | Capt. Moriarty,
Mr. Wilson.

On motion of Mr. Wilson, M. M. Moriarty, Esq., called to the Chair.
Votes No. 19, 12th instant, Entry 22, ordering inquiry "into all the circumstances connected with the erection of the Light-house, near Jervis Bay"—before Committee.
Deliberation then, on course of proceedings.

It was Resolved,—

That the Chairman cause summonses to be issued to the Secretary and several Members of the Pilot Board.

Capt. Clinch, of the steamship "Tasmania," to be summoned, if in the port.

[Adjourned till Thursday, 28th instant, at *Eleven o'clock.*]

THURSDAY, 28 FEBRUARY, 1861.

MEMBERS PRESENT:—

M. M. Moriarty, Esq., in the Chair.
Mr. Dalgleish, | Mr. Wilson.

W. J. Wilshire, Esq., *Secretary to the Pilot Board*, called in and examined.
Pursuant to order, Witness *produced* for the temporary service of Committee,—

- (1.) Certain Admiralty Charts, viz.:—
Australia, E. Coast—Barriga Point to Jervis Bay, Sheet II, 1851, (in duplicate).
Ditto Jervis Bay to Broken Bay, Sheet III, 1851.
- (2.) Plans, &c., (in half) of the Coast about Cape George and Jervis Bay, by Edwd. F. Millington (Surveyor General's Office, 8 July, 1857.)
- (3.) Cloth tracing ditto.
- (4.) E. Coast of Australia—Sketch (paper tracing) shewing the range of the light near Cape St. George, by F. Hixson, H.M.S. "Herald."

Examination concluded.

Witness withdrew.

A. Dawson, Esq., *Colonial Architect*, called in and examined.

Witness withdrew.

Committee examined the plans produced from the office of the Pilot Board, and deliberated in reference to the mistake of the localities, as appeared by the evidence.

Captain Clinch, "Tasmania," not summoned.

Captains H. H. Browne and T. Watson, and the Acting Surveyor General, to be examined, next meeting; the latter being also called upon to produce a map of the coast from Crocodile Head to the southward.

Mr. E. F. Millington, a witness summoned this day, not in attendance. (Summons since returned unopened from Surveyor General's Office.)

[Adjourned till Wednesday, 6th March, at *Eleven o'clock.*]

WEDNESDAY, 6 MARCH, 1861.

MEMBERS PRESENT:—

M. M. Moriarty, Esq., in the Chair.
Mr. Dalgleish, | Mr. Gray,
Mr. Egan, | Mr. Parkes,
Mr. Piddington.

Votes No. 30, 1st instant, Entry 12, referring all Correspondence, &c., connected with the Light-house, near Jervis Bay,—before Committee.

A. G. McLean, Esq., *Acting Surveyor General*, called in and examined.

Pursuant to order, witness *produced*, for the temporary service of Committee, the several undermentioned plans, &c., viz.:—

- (1.) Map (engraved) shewing the Coast line from latitude (say) 35° 15' to 36° 45'.
- (2.) Plan (I 68, cloth back) Jervis Bay, Currambene Creek (by hand.)
- (3.) Survey (C 524) by triangulation, from Jervis Bay to Mount Dromedary—Thomas Florance, 1828.
- (4.) Survey (V 736) Jervis Bay, on East Coast, New South Wales, by Robert Beecroft, Master, H.M.S. "Crocodile,"—copied by F. S. Townsend, Draftsman.
- (5.)

- (5.) Plans, &c. (V 31. 502) of the coast about Cape George and Jervis Bay (copy of plan by Mr. Millington.)
 (6.) Sketch (cloth) shewing range of the light near Cape St. George, (signed) T. Hixson, H.M.S. "Herald" (copy).

H. H. Browne, Esq., *Chairman of the Pilot Board*, called in and examined.

Witness withdrew.

T. Watson, Esq., *Member of the Pilot Board*, called in and examined.

Witness withdrew.

Committee deliberated, requiring the evidence of the Honorable J. Lamb, Capt., R.N., formerly Chairman of the Pilot Board.

Message to be moved in the House for transmission to the Legislative Council, requesting leave for Capt. Lamb to attend and be examined.

Further motion for reference of the Report of the Commissioners appointed to confer upon the subject of Light-houses in the several Australian Colonies, together with the Minutes of Evidence—to be made in the House.

Captains W. S. Deloitte and B. Darley, to be summoned.

[Adjourned till Tuesday, 12th instant, at *Eleven o'clock.*]

TUESDAY, 12 MARCH, 1861.

MEMBERS PRESENT:—

M. M. Moriarty, Esq., in the Chair.

Mr. Dalgleish,	|	Mr. Gray,
Mr. Egan,	|	Mr. Parkes,
Mr. Piddington.		

Votes No. 33, 7th instant, Entry 2, referring the documents mentioned at the previous sitting—together therewith—laid before Committee.

The Honorable J. Lamb, Esq., R.N., *M.L.C.*, (*formerly Chairman of the Pilot Board*), attending pursuant to leave granted by the Legislative Council, examined.

Witness withdrew.

W. S. Deloitte, Esq., *Member of the Pilot Board*, called in and examined.

Witness withdrew.

B. Darley, Esq., *Member of the Pilot Board*, called in and examined.

Witness withdrew.

Attendance of Captains C. Smith and H. T. Fox, and Mr. Wilshire, *Secretary, Pilot Board*, (with the Minute and Letter Books), to be summoned.

[Adjourned till Friday, 15th instant, at *Eleven o'clock.*]

FRIDAY, 15 MARCH, 1861.

MEMBERS PRESENT:—

M. M. Moriarty, Esq., in the Chair.

Mr. Dalgleish,	|	Mr. Egan,
Mr. Parkes.		

C. Smith, Esq., *Member of the Pilot Board*, called in and examined.

Witness retired.

W. J. Wilshire, Esq., *Secretary to the Pilot Board*, called in and further examined.

Witness produced the book containing the Minutes of the Proceedings of the Pilot Board in reference to the Light on Cape St. George.

Further examination concluded.

Witness withdrew.

C. Smith, Esq., called in, and the evidence of the previous witness having been read—further examined.

Witness withdrew.

Capt. H. T. Fox, a witness summoned this day, in attendance, but examination postponed.

[Adjourned till Tuesday, 19th instant, at *Eleven o'clock.*]

TUESDAY, 19 MARCH, 1861.

MEMBERS PRESENT:—

M. M. Moriarty, Esq., in the Chair.

Mr. Gray,	|	Mr. Parkes,
Mr. Wilson.		

H. H. Browne, Esq., *Chairman of the Pilot Board*, called in and further examined.

Witness withdrew.

H. T. Fox, Esq., *Member of the Pilot Board*, called in and examined.

Witness withdrew.

[Adjourned.]

TUESDAY,

TUESDAY, 26 MARCH, 1861.

MEMBERS PRESENT :—

M. M. Moriarty, Esq., in the Chair.
Mr. Dalgleish, | Mr. Parkes,
Mr. Piddington.

Committee met pursuant to summons.

Committee deliberated as to waiting further evidence and the views to be expressed in the Report.

It was Resolved :—

That the printed Evidence, as far as ready, be distributed to Committee prior to the next meeting.

E. O. Moriarty, Esq., *Engineer-in-Chief for Harbours, &c.*, summoned this day, had excused himself as about to be absent from town.

Capt. Sullivan, of the steamship "Hunter," also summoned to-day, not in attendance.

[Adjourned till Tuesday, 2 April, at *Eleven o'clock.*]

TUESDAY, 2 APRIL, 1861.

MEMBERS PRESENT :—

M. M. Moriarty, Esq., in the Chair.
Mr. Dalgleish, | Mr. Gray.

Committee deliberated upon the Evidence.

Printed copies (incomplete), before Committee.

E. O. Moriarty, Esq., *Engineer-in-Chief for Harbours, &c.*, called in and examined. Witness withdrew.

Committee further deliberated.

[Adjourned.]

WEDNESDAY, 17 APRIL, 1861.

MEMBERS PRESENT :—

M. M. Moriarty, Esq., in the Chair.
Mr. Egan, | Mr. Gray,
Mr. Garrett, | Mr. Parkes,
Mr. Wilson.

Committee met pursuant to summons.

And deliberated on proposed Report.

Chairman requested to draw same, for consideration on Friday.

[Adjourned till Friday, 19th instant, at *Eleven o'clock.*]

FRIDAY, 19 APRIL, 1861.

MEMBERS PRESENT :—

Mr. Moriarty, | Mr. Wilson.

In the absence of a quorum of the Committee, the meeting convened this day lapsed.

Mr. W. J. Wilshire to be summoned for the purpose of producing certain letters.

[To be called on Tuesday, 23rd instant, at half-past *Ten o'clock.*]

TUESDAY, 23 APRIL, 1861.

MEMBERS PRESENT :—

Mr. Garrett, | Mr. Moriarty.

A quorum of the Committee not being present, until after *Eleven o'clock*, the meeting convened this day lapsed.

Mr. Wilshire, pursuant to summons, in attendance.

[To meet to-morrow, 24th instant, at *Twelve o'clock.*]

WEDNESDAY, 24 APRIL, 1861.

MEMBERS PRESENT :—

M. M. Moriarty, Esq., in the Chair.
Mr. Garrett, | Mr. Gray,
Mr. Wilson.

Committee met pursuant to summons.

W. J. Wilshire, Esq., *Secretary to the Pilot Board*, called in and further examined.

Witness produced certain letters required by the Committee.

Letters handed in.

Witness withdrew.

Same read, and severally appended to the Evidence. (*Vide A. B. C.*)

The Chairman submitted, for consideration by Committee, a draft of Report, pursuant to request on 17th instant.

Proposed Report read.

It was Resolved,—

That printed copies of the Draft Report be circulated within the Committee, prior to further deliberation thereupon.

[Adjourned till Tuesday, 30th instant, at Eleven o'clock.]

TUESDAY, 30 APRIL, 1861.

MEMBERS PRESENT:—

None.

In the absence of a quorum of the Committee, the meeting convened this day lapsed.

WEDNESDAY, 8 MAY, 1861.

MEMBERS PRESENT:—

M. M. Moriarty, Esq., in the Chair.

Mr. Garrett, | Mr. Piddington.

Committee met pursuant to summons.

Copies of the Draft Report having been furnished to Members upon the 26th ultimo.

Proposed Report read, paragraph by paragraph.

Paragraphs 1 to 6 (now 5) successively read, and agreed to without amendment.

(Paragraph 4, placed within parentheses.)

Paragraph 7 (now 6) read, viz.:—

Vide 585.

“Another gross neglect was in the Chairman of the Board not having suggested the necessity of fixing the precise spot for the erection of the building personally, a procedure which would have saved the country an outlay of over £5,000—a course actually pointed out by the Port Master not very long previously.”

Amended, on motion of Mr. Piddington, and agreed to.

Paragraphs 8 and 9 (now 7 and 8) respectively read, viz.:—

Vide 600, 611.

“It is scarcely possible to doubt that a Minister, charged with the department, on a professional subject, the full merits of which he could not be supposed to understand, would have deferred to the opinion of the majority of that Board, under whose exclusive management it was vested; and it appears unfortunate that he should, under any influence, which it is clear was exercised, have submitted from the proper Colonial authority the decision of a question to two naval officers in no way responsible, one of whom (Commodore Loring) does not appear to have assigned any reason for differing with persons so every way qualified to decide this question, and the other (Captain Denham) gives as reasons for his opinion what it would have been much more to the credit of his professional character not to have advanced,—and, be it remembered, without personal examination by either.

Vide 619, 620, 621.

“We trust, this is the last time we shall hear of a Responsible Minister of the Crown setting at naught the opinions of a Board specially appointed for the decision of such subjects, and appealing from their decision to persons no way responsible to the country, who, although officers of rank, are not necessarily of superior professional attainments or higher intellectual power,—to bolster up the opinions of a minority, as in this case, on their own shewing, the least competent to form sound opinions on the subject.”

Severally expunged.

Concluding paragraph withdrawn.

Chairman's new paragraph, proposed in lieu thereof, agreed to.

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

Chairman requested to report to the House.

LIST OF WITNESSES.

	PAGE.
<i>Thursday, 28 February, 1861.</i>	
W. J. Wilshire, Esq., <i>Secretary, Pilot Board, &c.</i>	1
A. Dawson, Esq., <i>Colonial Architect</i>	2
<i>Wednesday, 6 March, 1861.</i>	
A. G. McLean, Esq., <i>Acting Surveyor General</i>	3
H. H. Browne, <i>Chairman, Pilot Board, &c.</i>	4
T. Watson, Esq., <i>Member, Pilot Board</i>	9
<i>Tuesday, 12 March, 1861.</i>	
The Honorable J. Lamb, Esq., <i>Capt. R.N., M.L.C., (formerly Chairman, Pilot Board, &c.)</i>	11
W. S. DeLoitte, Esq., <i>Member, Pilot Board</i>	11
B. Darley, Esq., <i>Member, Pilot Board</i>	17
<i>Friday, 15 March, 1861.</i>	
C. Smith, Esq., <i>Member, Pilot Board</i>	20
W. J. Wilshire, Esq., <i>Secretary, Pilot Board</i>	26
C. Smith, Esq., <i>Member, Pilot Board (further)</i>	26
<i>Tuesday, 19 March, 1861.</i>	
H. H. Browne, Esq., <i>Chairman, Pilot Board, &c. (further)</i>	27
H. T. Fox, Esq., <i>Member, Pilot Board</i>	28
<i>Tuesday, 2 April, 1861.</i>	
E. O. Moriarty, Esq., <i>C.E., Engineer-in-Chief for Harbours and River Navigation</i> ..	31
<i>Wednesday, 24 April, 1861.</i>	
W. J. Wilshire, Esq., <i>Secretary, Pilot Board (second further)</i>	33

LIST OF APPENDIX.

	PAGE.
<i>(To Evidence given by W. J. Wilshire, Esq., 28 February, 1861.)</i>	
A.	
Addendum to Answer No. 5	1
<i>(To Evidence given by A. Dawson, Esq., 28 February, 1861.)</i>	
A.	
Addendum to Answer No. 16 .. .. .	..
<i>(To Evidence given by C. Smith, Esq., 15 March, 1861.)</i>	
NOTANDA.	
(1.) Answer No. 519	26
(2.) Answer No. 521	26
<i>(To Evidence given by H. T. Fox, Esq., 19 March, 1861.)</i>	
NOTANDA.	
(1.) Answer No. 602	31
(2.) Answer No. 604	31
(3.) Answer No. 638	31
<i>(To second further Evidence given by W. J. Wilshire, Esq., 24 April, 1861.)</i>	
A.	
(1.) Port Master, Sydney, to Colonial Secretary, 13 August, 1852	33
(2.) Minute (Governor Sir C. Fitz Roy), 23rd	34
B.	
(1.) Port Master, Sydney, to Colonial Secretary, 15 May, 1855	34
(2.) Minute (Governor Sir W. Denison), 16 May	34
C.	
(1.) Port Master, Sydney, to Acting Colonial Secretary, — May, 1855	34
(2.) Minute (Governor Sir W. Denison), 30 May	34

1861.

Legislative Assembly.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

LIGHT-HOUSE, NEAR JERVIS BAY.

THURSDAY, 28 FEBRUARY, 1861.

Present:—

MR. DALGLEISH, | MR. MORIARTY,
MR. WILSON.

MERION MORIARTY, Esq., IN THE CHAIR.

William James Wilshire, Esq., called in and examined:—

1. *By the Chairman*: You are Secretary to the Pilot Board? Yes.
2. You were requested to attend here to-day for the purpose of affording information relative to the Light-house at Jervis Bay, and particularly to produce plans? Yes.
3. Have you those plans? I have. (*The witness produced the same.*)
4. What are those plans? First, a coast survey by Mr. Millington, then a survey made by Mr. Hixon, an officer of H.M.S. "Herald," when he accompanied the Pilot Board on their visit of inspection; and also the Admiralty Charts, with some pencil lines on them made by the Board. These are the only plans I have ever seen, except the elevation plans of the buildings.
5. In reading through the correspondence which has taken place on this subject, I find the following passage in a letter of yours, dated 6th June, 1860:—"The survey having been made when such matters were under the control of a Port Master, the Board are unable to say whether the locality was visited by that officer." As a matter of fact is that true? I wrote those letters by direction of the Board, and I am not responsible for the truth of them, or otherwise. (*Vide Appendix A.*)
6. The original letter to Mr. Dawson, the Colonial Architect, is dated 8th July, 1857,—was there any port master in this Colony at that time? It was very near the time of your resignation, but I could not tell without referring to papers. I think Captain Pockley came down in August.
7. Captain Pockley was not Port Master, the only Port Master was myself, and I resigned my office on the 25th July? And this letter is dated the 8th, I think.
8. On the 30th July a communication was made to Mr. Dawson, calling for his report as to the site? Yes.

W. J.
Wilshire,
Esq.

28 Feb., 1861

APPENDIX A.

Addendum to Answer No. 5.

The reply reads differently from what I wished it to convey. I meant that I could not be answerable for statements in the correspondence without reference to papers. It appears that the survey (shewing sites, &c.) alluded to, was made between 9th April and 8th August, 1857, and that Captain Moriarty, then Port Master, resigned 20th July, 1857; therefore, the statement, it seems, is correct.

Alexander Dawson, Esq., called in and examined:—

- A. Dawson,
Esq.
28 Feb., 1861.
9. *By the Chairman*: You are Colonial Architect? Yes.
10. And have been for a considerable period? Upwards of six years.
11. I believe that in the year 1857 you received instructions from the Under Secretary for Public Works to prepare plans and join with Mr. Surveyor Millington in framing a report as to the eligibility of the different sites for a light-house, at Jervis Bay, marked on a plan forwarded to you? I was requested to accompany Mr. Surveyor Millington to Cape St. George, for the purpose of inspecting the nature of the summit of the locality, and to ascertain the description of material procurable for building operations.
12. Proper material for the building? Proper material for the building, as well as to ascertain the easiest approach to the summit of the Cape.
13. Without any reference to the site? Without any reference to the survey at all. I never interfered with the survey; I did not consider it part of my duty to interfere with the Survey Department in making the survey of the locality, and while Mr. Millington was occupied in doing so I was inspecting the locality to find out proper material, and other information that I have already stated to the Committee.
14. Then, in point of fact, your survey went only to ascertain whether proper material could be obtained conveniently? Only for that and the approach to the light-house. I refused to take any part in the survey, or in fixing the actual site of the light-house; I considered that to be the duty of the Survey Department, and consequently Mr. Surveyor Millington was appointed by the Surveyor General for that purpose. (*Vide the Surveyor General's letter of the 8th July, 1857.*)
15. Was any particular place pointed out to you as the proper position for the light-house to be erected? After Mr. Millington had taken his survey he showed me in his field book the two points marked S and T. Mr. Millington informed me that his instructions were to survey Cape St. George, and the gist of the whole question lies in this—how far does Cape St. George extend? (*Witness explained by reference to charts produced by Mr. Wilshire.*)
16. Where were you desired to build the light-house? On the point marked S, the site approved of by the Pilot Board. (*Vide Appendix A.*)
17. Is that the spot where the light-house is now erected? That is the precise spot.
18. The light-house, as at present erected, has its sphere of vision intercepted by high land to the southward of it, between it and George's Head? I believe that is the case, although I have not personally tested it.
19. So that vessels coming from Bateman's Bay do not see the light till they get within—? I would rather decline answering that question, being a nautical one; I would prefer giving no opinion on nautical subjects. This is the fifth light-house I have built on the coast of New South Wales, and I have never presumed to give any opinion with respect to the proper site of any of them.
20. Did any one go with you, on the part of the Pilot Board, to point out the precise spot on which the light-house should be erected? No; the Board approved of the site as marked on Mr. Millington's plan in Sydney, and I believe without the Board seeing the site at all. I insisted on being furnished with the opinion of the Board in writing before I would commence the light-house. I had been told verbally severally times by the Chairman of the Board that the site marked S, shown on Mr. Millington's chart, was the right one; but I would not go on with building operations until I got an authority in writing to that effect from the Board, and, accordingly, in the letter of Mr. Wilshire, the Secretary to the Board, dated 4th July, 1859, you will find the following:—"With reference to the sites marked S and T on the coast chart, the Board coincide with you in opinion—also expressed by Mr. Surveyor Millington—that that marked S possesses considerable advantages over the latter, and they therefore approve of the tower being erected as recommended by you." Now you will observe—
21. Your recommendation was simply confined to the superiority of one spot over another? That is what I was just going to remark, without reference to George's Head or any other head.
22. It was simply the expression of your opinion that one spot was preferable to another, as between two spots? Yes, on Cape St. George.
23. Not that the spot marked S was the best possible site that could have been chosen? No; on the contrary, I consider that there are three other spots that would be more eligible, viz., either George's Head, Point Perpendicular, or Crocodile Head; the latter is, you are aware, a continuation of Point Perpendicular; I should prefer Crocodile Head; but that is merely my individual opinion, and not one which I am in any way required to give officially.
24. *By Mr. Wilson*: Crocodile Head is the easternmost point of the North Head of Jervis Bay? Yes. Although I think Crocodile Head on the whole the most favourable site, yet there are disadvantages connected with it as regards Wreck Bay, for the light, if placed there, would not be seen in Wreck Bay.
25. *By the Chairman*: You never had the spot fixed by any member of the Pilot Board, and pointed out to you as the spot on which you were to erect the light-house? No; all the instructions I received were as I have already stated.
26. No intimation of that kind was afforded to you? No, excepting by letter. As I said before, I would not proceed with the building of the tower until the Pilot Board approved of the site as marked upon the plan, and communicated their approval to me by letter. When they did so, I procured tenders and commenced to build the tower and out-buildings.
27. Are you of opinion that if the Board had sent some one to point out the site on the ground, it would have prevented any subsequent fault being found with the erection of the light-house? I am of this opinion, that if the Pilot Board had taken the trouble to have gone and verified the site marked S, they would have seen that George's Head was the preferable

preferable site—and that would have been the cause of opening up the question, and making known the fact that the Surveyor General's instructions to Mr. Millington were to survey Cape St. George. No doubt any member of the Board would have seen that George's Head was a preferable site. Any nautical person going down would have seen that Cape St. George was not so good a site as George's Head.

A. Dawson,
Esq.

23 Feb., 1861.

28. You were influenced a good deal in your opinion, as far as these two places were concerned, by the facilities afforded for the erection of the light-house? Yes, I preferred the point marked S to the point marked T on that account.

29. It possessed advantages over T as far as the material for the light-house was concerned? Yes.

30. *By Mr. Dalgleish:* You gave your opinion merely as an architect? As the architect to carry out the erection of the buildings —

31. With regard to the solidity of the foundation, and the adaptability of the position for obtaining materials? Yes, of course, and to examine other facilities, such as approaches, &c., &c.

32. You do not consider anything you have stated here, with regard to any other point, as anything more than the opinion of a private individual, without any reference to your architectural duties? Yes, without any reference to my official duties.

33. Consequently your opinion with regard to the preferential site is merely the opinion of an individual? Yes, of a private individual. With reference to your last question, Mr. Chairman, you will see that in my report to the Secretary for Lands and Public Works, dated 17th August, 1857, I say:—"The site marked T is situated on another cliff of similar geological structure, about 1½ miles to the northward of site S; its present height is 195 feet above the level of the sea, and the light, if this spot be selected, would be elevated 215 feet above the sea-level; the range of vision is only 174 degrees. A heavy outlay would have to be incurred in cutting down the top of the cliff to obtain a sufficiently level site; the access to it is most difficult for cart, or even for foot traffic. The cost, under these circumstances, of erecting the necessary buildings, cannot be estimated at less than £6,500—that is upwards of £2,000 more than the other. The figures of levels, &c., in this report, are from Mr. Millington's survey."

34. *By the Chairman:* Was any visit paid by the Pilot Board during the erection of the building? No, not that I am aware of, until the lantern was fixed.

35. *By Mr. Wilson:* The Pilot Board visited the locality before the lantern was lit—did they not? Yes, they did—some short time before the lantern was lighted. I went down to light the lantern myself.

APPENDIX A.

Added to Appendix No. 16.

I beg to refer the Committee to the Board's instructions and acquiescence of the site marked S* to me, viz.:—"With reference to the sites marked S and T on the coast chart, the Board coincide with you in opinion—also expressed by Mr. Surveyor Millington—that that marked S possesses considerable advantages over the latter, and they therefore approve of the tower being erected as recommended by you."

* See Letter, 4 July, 1859.

WEDNESDAY, 6 MARCH, 1861.

Present:—

MR. EGAN,
MR. GRAY,

MR. DALGLEISH,
MR. PIDDINGTON,

MR. PARKES.

MERION MORIARTY, ESQ., IN THE CHAIR.

A. G. McLean, Esq., called in and examined:—

36. *By the Chairman:* You hold a position in the Survey Department? I am Acting A. G. McLean, Surveyor General.

Esq.

37. You are requested to furnish us with a map of the coast from Jervis Bay to the south, as far as Meruya? The one I produce is from an engraved map; it is on a small scale, but being on one sheet I thought it would be convenient.

6 Mar., 1861.

38. That extends beyond Bateman's Bay? Yes.

39. *By Mr. Gray:* Is the plan drawn by Mr. Millington the original plan? It is.

40. *By the Chairman:* You have a larger plan? Yes, shewing Jervis Bay and the two headlands.

41. Are you in a position to mark upon that map the precise locality of the light-house? No, I am not.

42. Not from comparison with the other upon which it is marked? I could not do so with accuracy.*

* NOTE (*revised thus*):—I could do so with approximate accuracy.

A. G. McLean, Esq. 43. *By Mr. Gray*: How came the position of the light-house to be marked on that map drawn by Mr. Millington which was made before the light-house was built; the spot is marked with the letter S, which I presume is his mark? It looks as if it were an addition to the plan.

6 Mar., 1861.

44. What is the other map you produce? A survey of the coast from the north side of Jervis Bay down to Moruya, being a survey made by Mr. Thomas Florence early in the century; and I have another map by Robert Beechcroft, of H.M.S. "Crocodile," giving the soundings of the bay.

45. *By Mr. Gray*: With regard to the apparent alterations in Mr. Millington's map—who made them? I have no doubt that certain additions have been made upon it since it was drawn, but I cannot say who made them.

46. Who made this other plan? It is a map made in the office from the plan by Mr. Millington, which was sent to the Pilot Board or to the Colonial Architect.

H. H. Browne, Esq., called in and examined:—

H. H. Browne, Esq. 47. *By the Chairman*: You are in the public service? I was, but am not now.

48. I thought you held the appointment of Immigration Agent? The office is discontinued. I held the appointment of Immigration Agent up to the 28th of February last.

6 Mar., 1861.

49. Did that appointment occupy your entire time, or did the duties require your undivided attention? No; I had several other honorary duties that occupied a considerable portion of my time.

50. Then you held some other appointments? I have done so, particularly during the last two or three years, when immigration has been reduced to a very small scale.

51. How long have you been in the public service? Nearly twenty-one years.

52. How long have you been in the Colony? I came here in 1838, that is twenty-three years ago. I was in the Colony several years before in command of a ship.

53. Then you have, previous to your settling in the Colony, been employed as a sailor? Yes; I was brought up to the sea.

54. You were a nautical man? I performed four complete (and one incomplete) voyages to the Colony.

55. Where were you particularly employed during your nautical career? In the India and China seas particularly. I made one voyage (my first in command) to Russia (St. Petersburg), and afterwards one to the United States of America; after that, I sailed to no other part but New South Wales. My early career was in the India and China trade.

56. You were brought up to the sea, you say? I joined my first ship at Gravesend in 1824.

57. That was when you first went to sea? Yes, in 1824.

58. I think you were employed by Mr. Donaldson to represent New South Wales in a Commission of the four Colonial Governments—Victoria, South Australia, New South Wales, and Tasmania—appointed to confer upon the subject of light-houses? I was employed to represent New South Wales in a Conference, which took place at Melbourne, to decide upon the question whether any additional light-houses were to be established in the Colonies, and upon the mode in which the cost of those light-houses was hereafter to be provided for. The original intention was to establish a general fund, of which one Colony should be the Treasurer, and disburse all the amounts required for light-houses in each of the four Colonies, from which it was likewise to receive their respective contributions to the general fund. That Conference consisted of the Colonial Secretary of Van Diemen's Land; Captain Kay, R.N., Private Secretary to the Governor of Victoria; Captain Douglas, Master of Trinity House, for South Australia; New South Wales being represented by myself. We found, however, that the adoption of that scheme was impracticable, because each Colony was naturally anxious to disburse its own expenditure, and the idea was given up. But, we finally decided, I believe by a unanimous decision of all the members of the Conference, that we should first see what additional light-houses were required, so that when we had arrived at that conclusion we might be better able to apportion the contributions for their support according to the advantages they were expected to produce to the respective Colonies in which they should be erected, and also to the general navigation of shipping to and from the whole of the Australian Colonies. That principle was laid down and embodied in our report—that the expense of the erection and maintenance of any additional light-houses for the joint benefit of the Colonies should be apportioned between those interested, and be paid for by contributions from their different Governments. The Cape George light-house was one of the new light-houses recommended by that Conference to be established, but to be erected and maintained by New South Wales only.

59. It was recommended by that Conference that a light-house be erected on Cape St. George? I should answer that, by saying that we were guided as to the position of the new light-houses by evidence taken on the occasion. The evidence is voluminous. And we also made a visit to one of the positions recommended, in the steam sloop "Victoria," because we were not clear on the evidence given; indeed, we found it necessary to choose another locality.

60. *By Mr. Gray*: What was that? Wilson's Promontory. We sought to ascertain whether it was practicable to fix a light-house upon the Ten-foot Rock, that appearing the most suitable place for the light, but we found it to be almost impracticable, and substituted Wilson's Promontory, where it is now erected. I have taken a note of the names of the persons examined before this Conference, and have divided those who gave their opinion in favour of a light on Cape St. George from those who were in favour of a light on Point Perpendicular.

61. Did they give their reasons for choosing one or the other? I think the evidence has been printed for the House, and if I leave this memorandum you can see what the opinions of the different witnesses were. We examined all that we could get hold of on the different points brought under our notice. There were Adelaide traders, Van Diemen's Land traders (for lights in the Straits), Sydney traders, Melbourne traders and coasters (with regard to Cape St. George); and we were guided to our conclusions by their evidence. The following witnesses gave their evidence in favour of Cape St. George:—R. G. Gilmore, of the "Wonga Wonga"; W. H. Saunders, of the "Royal Shepherd"; Arthur Devlin, late master mariner; R. T. Moodie, of the "City of Sydney"; Joseph Walsh, of the schooner "Eagle"; Charles Ferguson, harbour master, Melbourne; C. Pasco, R.N., late of H.M.S. "Beagle"; Thomas Wing, of the "Pioneer"; George Kelly, of the "Monarch"; Francis Rozea, of the "Wanderer"; William Watts, of the "London"; G. V. Bentley, of the "City of Hobart"; George Gilmore of the "Telegraph"; Bloomfield Douglas, Master of Trinity House, Adelaide, and a Member of the Commission. These fourteen witnesses gave opinions in favour of Cape St. George, whilst the following four witnesses were in favour of Point Perpendicular:—James Rusden, R.N., of H.M.S. "Electra"; Henry Tulloch, of the "Water Lily"; William Bell, of the "Yarra Yarra"; and Colin Brown, no vessel.
62. *By the Chairman*: You are connected with the Steam Navigation Board? I have been Chairman of that Board for many years.
63. You are also Chairman of the Pilot Board? I have been for the last few years.
64. Ever since my retirement? Yes, I succeeded you.
65. And I believe you also succeeded me as Chairman of the Steam Navigation Board? There I think I succeeded Colonel Gibbes.
66. I rather think you succeeded me? Well, I might have done so, I do not recollect with certainty.
67. Was the question of the erection of a light-house at Cape St. George, or anywhere in the neighbourhood of Jervis Bay, submitted to the Pilot Board of this port? Yes, and I think that the report made by the Conference was adopted by the Executive of the day, and that some steps were taken to examine the locality. When the report from Mr. Dawson, the Colonial Architect, was given, and a chart, purporting to be a survey of Cape St. George and the neighbouring land was completed, they were submitted to the then Board, which was the late Pilot and Navigation Board, of which Captain Lamb was the Chairman. That was the first notice of the intention of the Government to carry out the recommendation of the Conference that was brought under the attention of that Board.
68. What was the decision of the Board? I think it was printed in the Government correspondence; it was very short. My impression is, that we recommended the place marked S upon Mr. Millington's chart.
69. Captain Lamb was Chairman on that occasion? On the first occasion. I produce a sketch of the plan I allude to.
70. *By Mr. Gray*: When was it made? I see the original is on the table. I copied it for my own information, and it is therefore a counterpart of Mr. Millington's plan.
71. *By Mr. Dalgleish*: How far does Cape St. George extend towards George's Head? This tracing, I believe, is an imaginary delineation of the land. I think you might transfer the head marked S to the lower point.
72. This then is not a correct chart? No, it is most inaccurate.
73. *By the Chairman*: What was it taken from? From Mr. Millington's survey, which I believe was made by Mr. Millington and Mr. Dawson.
74. Then Mr. Hixon's sketch is the most correct? Yes. I accompanied that gentleman in the steamer "Mimosa", on a visit to inspect the position. We got both the latitude and longitude by observations on a fine day, and took the bearings with a theodolite and prismatic compass. We also determined the angles of vision between the extremities of the land to northward and southward, the radius of which instead of being 201" would be only about 150".
75. *By Mr. Gray*: There is another sketch by Mr. Millington* on tracing paper? That is the original (the drawn plan).
76. Is Cape St. George situated as there represented? Yes.
77. *By the Chairman*: George's Head is the eastern extremity of Wreck Bay? Yes, it is so. From George's Head you can see the low land all round the bay.
78. Have you any idea of the point of the compass by which to steer to the westward in passing along the land there? I think we laid it down as near as possible in the published direction, as the points at which the light would be shut in.
79. I have run down there and we steered west and by south-westerly? If you go into the light at all you shut out the light.
80. Then, in point of fact, the light-house, as at present erected, forms no guide whatever for ships coming up from the southward, inasmuch as it is not possible to see it when the danger is most imminent, and only when at a certain distance from the land? It may be seen within a certain bearing of the coast.
81. *By Mr. Gray*: (*Referring to the Admiralty chart*)—Is the bearing correctly laid down here? The line of bearing is correct there, and shews where the light really is. It was at one time thought that it would shew into Ulladulla, but as it cuts the saddle of the hill it only shews down to about three miles east of Brush Island.
82. In point of fact the light-house is not placed in the position with a view to the advantages of which it was erected? That we consider is the case quite clearly.
83. *By Mr. Dalgleish*: On looking at the plan of the coast as described in the Admiralty chart,

H.H. Browne,
Esq.
6 Mar., 1861.

* NOTE.—"Hixon," understood by witness:—So marked on revision.

- H. H. Browne, Esq.
6 Mar., 1861.
- chart, and comparing it with Mr. Millington's plan, there appears to be no point of resemblance between the two headlands. Do you consider this (Millington's plan) in the light of a fancy sketch rather than as a geographical guide? I do; I consider it most imperfect and imaginary, because we have tested these positions by actual observation.
84. *By Mr. Gray*: You consider that the Admiralty chart is correct? Yes.
85. When was Mr. Millington's survey taken? In 1857, I think.
86. *By Mr. Dalgleish*: Then the high land marked S on that plan does not exist as marked here—it is a fancy sketch, and does not portray the actual formation of the coast land in this locality? No, it is merely imaginary.
87. *By the Chairman*: The light-house is some distance from the coast—how far? It stands upon a rather prominent cliff, but it is a straight line of coast. I do not think it is indented; there is an impression that there is a bay there, but I think the indentation is very slight.
88. *By Mr. Gray*: How far is the light-house situated back from the sea? It stands right upon the edge of the cliff.
89. There are two letters, S and T, marked on the chart; were they so marked when you first received the chart? Yes.
90. And the position as since marked was in error? I think that was done by the contractor, though I am not sure. When I received information of the light-house being placed in the wrong position, I sent for the contractor, whilst he was in Sydney, and at my office asked him whether the light-house was erected on the spot suggested to him. He then shewed me where it is—it is a little more to the northward than the mark T. He was an intelligent stonemason or builder.
91. Who went with the contractor to shew him where the light-house was to be situated; did any one go with him? I can only tell you what he said to me; he said he was for two months quarrying stone before he had any information as to where the light-house was to be put.
92. Who gave him that information? He says he put himself in communication with the Colonial Architect, and a gentleman was sent down to fix the site.
93. Who was the gentleman? A Mr. ———
94. By whom was he appointed? I think it was the Clerk of Works in the Colonial Architect's Office.
95. He pointed out the position to the contractor? That was what the contractor told me.
96. Whose duty was it to point out the situation to the contractor? In my opinion it should not have been decided upon until some competent person had been sent to determine the best site, and then it should have been marked with sufficient distinctness, so as to leave no question or doubt about it. Some person from the Pilot Board should I think have done this.
97. *By the Chairman*: Then the proper course to be adopted would have been that a person chosen by the Pilot Board should have fixed the precise spot for the light-house? Yes.
98. *By Mr. Gray*: Had the Pilot Board power to act in this respect without being instructed; had they power within themselves to interfere in this way by going down without instructions from higher authorities, and saying where the light-house should be placed? No, they could not act without the instructions of the Minister; but, I think, if proper representations had been made, the request would have been attended to—I have always found it so.
99. I understand from your evidence that the Pilot Board were not called upon to select any position on which the light-house should be fixed; that they were merely furnished with a plan, with the letters S and T marked thereon, and were asked to give their opinion as to the point upon which it should be placed? I believe it was so.
100. You consider then that the Pilot Board was justified by the representation on the chart or plan in choosing the position they thought the right one? It appeared so plain upon the chart (if it had been a proper one), that it did not seem necessary to send down a nautical man. It was considered that the plan was correct, and as this prominent headland was so clearly defined, and was obviously the one on which the light-house should be placed, it did not seem necessary to make representations to the Minister, until we knew, in fact, that the light-house was not placed there.
101. You had a perfect right to look upon the plan as correct, and do not consider the Pilot Board implicated? That is for you gentlemen to decide.
102. *By Mr. Gray*: You have examined that part of the coast, I believe? I have, with other members of the Board.
103. Will you favour the Committee with your opinion as to where the light-house should have been placed? I will tell you why I am biassed in favour of Cape St. George, and I give my opinion as a seaman, formed when I had command of a ship. I believe it is pretty well known that several vessels have been lost in Wreck Bay; there is an indraught which sets in on the coast, and though vessels may be steering to clear Cape St. George, they do not make sufficient to windward, get embayed, and are lost. In the year 1836 or 1837, I was in command of a ship, and passed Montagu Island early in the morning five or six miles to the eastward. We were carrying all sail, and steering about north by east to clear Cape St. George. Just before sunset I went up aloft, as was my usual custom, to take a look in the direction of the land, and on going on to the foretop-sail yard I could plainly see the point (Cape St. George) which we were trying to avoid broad on the starboard bow. I immediately shortened sail and got the vessel's head off the land, and steered north-east by east, and then only just cleared the Cape. A ship that was coming up astern of me, and carrying the same sail, not having seen me alter my course, stood on and was lost.
104. What vessel was that? The "Hive."

105. *By the Chairman*: With immigrants? With prisoners. Our vessel was subjected to a considerable indraught, and the "Hive" must have stood her course and not hauled off as I had done on discovering the land before sunset. If I had not done this I also should have lost my ship. A light on this headland would shew to the northward of Ulladula; any vessel could then keep clear of danger.

H. H. Browne,
Esq.

6 Mar., 1861.

106. *By Mr. Gray*: One of the greatest dangers to be guarded against is, I believe, the indraught, so as to prevent being jammed by it into Wreck Bay? I think it is. It is necessary to have that bay well lighted, instead of having the light on Point Perpendicular.

107. Would it, as a coast light, be equally as good on Cape St. George as on Point Perpendicular? Considering where the light is now I think it would be more advantageous if it were put on Point Perpendicular, because it would still shew as far to the westward as it now does, and also much further to the northward.

108. With regard to Point Perpendicular, Crocodile Head, and Cape St. George—would the light-house situated upon Cape St. George, as represented to you by the sketch of Mr. Millington, leaving out of consideration the advantages it afforded in guarding against Wreck Bay, possess the same advantages as if situated on Point Perpendicular or on Crocodile Head? I think it would, because it would always be a point of departure for vessels, for unless they are proceeding to Jervis Bay they never approach the coast within seven miles, and being a well-known point of departure vessels could always avoid getting into a fix both to the north or the south.

109. With reference to the danger of getting wrecked in Wreck Bay, would not a light on Montagu Island be of more importance? I think not. It is a low island; I do not know the exact distance, but I think it is sixty or seventy miles to the south of Cape St. George. Besides the light at Gabo Island would sufficiently serve up to this point.

110. If there was a light on Montagu Island and another on Crocodile Point, in the running from one to the other, you would catch sight of one before you lost the other? Yes.

111. And if you pick up the light on Crocodile Head you avoid all dangers of getting embayed on the coast, that is, supposing a foreign trader was running from Gabo Island to Sydney? It must always be considered a disadvantage to have too many lights. If the principal headlands are lighted, I do not see any necessity for this on Montagu Island. It might be an advantage to some coasters; but the southern part of the coast is, in my opinion, well lighted.

112. *By the Chairman*: Have you been much employed in the narrow seas at Home? No; my whole experience of them has been limited to a voyage to St. Petersburg and in navigating the English Channel.

113. Do you not think the lights in the English Channel are more extensive than anything you suggest here? I believe they are.

114. Have you been in St. George's Channel, the Clyde, or in the Bristol Channel? No.

115. *By Mr. Dalgleish*: How far is a sea light visible according to its height and without impediments of weather or other and more than ordinary obscuring causes? If you have an elevation of something like 220 feet it would be seen at about twenty miles distance.

116. Would not this light-house, if on Crocodile Head instead of Cape St. George, be seen sufficiently soon to warn vessels of the vicinity of Wreck Bay? No, not in thick weather.

117. *By the Chairman*: Is it not the duty of the master to keep a ship to windward in bad weather? Undoubtedly, but you may have a succession of thick weather and no observations.

118. *By Mr. Gray*: Cape St. George is the best site, you think? I think so.

119. It is what was recommended as the best site? Yes.

120. *By Mr. Dalgleish*: Do you recognize any one point of land as distinctive of Cape St. George, or is the whole headland considered as Cape St. George? Cape St. George is a green rocky point extending to the eastward of the other land.

121. Then the remaining part of the coast is not distinguished by any name? None whatever.

122. Cape St. George is a distinct point, and should have been specially distinguished by the party who made the survey, and George's Head is the whole headland? I think so. I cannot see how, even with a bird's eye view of the position, the surveyor could have made such a tracing as that which he has produced.

123. The blame must revert to the surveyor and those who authorized him to make a survey, whether he was competent or not? They must have been to blame; but there must also have been a want of care on the part of the person who set the contractor to work; when he had the angles of bearing and seeing four points shut in on the point he selected, he might have communicated with his superior officer, and have waited for further instructions.

124. I speak of the primary cause? The defective survey is the primary cause.

125. *By the Chairman*: Was there a difference of opinion among the members of the Board when the light-house was erected as to the expediency of lighting it? Yes, considerable difference of opinion. Captain Watson and myself, who were in a minority, considered that it was not erected in the place where it ought to be; but it was also considered that it would still be a useful beacon, and we recommended that it should be lighted, after carefully explaining in a memorandum the dangers to be avoided from the low rocky point over which the light is shewn.

126. In point of fact, then, if a vessel were wrecked in Wreck Bay, the present light would afford no possible benefit or assistance? I cannot say how far the light would reach in that direction; but I think that if the light had been there when we discovered the land, it would have been of no benefit. I steered out north-east and by east.

127. Then the question of lighting it came under the discussion of the Pilot Board? Yes; it was brought under the attention of the members, and in the discussion a majority of them were opposed to it, and recommended that the light should not be brought into operation.

The

H.H. Browne, Esq. The members who were opposed to lighting it were Messrs. Deloitte, Darley, Fox, and Smith.

6 Mar., 1861. 128. Four to two? The separate opinions were reported, with an intimation that a majority were unfavourable to lighting it. The matter was then referred to Captain Denham, of H.M.S. "Herald," and I think his decision guided the Government in the course they adopted.

129. Notwithstanding the objections you have here made to the position of the light-house as being an improper place for it, you were of opinion that it might be lighted without inconvenience, and with some benefit? Although I think it will not be productive of mischief, and not do so much good as it might have done, yet I think it will be a good coast light for departure; and with ordinary care and attention to the proclamation of the bearings, no ship ought to get into difficulty there.

130. But according to the evidence you have given here to-day, this light would be utterly useless to vessels under the circumstances in which you were placed? Yes, I stated that fact.*

131. Was the lighting a question of finance with you? Well, I thought that if we abandoned this light-house at once, we should not get another; and that as £6,000 or £7,000 had been spent upon it, and that whilst it would be productive of some good and no very great harm, my opinion was that it would be better to light it.

132. *By Mr. Dalgleish*: Do you consider that it would do any harm? The harm is in lighting over a point. The principle of lighting is to light before a danger. Unless a man is careful in approaching that point, there is an absolute danger; and as it does not light in sufficient to the westward, a ship may become embayed. But being erected, and likely to be productive of some good, I thought that it would be better to light it, and to point out the danger to be avoided by keeping within range of the light.

133. *By the Chairman*: As it is clearly your opinion that the light-house was not erected in the proper place with a view to the benefits to be derived from it, am I right in assuming that it was simply a question of finance that induced you not to oppose the lighting of it? It was scarcely a question of finance, but a question of expediency. I thought a certain amount of benefit might be derived from it, and stated this in our report.

134. But not so large an amount as if it had been erected somewhere else? Exactly.

135. You thought it would be of some good, though it would not produce all the good that it ought to do? Exactly.

136. *By Mr. Piddington*: You condemn the position of the light-house looking at it abstractedly? I do.

137. When you object to the position, is that objection so deeply seated as to lead you to imagine that any master of a ship would be actually misled by the mal-position of the light-house? I think not. Although being erected on a place where it ought not to be, it will still be of benefit, particularly to the coasting trade, and I would therefore leave it where it is.

138. I do not allude specially to the coasting trade? I mean the trade on the coast, whether the voyages be short or long.

139. *By Mr. Gray*: That is, taking into consideration the proclamation issued, if care be taken as to the bearings, no danger will be incurred? I think not.

140. In coming from Ulladulla or Bateman's Bay—which are the principal ports to the southward—or from Merimbula, up along the coast, do you not think the masters of vessels would not see the light until within three miles of it? I am not aware of that. But the traders to these ports care very little about a light. If you refer to page 8 of the correspondence, you will find it stated that the minority of the Board considered that "notwithstanding the ineligibility of the present site to accomplish all that was originally intended " by this light, if lighted it will still be of considerable benefit to vessels navigating the " coast, and that, by a judicious exemplification of the bearings of the light when partially " intercepted by the land, and when wholly unintercepted, sufficient warning will be afforded " the mariner to avoid the danger in its immediate vicinity." We clearly pointed out that we did not approve of the position of the light.

141. *By Mr. Dalgleish*: What would your opinion be of the results if a chart of the coast were made according to the projections shewn upon the plan you submit to the Committee? They would be very lamentable. It is a correct copy of Mr. Millington's survey.

142. *By Mr. Piddington*: Do you consider that Mr. Millington was a right person to send to decide upon the site of a light-house, or was he likely to be qualified to give an opinion upon the subject, so as to justify the Surveyor General in sending him? I think a nautical man should always be sent to decide upon the site of a light-house, as it may be necessary to describe the position; and no person can so well decide upon the advantages of a position, and the amount of good to be derived from it, than a person accustomed to reap the benefit.

143. But Mr. Millington was not a man of nautical experience? I do not know!

144. Was the Colonial Architect the right person to decide upon it. I think he has only to do with the building of it.

Mr.

*NOTE:—But had a light-house then been in existence, I should have been led to the eastward in not discovering it in a reasonable time.—*Added on revision.*

Mr. Thomas Watson called in and examined:—

145. *By the Chairman:* You are a member of the Pilot Board, I believe? I am.
146. Has the subject of the light-house in the vicinity of Jervis Bay been lately brought under the consideration of the Board? It has.
147. Did the Board approve of the position in which it has been erected? No.
148. The subject, I presume, was fully discussed at the Board? Oh yes.
149. There was a difference of opinion, I believe, between the members of the Board? There was.
150. And the majority decided adversely to it? They did.
151. I believe you were one of the minority with Captain Browne, who were the two dissentients from the impression of the majority of the Board? We were.
152. Is it your opinion that the light-house, as at present erected, is in the proper position? I think not; the whole Board was of that opinion.
153. Are you of opinion that the light-house, as at present erected, is not in a position to afford the advantages which the public are entitled to expect from a light-house erected in that locality? I think not. My opinion is that as a coast light it will be merely of benefit to coasters; but for the benefits with a view to which it was intended, it will be of no use.
154. Then, in point of fact, you are of opinion that in its present position it is not capable of affording all the advantages reasonably to be expected by the public from a light-house erected in that locality? I think it is not.
155. What are the disadvantages which, in your opinion, it possesses? In the first place, it is situated about a mile and three-quarters from the site in which it was intended to be placed; and being on an indent of the coast, it has not the desired effect which it would have if placed on the site at first intended, that is, at Cape St. George.
156. Are you clearly of opinion that the light-house, as at present situated, is not one calculated to afford all the advantages the public have a right to expect from a light-house on that part of the coast? Except as a coast light.
157. Is it of any benefit as a coast light? Oh yes, or I should not have given my assent to its being lighted.
158. Suppose you are coming from Ulladulla—does the light afford the slightest advantage? It is not seen at Ulladulla.
159. Nor on any part of the line from Ulladulla? I think not.
160. Is it seen by coasters coming from the next port, Nelligen, or Bateman's Bay, in a direct line—can they see the light until they are within two or three miles of it? You can see it from Brush Island, about seven miles off the land, to the eastward. It is not perceptible until you get six or seven miles off the land.
161. Suppose you were entering Wreck Bay, does it afford the slightest possible assistance in guarding against the dangers of that spot? A vessel coming from the southward would never go into Wreck Bay as long as she kept the light in sight.
162. Are you aware of the line of bearing from Crocodile Head to Cape St. George? It just shows to Alligator Point. I cannot say from memory what is the exact line of bearing.
163. Which is the eastern point of that coast? Crocodile Head is the most easterly.
164. Which point on the coast affords the greatest advantages to vessels bound both north and south? Crocodile Point would.
165. Then a light-house upon that point would be a guide to all vessels bound to the southward, if coming from the northward, and to all vessels bound to the north from the south? I think it would not be seen sufficiently soon from the southward to avoid Wreck Bay.
166. Does the present light-house guard against any of the dangers of Wreck Bay? Oh yes; as long as the vessel keeps the light in sight.
167. Do you not say that a light-house on Crocodile Point would not as effectually guard against the dangers of Wreck Bay as the light-house where it is at present situated? I think not.
168. Is the present light-house visible in Wreck Bay, or in any part of it? Not in the bay.
169. Then, as the present light-house is not seen from Wreck Bay, would not one on Crocodile Point be of equal value to vessels going into that bay? More so.
170. If it were made a rule to keep seven miles off the land from Cape Howe to the northward, would not that take you to Crocodile Head? Decidedly it would.
171. If the light-house were on Crocodile Point would it be of similar advantage to vessels from the ports to the north? Yes.
172. Are you acquainted with the entrances to the Crookhaven and Shoalhaven Rivers? Oh yes, pretty well.
173. Is there any moderately good anchorage in that bight from the north-east of Crocodile Head? Oh yes—there is an offing where there is anchorage.
174. Then a light on Crocodile Point would guide a vessel going into that bay? Of course it would be a guide to all vessels coming from the north.
175. And to vessels bound to Crookhaven, Shoalhaven, and Kiama? Oh yes.
176. From that I infer that the light, if put on Crocodile Head, would be of more general benefit than where it is at present? Yes; but the intention was to put it upon Cape St. George. That was what Captain Blackwood, R.N., recommended.
177. In your opinion, then, a light upon Crocodile Point would be of more utility than a light upon any other point in that vicinity? No; I say Cape St. George is the proper place.
178. Would it be of any possible utility to vessels from the north? It would be useful in rounding the point.
179. But not to any of the ports to the north of Crocodile Head? Very little, if any.

Mr. T. Watson.
6 Mar., 1861.

- Mr. T. Watson. 180. Therefore the sole benefit of the light-house is confined to Wreck Bay? Just so.
- 6 Mar., 1851. 181. And you are of opinion that the light-house, as erected at present, is of no possible utility in guarding against the dangers of that bay? Very little; but if you get out to sea with the light in view, you are safe from Wreck Bay—that is seven miles from the land.
182. The majority of the Board were of opinion that this light-house, placed as it is, ought not to have been lighted? They were.
183. Did you concur in their opinion, because I understand you to say that the position is better at Crocodile Head? I concurred in thinking that better than the present site.
184. And yet you agreed to light the present light-house, although you concurred in thinking another situation better. I presume you had financial reasons for that? My reason was, that the light-house being built, and as it was probable we should not have another if this were not made use of, and seeing also that it may answer some of the purposes it was intended to serve, I was favourable to lighting it.
185. Are you aware that it is a common practice in Great Britain to alter the sites of light-houses when a superior site is found? I am not aware of that. I am very slightly conversant with the practice of Great Britain with regard to light-houses.
186. Then, in point of fact, you know nothing with regard to light-houses there? No.
187. *By Mr. Dalgleish*: As it is usual to place light-houses upon headlands, and from light-houses being placed upon points, great danger is supposed to exist near or at these places? Exactly.
188. Therefore you ground your recommendation of Cape St. George, or Crocodile Point, on the circumstance that it would guard against danger on the coast extending in that vicinity, and also against the danger of Wreck Bay? Just so.
189. May I ask whether, if a vessel left Ulladulla with a commander in his senses, he would go direct from Ulladulla to Wreck Bay? I should think not.
190. Therefore the light is not necessary to guard vessels against Wreck Bay when coming from Ulladulla? Precisely so.
191. May I ask whether, if a vessel was leaving Nelligen with a commander having a knowledge of the coast, he would be likely to mistake the land at this point of the coast, even if a light did not exist there, and whether he would not keep to sea at such a distance as prudence would suggest until he gained a sight of the light, if he knew it to be there? Certainly.
192. Therefore, for all useful purposes as a coast light, although the present position is not desirable, it is useful as a general coast light? Yes.
193. I presume that was the desideratum you had in view when recommending that it should be lighted? Just so.
194. In coming from the south, when the bearings of this light are duly proclaimed in the *Gazette*, and the dangers pointed out upon the chart, a vessel after arriving in the vicinity of Wreck Bay, whether coaster or foreign trader, would put to sea; that is, if they came within the radius of that light it would be a warning of dangerous waters, and that they would be in a position to get to sea when they saw the light? I should do so myself.
195. Although in a bad place, and the adoption of the site, therefore, to be deplored, when the light is duly gazetted, it will be of advantage to the general trade on the coast? Yes, as a coasting light.
196. A light-house at Crocodile Head would light to the northward as well as to the southward, but does any danger exist to the northward? Nothing of any importance.
197. Have there been any wrecks to the north of Crocodile Head for want of a light? I do not recollect any.
198. Have there been any to the southward in consequence of the want of a light? Yes, in Wreck Bay there have been several wrecks, but none to the northward that I am aware of.
199. *By the Chairman*: Are you sure upon that point? I am not quite sure, but I do not recollect any.
200. *By Mr. Dalgleish*: From the number of wrecks in Wreck Bay, and the paucity of those to the north of Crocodile Head, you give the preference to Cape St. George? Yes.
201. *By Mr. Piddington*: Would the objections you confess to entertain to the present site be of so grave a character as to induce you to recommend the removal of the light-house? No.
202. Do you think that any master of a vessel from England would be misled by the existing light not being placed upon Cape St. George, and thus be drawn into danger? I think that, knowing the light was not in existence there, he would keep off the land.
203. *By the Chairman*: Suppose you found yourself embayed? I have been so. There is a great necessity to avoid the indraught, but there is a strong eddy under the point which draws you out again. It comes again round the Cape.
204. *By Mr. Dalgleish*: Had you been aware of the existence of a light at the head at the time you were embayed, is it probable that you would have allowed yourself to become so situated? I think not; I should have kept off the land.

TUESDAY, 12 MARCH, 1861.

Present :—

Mr. DALGLEISH,	Mr. GRAY,
Mr. EGAN,	Mr. PARKES,

Mr. PIDDINGTON.

MERION MORIARTY, Esq., IN THE CHAIR.

The Honorable John Lamb, Esq., Commander R.N., M.L.C., examined :—

205. *By the Chairman* : I believe you were at one time Chairman of the Board denominated the Light, Pilot, and Navigation Board? I was in the year 1857.

The Hon.
J. Lamb, Esq.,
R.N., M.L.C.

206. Was the subject of the light-house on Cape St. George mooted at that time? A light-house in the neighbourhood of Jervis Bay was proposed at that time.

12 Mar., 1861.

207. Did the Board of which you were Chairman express any opinion as to the proper site for that light-house? Opinions were expressed in official form by the Board at that period, and the Board were unanimous in their approbation of a site which had been recommended by Mr. Millington, a surveyor, and Mr. Dawson, the Colonial Architect, who had sent certain plans which were laid before us. I had not been at the locality, nor am I aware that any member of the Board had been.

208. The Committee are in possession of information which leads them to doubt the accuracy of the chart on which that opinion was founded,—did you ever contrast that chart at your Board with the Admiralty chart? I think it was compared with the Admiralty chart, but I am not certain on the point. We depended upon these two official gentlemen, who were stated to have surveyed and examined the site, having delineated it correctly on the chart which was sent to us.

209. Then further than expressing an opinion as to the superiority of one position on that chart sent to you over another, you or your Board expressed no opinion whatever? None whatever; we confined ourselves to the opinion that the locality marked in the map by the letter S was the fittest one for the general objects of the light.

210. None of the Board inspected that spot prior to the approbation of that site? No, none that I am aware of; we had no opportunity of inspecting it; there were no means at our command.

211. The Board took no steps to verify the advantage of any one position more than another? The Board relied upon the chart which was sent to them by the Government as being correct, that chart having been drawn, as we understood, by Mr. Millington and Mr. Dawson. I remember perfectly that at the time we all agreed that the site marked S, according to the descriptions furnished to us by Mr. Millington, was the most advantageous.

212. There was no subsequent discussion on the subject of the light-house while you continued chairman of it? I only continued a short time a member of the Board after the matter was brought under our notice by the Government. There was no further communication on the subject, that I am aware of.

213. *By Mr. Dalgleish* : Do you recognize this (Mr. Millington's chart) as a correct sketch of that part of the coast? I do not know whether it is correct or incorrect; it was the one submitted to us, and we concluded that the officers of the Surveyor General's, and other departments, in sending it to the Pilot Board with an official communication, had given their verdict in favour of its being correct.

214. You are not aware whether it is correct or not? No. It was transmitted to us from the Colonial Secretary's Office, having been furnished to that office by the Surveyor General of the Colony.

215. And it was, therefore, accepted by the Pilot Board as being correct? Yes, as being official.

216. *By Mr. Parkes* : You received it, in fact, as from the highest authority? We received it as from unquestioned authority, two gentlemen, supposed competent, having been sent down particularly to survey the locality.

217. It was precisely stamped by that authority by which you would have thought of testing any chart from an inferior source? Yes, as being a more minute survey than could be made during any general survey of the coast.

William Salmon Deloitte, Esq., called in and examined :—

218. *By the Chairman* : You are a member of the Steam Navigation and Pilot Board? W.S. Deloitte,
Esq.

219. You were a member of the Board in the year 1857 when a question respecting the erection of a light-house in the vicinity of Jervis Bay was submitted for the consideration of the Board? I was; I have been several years a member of the Board. 12 Mar., 1861.

220. At that time a plan was submitted to the Board for an opinion as to the proper site for the erection of a light-house? I think so—about that time.

221. Would you recognize the plan if you saw it—is that the plan (*Mr. Millington's chart*)? I have no doubt this is the same.

222. Upon that plan being submitted the Board came to a decision as to the proper spot to erect a light? I forget whether at that time the question arose whether it was the best, or the best of that locality.

223. Did it occur to the Board to contrast the accuracy of that survey with the Admiralty survey? I am afraid not.

- W.S. Deloitte, Esq. 224. Have you contrasted them since that period? No.
- 12 Mar., 1861. 225. You have never examined the Admiralty chart with reference to the accuracy of that plan? No.
226. Since the erection of the light-house was commenced has the impropriety of the site been brought under discussion in the Pilot Board? It has several times.
227. May I ask of what nature that discussion has been? Principally that the majority of the Board objected to the site altogether, and were in favour of erecting a light-house on the eastern portion of the headland, on the northern portion of the Bay; we were strongly of that opinion, whatever passed before.
228. This subject was not discussed previous to the erection of the light-house? It was.
229. While the thing was in progress? Previous, I believe, to the foundation being laid.
230. The majority of the Board expressed a decided opinion as to the impropriety of that position for the light-house? Yes.
231. Was that opinion conveyed to the Government? It was, I believe. But perhaps it would make it more clear to you if I explained that I believe before it was commenced at all this chart, which is called Mr. Millington's chart, was placed before us, and we were asked this question—Which of the two sites would you approve of, S or T? And, knowing our previous opinion respecting the light being placed further north, we objected in the first instance to give any opinion about it, but we were pressed to do so on the ground that it would be discourteous if we would not answer the question which was the best of the two, and without further reference we said that S was unquestionably the best, and a letter I believe was written to that effect; but we did not say it was the proper site for a light-house.
232. And you had previously expressed a decided opinion that it was not the best position for a light? Decidedly.
233. Was there any further correspondence on the subject when so decided an opinion adverse to the erection of the light-house on that particular spot was expressed by the Board? Then, or later, the majority of the Board forwarded a protest against its being proceeded with or lit—it was in the form of a protest—which will, I presume, be laid before you. I signed it.
234. By Mr. Dalgleish: Is this the letter, dated 9th August, 1860? That is the last one; that is the protest.
235. Against the lighting? Against the lighting.
236. By the Chairman: With reference to its being a guide for vessels to avoid Wreck Bay, what is your opinion of the present light? Well, if I may speak from what I am informed, the present light has a very dangerous quality, it is not seen for eight miles, being masked by a small hill.
237. You were not one of the deputation that went down to examine the spot before the light was lit? No, I remained to attend to other duties here.
238. Suppose there was evidence that it could not be seen at all from any portion of Wreck Bay, would that fact satisfy you that the light was in a most improper position with reference to that object? It depends upon where you allow Wreck Bay to finish.
239. Take it in any imaginable way? How far south?
240. You cannot see it at Ulladulla—to the northward of Ulladulla Wreck Bay commences. If you acknowledge that fact, that when eastward of Wreck Bay, and clear of it altogether, you cannot see the light, what is your opinion then? I have not changed my opinion about it; I think it is wrongly placed.
241. That is your opinion clearly? Yes. When it was first commenced we were not informed that it was masked by a hill and could not be seen for eight miles. As far as I am informed the light-house is not on S, nor is it on T.
242. You have expressed an opinion in favour of Crocodile Point as the proper position? Yes, that is the easternmost point of the northern headland of Jervis Bay, which, being a coast line, at once gives you 180 degrees clear, without any deviation to north or south.
243. A light on Crocodile Head would be a certain guide to Jervis Bay? I think it would be a very excellent guide; it would lead in without difficulty, being close to the headland, which is high land; and it would assist to clear Wreck Bay certainly better than the present light. It would take you a little further out, but that is an advantage.
244. Any seaman running up the coast would, as a matter of course, endeavour to sight a light on Crocodile Head when he came within its range? Yes, either north or south. I also think that two revolving lights—this and Sydney light—so near to one another, is not politic, not prudent, when the current runs as it does sometimes at the rate of 40 miles a day.
245. You also object to the nature of the light as well as to its position? Yes.
246. But this light is red, white, and green? Yes, but the red and green are not seen where the bright light is seen; and when you lose them of course the white light shows more as a revolving light.
247. But the intervals between the periods are different? Yes, of course they are, but in the haste of catching a glimpse of it that is not always a sufficient guide.
248. Then you would adopt some other mode of distinguishing this light from others? Yes, a fixed light for instance, which would be far less intricate and less liable to damage.
249. Have you had much experience at Home of lights in the narrow seas? I have been 25 years on the sea, in active service, in Europe, and various parts of the world. I have been in the Irish Channel, the British Channel, the German Ocean, and to St. Petersburg—a considerable time in those trades.
250. Then on the whole you are of opinion that this light is not only improperly placed, but that the peculiarities of its revolving are unfavourable? Yes.
251. Have you ever seen a light coloured green? I do not recollect one. I had a work the other day, which I lent to Captain Browne, which mentioned 240 light-houses, but I do not recollect a green one among them.

252. A green light is not visible at any great distance? I think it is the weakest of any lights that are occasionally used.
253. Well, I understand, then, that a majority of the Board—yourself, Captain Smith, Captain Darley, and Captain Fox—conveyed to the Government your distinct opinion that the light was badly placed, and ought not to be lit? Yes.
254. Was that opinion arrived at at a meeting of the Board and forwarded by your Secretary in the usual way? By our request.
255. I presume it was a minute of the Board? I believe it was; I am only speaking from recollection now. I think I ought to explain, because it may appear before you that as we were made to say we preferred S to T, therefore, in our opinion, the light should be placed there. It was written by some member of the Board, and forwarded to the Government, but at the next meeting it was erased from the minutes. Of course we objected to it as not being what we meant. It is but fair to say that, otherwise we should appear to stultify ourselves.
256. Was there a letter written conveying the opinion of the Board to the Government that that was the proper site, by any one member of the Board, when the Board had not agreed to it? You can satisfy yourselves by calling for the Minute Book.
257. That is what I understand you to say? That is what I mean. I say it in self defence, because, surely, if I appear to say that is the best place, and then afterwards say it is not, I shall appear to stultify myself.
258. If you will look at the Admiralty chart — ? This is the running survey of Captain Stokes, I see.
259. You will perceive that Wreck Bay is not protected by the light in its present position? No. The same advantages are to be obtained by having a light on Crocodile Head. The only object they seem to have in putting the light on Cape St. George is that vessels should not go into Wreck Bay, but that advantage would be equally attained by a light on Crocodile Head; perhaps it would take you a mile or two farther out, but that would be beneficial.
260. Giving your opinion as a seaman, if it were necessary to have another light, would not a light on the little island called Montague Island be a better protection for vessels running up to the northward with reference to safety from approaching Wreck Bay—suppose there were a light-house there, and a vessel passed that light a certain distance to seaward, she would be sure to pick up a light on Crocodile Head before she got into any danger from Wreck Bay? I should prefer Crocodile Point.
261. Suppose you have them both? I have no objection to as many lights as you can get.
262. A light on Montague Island would be a certain protection to all that part of the coast? And very useful.
263. *By Mr. Parkes:* I understand you to say provided there were one on Crocodile Point? Yes, not to sacrifice Crocodile Point.
264. If it were a question of one light-house, you would have it on Crocodile Point? Yes.
265. *By Mr. Dalgleish:* Was the plan which was sent to the Pilot Board submitted for their opinion, or as a correct survey of that part of the coast? The one which we were accustomed to call Mr. Millington's survey we supposed to be a detailed survey, and therefore more correct in its details than any other made as a running survey.
266. You did not consider it was sent to you to give an opinion as to its correctness? No; we had no opportunity of knowing that.
267. You took it for granted that the points marked S and T, with their elevations, and the trending of the land as indicated, did exist? Yes, of course we did.
268. And when you gave your opinion, it was with respect to the eligibility of the site S over T? Yes, but no further; in fact we felt rather aggrieved, and did not wish to answer the question at all.
269. That was after you had advanced an opinion of the Board with regard to Crocodile Head? Yes; or a site in that vicinity.
- (*Mr. Dalgleish here putting a question with reference to the interception of a light on Crocodile Head, so far as Wreck Bay was concerned, by high land at Cape St. George and George's Head, stated to be 610 feet above the sea, reference was made to the charts, and a long conversation ensued.*)
270. *By Mr. Piddington:* What protection against the dangers of Wreck Bay would a light-house afford if erected on Crocodile Head? It would prevent any ship going within five miles of the land, without knowing it.
271. In what respect would a light-house on Cape St. George afford less protection against the dangers supposed to exist in Wreck Bay than a light-house on Crocodile Head? Do you mean where the light-house is now.
272. On Cape St. George? There might be a difference of perhaps a mile.
273. Would a light on Crocodile Head be visible with as great a range of vision into Wreck Bay as a light at Cape St. George—would a light-house erected at Crocodile Head be equally as valuable against the dangers of Wreck Bay as one erected at Cape St. George? Quite so.
274. Are you of opinion that a light on Crocodile Head would not be intercepted by the high land marked on the Admiralty chart at Cape St. George? I have endeavoured to shew where it would be intercepted.
275. I am speaking entirely with reference to Wreck Bay? You lose sight of it for six miles; it is behind a hill here, and you cannot—
276. I am not speaking of the present site of the light-house, but of Cape St. George, the place recommended as a proper site? It would have been better there than where it is.
277. Comparing the two sites, both sites being now without a light, I want to know whether Cape St. George, if the light-house were erected there, would have been more or less a protection

W. S. DeLoitte,
Esq.
12 Mar., 1861.

- W. S. DeLoitte,
Esq.
12 Mar., 1861.
- tection against the dangers of Wreck Bay than Crocodile Head? They seem to be in the same line, with the same angles, and the same distance off exactly.
278. Do you not see there is high land marked 610 feet high on the Admiralty chart—is not that in the direct range of a light-house on Crocodile Head? No, I avoided it purposely. Look to the area of vision. This is a north and south coast line nearly, so that you obtain 180 degrees at once. Then you have the advantage further —
279. I am not asking as to the general advantage, but as to the particular dangers of that place? I think a light on Crocodile Head would have cleared Wreck Bay perfectly.
280. *By the Chairman:* And with reference to all other questions Crocodile Head presents advantages which the other does not? Yes; It is seen to the north, south, and east, and the light would be serviceable for leading into Jervis Bay in the absence of any particular leading light.
281. *By Mr. Piddington:* Were you a member of the Board on the 14th September, 1857? Yes.
282. Were you a party to a letter of that date in the printed correspondence, signed by the Secretary, which not only states the opinion of the Board that the light-house should be erected on the point marked S on Mr. Millington's plan, but further expresses an opinion of the Board that the site "appears to have been judiciously selected"? That I deny.
283. Do you deny that you were a member of the Board at that time? No, I was a member.
284. Do you deny that this letter was authorized by the Board, though signed by the Secretary? It was not authorized in the whole of that shape, for at the next meeting the latter part was erased in the minute book.
285. What latter part do you allude to? "Which appears to have been judiciously selected." That, I believe, went in a letter, but was erased at the next meeting as being incorrect.
286. There appears to be another letter, signed by Mr. Crook, the Harbour Master, and he appears to have written it by direction of the Steam Navigation and Pilot Board—have you any connection with that Board? I am a member.
287. That letter appears to have been written on the 15th October, 1858, and the writer, Mr. Crook, the Harbour Master, confirms the letter written by Mr. Drew, the Secretary of the Pilot Board, with reference to the construction of the light-house—was that letter written by the authority of the Board? I do not think it was.
288. Were you a member of the Board in October, 1858? I was.
289. But you have no recollection of giving authority for the writing of that letter? I do not know what Mr. Crook had to do with it.
290. I am not asking what Mr. Crook had to do with it? I have no recollection of giving any instructions to Mr. Crook of that nature.
291. *By Mr. Parkes:* Did you know of the existence of that letter? No, I do not think I did.
292. *By Mr. Piddington:* Mr. Crook appears to have written this letter by direction of the Board, did it come under your notice? No, not that I recollect.
293. *By Mr. Parkes:* In what relation did Mr. Crook stand to the Navigation and Pilot Board—did he perform the duties of Secretary? No; he stood in no relation whatever to the Navigation Board.
294. I should have understood his office as comprehending all kinds of duties rather than the duty of writing letters by direction of this Board to the Government? It is not very likely.
295. Did he ever stand in such a relation to the Board as to be their medium of communication with the Government? Certainly not to my knowledge. I do not understand it, unless it is a misprint.
296. *By Mr. Piddington:* You were a member of the Pilot Board in July, 1859? Yes.
297. Were you a party to the letter signed "W. J. Wilshire," as Secretary to the Board, dated 4th July, 1859? No, I do not agree to that; I do not agree to the latter part of it.
298. Were you a member of the Board at that time? I was a member.
299. Were you a party to that letter? I think not.
300. Have you given expression to your dissent in any way officially to the Government? That is embodied in our protest.
301. But the protest you allude to is dated the 9th August, 1860,—I am asking whether you were a party to a letter written by your Secretary, previous to the erection of the light-house, expressing an opinion in favour of the site? I would rather see the minutes of the day than answer it one way or other.
302. You have no recollection of being a party to that letter? No.
303. Nor any recollection of conveying your dissent to the letter to the Government? We had before had that erased out of the minute book.
304. *By Mr. Parkes:* With reference to these letters to which your attention has been called by Mr. Piddington, when the Secretary is instructed to communicate the opinion of the Board to the Government, is the letter drafted, or does he prepare the letter from verbal instructions—I wish to know what is the practice of the Board when they give instructions to their Secretary to communicate their opinion to the Government? The first proceeding, when the Board assembles, is to read the minutes of the previous meeting, and if they are approved they are then signed by the Chairman. Then other questions are brought before us, generally verbally. Very often a number of papers are laid before us, and our opinion is expressed. Then, after that, Captain Browne, having the most leisure, prepares the drafts of letters, in accordance, I presume, with what he thinks our intentions, and these are read at the next meeting, and approved or altered.
305. So that the draft of a letter is always subjected to the Board before being forwarded to the Government? No.

306. Not always? No.
307. *By Mr. Piddington*: Is it not the practice of the Board to agree on certain points in official communications with the Government, when their opinion has been asked, previous to the Secretary drafting the letter? The Chairman frequently drafts the letter.
308. Speaking of the practice of the Board, as a Board, does not the Board insist that rough minutes should be taken of the opinion of the Board, in respect to topics of considerable importance, as a guide to the official correspondence? In practice I fear not.
309. *By Mr. Parkes*: Do you not think it would be the proper way, in conducting the business of a Board of so much importance, to record their opinions in distinct propositions submitted from the chair, so as to appear on the minutes? No doubt it would be better.
310. With reference to these letters to which your attention was first called by Mr. Piddington—one signed by Mr. Drew, one signed by Mr. Crook, and one signed by Mr. Wilshire, and dated respectively 14 Sept., 1857; 15 Oct., 1858; and 4 July, 1859—were you, as a member of the Board, aware of the existence of those letters communicating the opinions of the Board to the Government? The one of the 15th October, 1858, I certainly have no recollection of whatever, for I do not know that Mr. Crook has any authority whatever to write any letter on behalf of the Steam Navigation Board certainly, or of the Pilot Board. As to the letter of the 14th September, I cannot imagine any letter existing in which I have approved of the site marked S, "which appears to be judiciously selected." The difference appears to me to be this—that we never went further, that is, the dissenting members, than saying it was the best of the two. As to the letter of the 4th July, I think I recollect the tower and keeper's quarters, but the last half line, and the half line above it, I dissent from.
311. You see these three letters, written at long intervals, all express authoritatively the opinions of the Board, and convey those opinions to the Government, you being a member of the Board, and involved in that expression of opinion, yet you do not appear to know that these papers were in existence? Things were done by a majority.
312. Do you arrive at your decisions on the Board by a division, taking the votes? They are expressed by resolution.
313. Are the names of dissentients entered on the minutes? No.
314. Then it would be really impossible to ascertain whether you dissented from these instructions or not, even if we had the minute book here? Scarcely, because "resolved" means in practice by a majority.
315. The minutes do not shew of what numbers the majority consists? No.
316. *By Mr. Piddington*: Have you ever known, as a matter of practice, that in case the minority of the Pilot Board have dissented from the opinions of the majority, the minority have represented to the Government their views? No, I do not recollect a case, except this one here where the majority were misrepresented, and they then took this means of stating their opinion.
317. *By Mr. Egan*: Was the letter of the 14th September written between the time of this matter being brought under the consideration of the Pilot Board and the approval of the minutes at the next meeting? Yes.
318. The letter was written before the minutes were approved? Yes.
319. What steps did the Board take when they found they had been misunderstood? They demanded its erasure from the minute book. The proper course would have been to have sent a letter to have contradicted the previous one.
320. Was that done? No.
321. But the entry was erased? It is on the minute book now erased.
322. *By Mr. Dalgleish*: It would appear then that the Board existed for no useful purpose, seeing that when it arrived at so important a conclusion as erasing a minute on which action had been taken, and a letter written to the Government, no letter was written to the Government stating that the minute had been erased? We do communicate it in another way.
323. I understood that this erasure was not communicated? The notice of the fact of the erasure, I believe, was not communicated.
324. *By Mr. Egan*: The Government were never made acquainted with the erasure? No, I believe not.
325. *By Mr. Piddington*: If the Secretary of the Board had written a statement pledging the authority of the Board with regard to a sanction of a site for a light-house, but which authority the Board afterwards discovered had been founded in error, was it not the duty of the Board to advise the Government of the mistake? We took this means of doing it (*alluding to the letter of 9th August, 1860, signed by four Members of the Board.*)
326. But that was three years afterwards: this letter is dated 14th September, 1857, and the letter to which you allude was written after the construction of the light-house, nearly three years afterwards? There is another letter.
327. You have stated that a portion of the letter, signed by Mr. Drew, stating that the site appeared to have been judiciously selected, was subsequently erased from the minutes? I did not mean that letter.
328. Then the letter signed by Mr. Drew on the 14th September, 1857, so far as you know, has not been disputed by the Board or any member of the Board? So far as I know they never agreed to that.
329. It has not been disputed, I say? Not formally disputed.
330. *By Mr. Gray*: Were the Pilot Board aware that a wrong site had been selected for the light-house previous to its actual erection? It was erected on the present site before they were aware of it. In fact, none of the Pilot Board had visited it, nor were they asked to do so at first; but when they were requested to visit it, they did so, and found that it was not

W. S. Deloitte,
Esq.
12 Mar., 1861.

W.S. DeLoitte, Esq. not on the site marked S, nor yet on the site marked T, and undoubtedly it was obscured by a rock or hill for six miles.

12 Mar., 1861 331. Do you not think it should be the duty of the Pilot Board to examine and report upon all sites selected for light-houses? It is our duty to make any examination that may be required, but we have no self-acting power.

332. Do you consider the Pilot Board the proper authority to examine into and report upon such matters? I think six nautical men ought to be good authority.

333. Have they done it previously? They have in two cases, the Inner South Head light, and the Port Stephens light.

334. These were previous to the erection of the light-house at Jervis Bay? One later, the other previously. The Inner South Head light was erected on the suggestion of the Trinity Board as they were called, and they called seventeen witnesses to obtain their opinions on the most eligible site.

335. *By Mr. Doljeish*: Do I understand that the Inner South Head light-house was erected at the recommendation of the Pilot Board? No, of the then Trinity Board, which existed for about nine months; Captain Lamb was Chairman, and Captain Browne, Captain Pockley, Captain Darley, and myself were members.

336. Almost the same members as the Pilot Board? Yes.

337. Are you aware that much dissatisfaction has been expressed with regard to the position of the Inner South Head light-house? As you ask the question, I say decidedly not, except as to the quality of the light; it is too good a light. There were seventeen witnesses examined, and sixteen agreed upon the site, Captain Deunham being one; and it has proved of great utility.

338. On two or three occasions I recollect seeing notices in the public papers, to the effect that the light-house was calculated to blind mariners on approaching the harbour, so that they cannot see the dangers it was intended to guard against? That is complaining of its goodness—of the brilliancy of the light; that is the only complaint I ever heard.

339. *By Mr. Egan*: It appears that the Government adopted the opinion of Mr. Watson and the Chairman, and overruled the opinion of the majority of the Board? I am afraid that is true. That was as to whether it should be lit at all after it was erected.

340. *By Mr. Piddington*: I think you have stated that when Mr. Surveyor Millington's plan was submitted to the Pilot Board, they were asked to express an opinion as to whether S or T was the proper site? Which was the best of those two.

341. When asked that question were you or any other member of the Board of opinion that neither of those sites was the best site? We had written to that effect to the Government before, to which letter we had not received an answer, and therefore not having received an answer to our former advice or opinion, we were very much inclined to give no answer to this at all. However, it was insisted by some members of the Board, that it would be discourteous if we did not give an answer, and so we said very well, confine it to the question whether S or T is the better position; and there can be no question that S is the best. To that answer it was added that the site S appeared to have been judiciously selected, which the majority objected to at the next meeting.

342. *By Mr. Gray*: How many agreed to that part of the letter? Two.

343. And four did not agree to it? Yes.

344. *By Mr. Piddington*: I should wish to ask whether you are of opinion that the Pilot Board have no general discretion, beyond giving a categorical answer to questions put to them by the Government? In that instance we were very much disposed to give no answer at all—I mean of course the three members and myself, who were in the majority.

345. Are you not of opinion that, having given an answer to the question put to them, the Board might have given a decided expression of opinion with reference to the proper site for the light-house? We had done that.

346. Had not the Board the same discretion that they had previously? It would only have been repeating what we had said before.

347. As a question of fact, had not the Board as ample discretion when this plan was submitted to them as ever they had before? We could only have referred them to what we had said before.

348. *By Mr. Gray*: I think the question Mr. Piddington wishes you to answer—yes or no—is this, did you consider the Board had sufficient authority to examine into and report upon the eligibility of the site altogether, not confining yourselves to the two places presented to you? We had no power unless we had been set in motion.

349. Unless such a question was asked, you had no power or discretion to enter into it? No.

350. *By the Chairman*: Is it your opinion that a member of the Pilot Board should have been deputed to fix the precise spot on which the light-house was erected? Yes, quite so—no doubt of it—one or two.

351. And that, in point of fact, no light-house should have been erected without such a decision? Certainly; and also taking evidence as to the best site.

352. Would it not, in your opinion, have been a judicious proceeding to have sent a member, or members, of the Pilot Board to point out to Mr. Dawson, who was acting merely as an architect in the matter, the exact spot, and say, this is the spot? Yes, giving their opinion, to be confirmed and discussed by the Board; taking evidence also if they thought it necessary.

353. *By Mr. Egan*: Any matter which the Board has to consider is, I presume, brought under their notice by the Chairman, not by their own motion? They can, of course, but it is generally as a matter of practice left to him; and it is his duty to take down the opinions he considers we have arrived at, and carry them out, to prevent delay.

Benjamin Darley, Esq., called in and examined:—

354. *By the Chairman:* You are a member of the Pilot Board? I am.
355. And have been for a good many years? I have.
356. Has the subject of the light-house at Jervis Bay been lately brought under your consideration, or the consideration of the Board? It has on several occasions lately.
357. Did the Board approve of the site on which it is erected? The majority of the Board did not approve of the site.
358. Then, in reality, the Board did not approve of it? The Board did not approve of it.
359. Was that disapproval conveyed to the Government? It was.
360. And, notwithstanding that fact, they proceeded to the erection of a light-house on a spot which was not recommended by the Pilot Board—which was disapproved in fact? It was disapproved by the Pilot Board.
361. Then it is not your opinion that the light-house, as at present erected, is in a proper position? Certainly not.
362. Not alone with reference to the general trade of the Colony, but even the coasting trade? Not even for the coasting trade—it is useless, good for nothing, for any purpose in its present position.
363. That being your opinion, then, do you not think it would be advisable to remove it with the least possible delay? I never would have lighted it.
364. But being lighted ———? I think it ought to be removed.
365. From the fact of a light-house being required for general purposes, is it not your opinion that the most desirable site should be fixed upon? Most decidedly.
366. And that a trifling matter of money should not stand in the way—it should not be a question of finance? That is quite my opinion.
367. The present light-house being placed in a position where it does not afford all the advantages the community are entitled to expect, is it your opinion that it should be removed? It is. I cannot see any possible use it can ever be in its present position.
368. What position would you assign for a light in that quarter? Crocodile Head.
369. *By Mr. Gray:* Where is Crocodile Head situated? A little to the eastward of Point Perpendicular.
370. *By the Chairman:* Is it the extreme eastern point of the northern headland of Jervis Bay? Yes.
371. Therefore a light in that position would be of equal advantage to the general trade of the country, coming from north or south? It would.
372. Would it afford any advantages to vessels bound into ports in the immediate vicinity of Crocodile Head to the northward? It would be of service to vessels bound into Crookhaven. It would be a good leading light for ships running up and down the coast, and in as good a position as the present light for avoiding Wreck Bay. It would also be a good leading mark for going into Jervis Bay; and it would combine many advantages to which the present light is of no service whatever.
373. Would it not be attended with this additional advantage, that vessels coming from the eastward would fetch the light much sooner than anywhere else on that coast? Much sooner than where it is.
374. I believe there was considerable difference of opinion in the Pilot Board respecting the advantages of the position of this light—the one at present erected? I do not think there was very great difference of opinion; there were only two members out of the six that thought otherwise than that it was badly placed, and should not be lighted.
375. One-third of the members differed from the majority? Yes.
376. Was the opinion of the majority conveyed to the Government? It was.
377. Clearly? Clearly; for the Pilot Board's opinion was asked previous to commencing the building, and we were decidedly opposed to the southern point.
378. There is a letter in the printed correspondence signed by Mr. Wilshire, secretary of the Pilot Board, dated 30 July, 1859—was that letter written by your authority? It was written by the Chairman, and it was merely to strengthen his opinion that he made reference to the minority; otherwise it would have gone to the Government that the Board disapproved of it altogether.
379. Was that sanctioned as a part of a letter coming from the Board by the majority of the Board? It was.
380. They sanctioned the whole of it? Yes; they saw no objection to mentioning the names.
381. *By Mr. Piddington:* In fact, it was in that mode that the opinion of the Board was conveyed to the Government? Quite so.
382. *By the Chairman:* What is your opinion upon the propriety or otherwise of a member of the Pilot Board being deputed to fix the actual site on which a light-house should be erected? I never considered that any one member of the Board had the power.
383. The Pilot Board as a body——? The Pilot Board as a body have been authorized to do so.
384. They should select some person? They should go themselves.
385. You would not depute that to one member? I think it is a thing of such importance that the greatest care ought to be taken to fix a site before they commence building the tower.
386. The erection of a light-house you consider of extreme importance? Of immense importance. I think the one in question calculated to mislead instead of to be beneficial; and, in point of fact, as I said before, it is worse than no light at all.
387. Was there any alteration at any time ever made in the minutes after a decision of the Board—was any report made to the Government at variance with the recorded opinion of the

B. Darley,
Esq.
12 Mar., 1861.

B. Darley,
Esq.
12 Mar., 1861.

the Board on any point? There was a minute at variance with the Board's opinion, which we altered at our next meeting. It appears in the minute book, although I do not believe it went to the Government; it was not in accordance with our views.

388. That alteration did not go to the Government? I do not believe it did.

389. Between the time of the meeting of the Board at which this minute was passed, and the time of the next meeting when it was altered and confirmed, there was a letter forwarded to the Government, not in accordance with the opinion expressed by the Board, and although an alteration took place in the minute, that alteration was not reported to the Government? No, I do not think the altered minute was reported to the Government.

390. So that, in point of fact, the Government were left in the impression that the letter which was sent contained the opinion of the Board? Yes, I think so.

391. *By Mr. Piddington:* You have stated that an alteration of the minutes was made by the authority of the Board, on the ground that the minutes did not convey the opinion of the Board? The alteration of the minutes was made, but the opinion of the Board was not conveyed in the letter that was sent. The letter was written after the meeting of the Board, but not in accordance with the opinion of the Board; and at the next meeting when the minutes were read, we requested the Chairman not to sign them, as they were not in accordance with our opinion. We asked if this letter had been sent to the Government; he said yes, the letter had been sent; and we said we were very sorry for it, as it did not convey our opinions.

392. Did the Board take any steps to remedy the mistake that had been made in a matter of such importance? They did not.

393. Did you, as a member of the Board? I did not insist upon having another letter written.

394. *By the Chairman:* Did you express any opinion as to the propriety of doing so? I think we did express our opinion very strongly at the time, but nothing was done.

395. *By Mr. Gray:* Have you ever commanded ships on the coast? Not in the coasting trade.

396. You have run the coast up and down? Frequently.

397. *Between Melbourne and this port? Yes.*

398. Have you ever found an indraught into the bay known as Wreck Bay? No; I must confess I rather doubt there being much indraught into that bay.

399. Have you been along the coast near Cape St. George? Frequently.

400. During daylight? Both day and night. I have generally gone up and down the coast within a few miles.

401. And you found no indraught? No.

402. Would a light situated on Crocodile Head be seen from Wreck Bay over Cape St. George? It would.

403. Would it have a range into Wreck Bay equal to that of a light on Cape St. George? No; I do not think so, because Cape St. George is the southern point, and, of course, a light there would shew into Wreck Bay more than one on Crocodile Point would.

404. *By the Chairman:* Do you mean George's Head, or Cape St. George? Cape St. George.

405. Which do you consider Cape St. George? I should say it is the middle headland between the two points marked respectively, on the Admiralty Chart, "Cape St. George," and "George's Head." In the present position of the light-house this mountain (*pointing to the chart*) shuts the light out from Wreck Bay, and a ship coming from the southward may lead up inside the light without ever seeing it.

406. *By Mr. Gray:* You said the light-house would be better on Crocodile Head, would not that same mountain that intercepts the light, where the light-house is at present placed, still intercept the light if the light-house were placed on Crocodile Head? Not more than at present.

407. It would equally as much? Nearly the same.

408. Which of the two capes lies more to the eastward, Crocodile Head or Cape St. George? Crocodile Head.

409. Would not a light on Crocodile Head be intercepted by the land between that and Crookhaven, if vessels were to make use of it going into Crookhaven? Crookhaven entrance round here (*pointing to the chart*) is not very distant. It would shew up past Rocky Point.

410. Would Beecroft Point not intercept the light from Crocodile Head to Crookhaven? It would at the entrance of Crookhaven; but still it would shew in a north-westerly line from Crocodile Head.

411. *By the Chairman:* Mr. Gray asked whether a light on Crocodile Head would not be shut in when going into Crookhaven, but would not a light on Crocodile Head be a sufficient guide to vessels bound in there, because they could keep it steadily in view until they got close up to the land? Yes, sufficiently so; they would know exactly their distance off, because they would know that the moment they shut that light in, they were a certain distance off the land.

412. And in the case of vessels bound to the southward, supposing it was necessary to anchor in a southerly gale, they could be placed in a position to anchor under that headland? Yes, I think so.

413. *By Mr. Gray:* In what wind would it be necessary for a vessel to anchor on the northern side of that headland? A southerly wind.

414. And for what reason should she run in there? No reason, except that she was bound to the south.

415. Merely to wait for a wind? Merely to wait for a change of wind or weather.
416. *By the Chairman*: Or the moderation of the gale? Yes; and I think steamers might run in and anchor there and wait till the weather moderated.
417. *By Mr. Piddington*: Comparing Crocodile Head with Cape St. George as proposed sites for a light-house, which site would you prefer in order to prevent vessels running into Wreck Bay? Cape St. George.
418. *By Mr. Egan*: Are you aware what originated the idea of a light-house there at all? Nothing that I am aware of. We have not heard of any accident there for years; I always considered Jervis Bay a good harbour of refuge.
419. Was it in consequence of accidents that had previously happened in Wreck Bay and the chance of vessels running up that coast to the northward becoming embayed in Wreck Bay? That was a reason assigned by the Commissioner for placing a light on Cape St. George.
420. If that was the reason Cape St. George would have been the best place? Yes.
421. *By Mr. Dalgleish*: You are aware that a Commission to inquire into the position of light-houses on these coasts was instituted, or rather a conference was held? Yes.
422. Have you read the evidence that was given before that Commission? I think I did, some years ago.
423. Are you aware that a large majority of the individuals so examined—some of them men who, from their position, would be eminently qualified to give an opinion on these things—Captain Crawford Pascoe, of the Royal Navy; James Rusden, of the Royal Navy; Captain Watts, of the "London"; Captain Lamont, of the "White Swan"; Captain Gilmore, Captain Rozee, Arthur Devlin, Thomas Wing, and several others—were unanimous. I believe, with hardly an exception, the witnesses examined were unanimous in recommending Cape St. George over Point Perpendicular? Yes, I believe that was so.
424. Then might I ask your reason for considering a light on Crocodile Head preferable to a light on Cape St. George? Because it combines so many more advantages than Cape St. George.
425. I find it stated in the evidence of Captain Crawford Pascoe—who as commander of one of Her Majesty's ships, and also engaged in the survey of the coast, may be considered qualified to give an opinion—that Crocodile Head is too elevated for a light-house? Crocodile Head is low in comparison with Point Perpendicular.
426. I may have made a mistake in that—perhaps he alluded to Point Perpendicular? I think one objection that is stated is that a vessel would not see the light as at present erected? Yes.
427. Would not the same objection bear with regard to a light on Crocodile Head? A line drawn from Crocodile Head past this mountain would shew as far into Wreck Bay as the present light does. We have ascertained that. (*Reference was here made to the charts.*)
428. Assuming Mr. Millington's chart to be a correct plan of the coast, are you of opinion that the point marked S on that plan would be the proper place for the light-house? No; I never was of opinion that that was the proper position.
429. Not even with Mr. Millington's conformation of the land? No point to the southward that you could place it on. We compared this plan afterwards with the charts of the coast, and found it incorrect; they did not correspond at all.
430. If this chart had been correct the point S would naturally be the best position for a light-house? No.
431. For Wreck Bay it would, for it lights right into it? We were asked the question which of these two points was the best; at first we refused to give an opinion, as we did not consider either of them the best; but our Chairman overruled us by saying that we were not asked for our opinion as to the best position, but which of these two points was the best.
432. Did you consider that the evidence of these commanders, as given at the conference, was not worthy of consideration? Not in comparison with some other persons who had been on the coast for many years.
433. *By the Chairman*: In point of fact, you thought your own opinion as sound as any of theirs? Yes; quite as good.
434. *By Mr. Dalgleish*: It appears to me that the persons examined were men who had been for years on this coast, and must have had a thorough knowledge of it, and each individual gives his evidence that there is an indraught into Wreck Bay? Yes, I think they did; but I do believe that if you asked some of these same gentlemen their opinion over again, they would tell you that Crocodile Head was the best position for a light.
435. *By Mr. Gray*: Where do vessels coming from New Zealand make their landfall, to the north or south of Jervis Bay? That depends on the season.
436. Generally speaking? In the summer season to the north, and in winter to the south.
437. All vessels from England, of course, make their landfalls to the southward? Yes, they come up along the shore, except in the summer season, when they keep off for fear of the north-east current.
438. In the summer season, vessels coming from New Zealand make the land as far north as Sydney? As far as Newcastle sometimes.

B. Darley,
Esq.

12 Mar., 1861.

FRIDAY, 15 MARCH, 1861.

Present:—

MR. EGAN, | MR. DALGLEISH,
MR. PARKES.

MERION MORIARTY, Esq., IN THE CHAIR.

Mr. Charles Smith called in and examined:—

- Mr. C. Smith. 439. *By the Chairman:* You are a member of the Pilot Board? I am.
440. Were you a member of that Board when the subject of the erection of a light-house at Jervis Bay was under discussion? The question had been discussed and agreed to before I was appointed a member of the Board.
441. How long have you been a member of the Board? Since the 1st March, 1859.
442. You have been a member of the Board since the commencement of the building of the light-house at Jervis Bay? Yes, undoubtedly.
443. The subject of its position was frequently discussed at the meetings of the Board? Yes, very frequently.
444. Did the Board arrive at any particular conclusion with regard to the spot on which this light-house should be erected? The first time that the matter was brought particularly under our notice was about the beginning of July, 1859; the subject was referred to us, asking our opinion as to which of two sites, marked S and T respectively, would be the best for the erection of a light-house. The Board were of opinion that neither site was the best that could be had, but that of the two the site S had an advantage over T. I may here remark, with reference to the letter of the Secretary to the Board to the Colonial Architect, under date 4th July, 1859, that that letter was not approved of by the Board. The Board desired to say that neither site was a proper one, for such was the decision they had come to; but the Chairman objected to our forwarding such a report, as that was not the question we were asked. He was of opinion, that as we were asked to say which of two sites, S and T, was the best, that we ought to confine our opinion to that point; we consequently confined ourselves to deciding which of the two sites was best, and a minute to that effect was entered in our minute book. More, however, was inserted on the minutes than we had sanctioned, and that portion of the minute corresponding with the passage in the letter of "and they therefore approve of the tower being erected as recommended by you" was, at the next meeting of the Board, scratched off the proceedings.
445. Then the Board did not sanction the latter part of the letter at all? No.
446. But, on the contrary, distinctly expressed their disapproval of it? Most distinctly; and the Board felt so strongly on the subject, that this passage was scratched out of the minutes. The Chairman, however, though our approval was struck out, would not insert our disapproval on the minutes, because he said the Board had not been called upon to give an opinion on the proper site for the light.
447. Then, as a matter of fact, the Chairman made a report to the Government which, though purporting to give the opinion of the Pilot Board, was actually untrue? No doubt.
448. And that report has never been contradicted? Not in so far as I know; and certainly it was not at that time.
449. When the subject was under the consideration of the Board, as I understand from your evidence, the Board expressed a decided opinion in favour of a spot that was not marked at all on the chart sent to you? Yes, certainly.
450. Two sites only were marked, S and T, and the Board considered that some other point was a more favourable one for the light? Yes.
451. Supposing that letter to have been an accurate representation of the views of the Board at that time, which however it was not, ought not the alteration of the minute to have been made known to the Government? I presume that the Treasurer had an intimation, if not officially, at all events privately, of the disapproval of the Board, and that this led to the Treasurer's note to the Board of the 26th July, 1859. This note induced us to give the reasons for the decision at which we had arrived, neither the reasons nor the decision having been previously called for by the Government.
452. Did you receive any intimation when it was decided upon to erect this light-house, in what you conceived to be an improper place? No; from the time the Board directed the letter of the 30th July to be sent to the Honorable the Treasurer, we had no intimation that the light-house was to be erected, until we had notice that it was in course of construction in this improper place.
453. *By Mr. Egan:* Are you sure that no intimation was given to any of the Board that the light-house would be erected at this spot? I did not know, nor as far as I am aware did other members of the Board know, that the erection of the light-house had been contracted for. In fact we knew nothing at all about it, beyond the communication sent to us.
454. *By the Chairman:* Then it was not communicated to you that it was in course of erection? No. After we had forwarded our letter of the 30th July, 1859, no correspondence on the subject took place until the 6th June, 1860. The light-house was then erected, and it was represented to us by certain captains trading on the coast that it had been built in a ridiculous place. We felt bound to place this information before the Government, and in reply we received from the Treasurer a note from the Colonial Architect, which we returned with a letter from the principal keeper of the light to the Treasurer in our letter of the 2nd July, 1860.
455. Have you had an opportunity of inspecting the light since its erection? I have.

456. And what has been the result of that visit on your mind; you went, I presume, as Mr. C. Smith, a member of the Pilot Board, to inspect the light? I did.
457. And were accompanied by other members of the Board? Yes; by Captain Browne, ^{15 Mar., 1861.} Captain Watson, and Captain Fox. There were four of us, besides an officer of H.M.S. "Herald."
458. An officer of H.M.S. "Herald" accompanied you on that occasion? Yes; Mr. Hixson, the second master of the "Herald."
459. What was the impression made on your mind by an inspection of the light-house; did you conceive it to be in a proper position? The impression made upon me was that the light was not at all in a proper place, and that it ought never to have been lit. So great is my objection to it as a beacon that in my opinion it must be done away with at some time or other, and to keep it on now is only incurring a very great expense without securing any of the advantages that might have been obtained had it been placed in another position.
460. Then sooner or later you are of opinion that this light ought to be done away with? Yes.
461. And if so, the sooner the better? No doubt. I am of opinion that it ought never to have been lit.
462. Did you make any report to the Government after this inspection? We did.
463. What was the nature of that report? Our report is amongst the printed correspondence, and is dated 9th August, 1860.
464. *By Mr. Egan:* You mean the 28th July, 1860? No; that is the date of the report of the deputation made to the Pilot Board; and the report to the Government was not made until afterwards, when the members came as a body to determine on the matter. I may remark here that in several instances where reports have been sent in to the Treasurer there have been two reports upon the one matter, one report from the majority and another from the minority. The reason the Chairman gave for sending in these two reports was that, after the opinions he had given as to the intended position of the light being the best, he would be stultifying himself if he allowed it to go in as the unanimous opinion of the Board that the light was improperly placed; and on this account he was bound to state his reason for dissenting from the Board. He, therefore, made out two reports to the Government, one from the majority of the members, and the other from the minority, a most unprecedented way in my opinion of giving the opinion of the Board.
465. The opinion of the majority of the Board was adverse to the position of the light? Yes, and not only that, but was adverse to the lighting it at all.
466. Upon what point of the coast in this locality would you recommend the erection of a light? Upon Crocodile Head. When we were going down on the steamer to inspect the site, I was speaking to Mr. Hixson, the second master of the "Herald," as we passed Crocodile Head, and he at once pointed to the very spot which the Board had approved of for a light, and said, "There, that is the place for a light-house."
467. That observation was not recorded in your report? It was not.
468. However, he made it, and the spot he pointed to is the one you now recommend? It is.
469. *By Mr. Egan:* Was the Board unanimously of opinion that this was not a proper site for the light-house? Not unanimously, there were two exceptions—that is, they agreed that it was not a proper site, but did not wish the light to be done away with.
470. Then the Board were actually unanimous in regard to the site? Yes.
471. And did they make a report to that effect? They did.
472. As a Board? Yes.
473. There were not then two reports, one against and the other in favour of the site? No, it was done in this way. Captain Browne and Captain Watson did not think the site a good one, but said that it would be better to light the building than to pull it down. We, on the other hand, said that it would be better to pull down the building at once than to create a beacon that would have to be pulled down hereafter.
474. Then Captain Browne and Captain Watson would not consent to moving the building? No, though a majority of the Board did. A minority, however, thought it was better to light it than to have nothing, and it seems that they had their way.
475. And that minority consisted of only two members? Yes, Captain Browne and Captain Watson.
476. *By the Chairman:* You have been a long time at sea, I believe? I have.
477. And have had great practical experience as a sailor? Yes.
478. In all trades, or in any particular trade? In all trades.
479. You must then have had considerable experience as to the value of lights on a coast? I have.
480. In all parts of the world? Yes, almost in all parts.
481. You are no doubt, then, perfectly conversant with the system of lighting the coast adopted at Home? I am, perfectly.
482. In the English Channel, the Irish Channel, the Clyde, and the Bristol Channel? I know the east coast of Scotland very well, and also the English and the Irish Channel, but I have never been on the Clyde.
483. The system of lighting these localities I have named may now be said to be perfect? No doubt.
484. Perhaps, though, you will first favour the Committee with your reasons for suggesting Crocodile Head for the site of the light-house in preference to the other locality? In the first place, I consider that a light ought to be placed in that position in which it will give the greatest advantages. That is, that, in my opinion, a light ought to serve to warn the seaman of a danger, or guide him to a port of safety; and, in choosing a spot for a light, we ought

Mr. C. Smith. ought to select that from which we can derive the most benefit in these two respects. Placed as it now is, to the northward of Cape St. George, we derive no advantage from the light whatever, except only to warn vessels very imperfectly out of Wreck Bay. Now, I consider that the entrance to Crookhaven, that is, the great bight lying between Crocodile Head and Kiama, is a much more dangerous place for vessels than Wreck Bay. It is not above twelve or fifteen months ago that a vessel was lost there; and I believe that as many vessels have been lost there as in Wreck Bay. A light on Cape St. George would never be seen at all to the north of Crocodile Head, as that head shuts it in; neither does it favour a vessel going into Jervis Bay. A light on Crocodile Head, however, would project well out, and would form a good guide into Jervis Bay; and not only would it be a guide in this direction, but would also be a guide into Crookhaven, into which many coasters run when they get a strong wind from the southward, and cannot get round Point Perpendicular. By putting it on Crocodile Head the light would be seen for thirty miles along the coast to the northward, and that would include all the length of coast that is dangerous in that direction. It would also be seen further in shore to the southward than where it is now, but not so far perhaps as if it had been placed to the westward of the Cape; it could be seen nearly as far as Brush Island from Crocodile Head. The present light cannot be seen nearer to the shore than some seven or eight miles by chart in that direction.

485. Is it not the practice at Home, in the erection of light-houses on the coast, to select the extreme headlands for the purpose, and not the heads of sounds or bays? Yes; they are always erected on the most projecting points of the land.

486. Going round from the Lizard, the Eddystone, the Start, to the Portland light, and so on to St. Catherine's Point and Beachy Head—are not all these lights erected on projecting points? Yes.

487. That, then, is the system pursued in the English Channel? Undoubtedly.

488. They never put a light at the bottom of a bay, except for mere harbour purposes? No.

489. Whilst those that are required for coast lights, to point out to the seaman his position on the sea, are always erected on projecting headlands? They are.

490. And the light we now have under discussion is intended as a coast light? Yes.

491. *By Mr. Dalgleish*: Do you consider that the light on its present site is situated at the bottom of a bay? No; not at the bottom of a bay; but where it is, it is certainly embayed by the land. It is erected in an indent of the coast. The headland, on an indent of which it is placed, is a turning point for vessels, and, consequently, the light should have been projected as far out as the nature of the land would allow. If it had been placed there, it would not have been embayed, but now it is considerably inland of the extreme point of the headland, and as the coast there trends off quickly in shore, the light is certainly embayed.

492. *By Mr. Eyon*: I believe that a vessel coming up from the southward, and keeping close in shore cannot see this light? It cannot be seen by a vessel close in shore, until they are right upon it. The light where it now is is not worth the expense of keeping up.

493. *By the Chairman*: You have stated that the great objects for which coast lights are established are to warn vessels of a danger, or to guide them to a safety; but is there not another in this—that a vessel coming in to the land from sea can the sooner ascertain their real position the sooner they make a light; and taking this view, that is—the advantage to sea-going vessels—would not the light have been of more importance if it had been erected on Crocodile Head? I take it, that the light was intended for a coast light, and as the most prominent point of this headland is Crocodile Head, and the light should have been on the most prominent point. Now it cannot be seen for more than six or seven miles to the north, and therefore of very little use to the mariner, because when he opens the light he is past the point, and therefore past all danger in this respect.

494. Supposing a vessel coming in from the eastward—say from New Zealand—is it not of importance to them to ascertain their position on the coast as soon as possible, and if they are to do this by means of a light, the further the light is projected out to the east the better it must be for the ship? No doubt.

495. Then, in connection with the trade between this Colony and New Zealand, you think that Crocodile Head is the spot in that locality that is best suited for the erection of a light? No doubt.

496. Was the subject of the colour of the lights to be used brought under the consideration of the Pilot Board? I believe that it was mentioned by the Chairman to the Board, that a lantern of the description now used had been proposed, and that it had been decided upon to put it up.

497. You were not asked your opinion, as a Board, respecting it? No, we were merely told that it had been decided upon.

498. Decided upon by whom—by the Chairman? No, not by him. It was merely stated by him that it had been decided upon.

499. Is it your opinion that a green light is a proper one to use as a coast light? My opinion is that a green light is the faintest light you can use. This is a fact that is well known. On the coast of England, where lights are plentiful—perhaps in order to distinguish one from another—it may be necessary to use green lights, but I should not recommend them on a coast like this, where lights are so far apart.

500. Are there any green lights used in England? There are.

501. Are you sure of this? Yes; I think they have a green light on the Bell Rock. They have there a light similar to this—white, red, and green.

502. I think you are mistaken? I may be now, but it was so in my time some years ago.

503. *By Mr. Dalgleish*: It is not usual to alter the colour or position of the lights on the English coast? It is not.

504. And is not this light on the Bell Rock a very splendid light? Yes, it is a very fine Mr. C. Smith, light.

505. *By the Chairman*: By having these three coloured lights, a vessel running along close in shore is enabled to ascertain her distance from the shore, as, when out at sea, the white light only is seen; then, as they approach nearer, the red light becomes visible; and afterwards, as they get closer in, the green light is perceptible—the difference in the value of the lights being that the green light is not seen beyond ten miles, the red not beyond fifteen miles, whilst the white is seen at twenty miles distance—so that there is a difference of ten miles distance in the value of the white and the green light? I am not certain as to the actual distances, but I believe that it is computed to be very nearly those you have mentioned. I know that you can see the white light for a considerable time after you have lost the green one.

506. You lose sight of the green before the red, and of the red before the white light? Yes.

507. *By Mr. Dalgleish*: Have you any distinct remembrance of the Bell Rock light? Not perfectly distinct; but my impression is that it is white, red, and green.

508. That, I believe, is a very splendid light? Yes, it is a very good light; but then this light at Cape St. George is not of the same magnitude. The Bell Rock light is of the first class, but this is not.

509. *By the Chairman*: It is your opinion, I believe, that, previous to the erection of the light-house on the site it now occupies, the Pilot Board should have been consulted, and that it was they who should have pointed out the site for the erection? Certainly. I think that we ought to have been asked to point out the site for the light; and, if we were not satisfied with the plans before us, that we ought to have been called upon to take such evidence as would have satisfied us in regard to the site before we fixed upon it.

510. And then, having come to a decision that the Board, or some of their members, should have gone to the locality and pointed out the precise spot upon which they wished the light-house erected? No doubt.

511. This course of proceeding was not taken in the case now before the Committee? No, certainly not. And I may mention here that it was reported to us on board the steamer that the stones for the building were quarried out on the ground by the contractor, long before any person came out to shew them the spot where the work was to be carried on; and that, ultimately, it was a blackfellow who pointed out the site for the erection of the building.

512. *By Mr. Dalgleish*: You have not a chart of the coast before you, but I presume this is not absolutely necessary for you to describe the advantages of the situation you advocate for the light? No. I should only wish for the chart in order that I might be able to point out the places into which a vessel could get by means of the light if it were placed where I wish it to be—such as Kiaana and Crookhaven—in fact you would include thirty miles of the coast to the north, which is all that could be of any service.

513. Then the light placed as you proposed would just screen the northern part of the bay formed by Crocodile Head? Yes, exactly. I would place the light so as to screen the land when you come into shoal water, so that if a ship master lost sight of the light he would at once know that he was too far in shore. And then for a vessel going into Crookhaven, which is a safe harbour with the wind to the southward, the light might be so placed as to shew when he came to a safe place to drop anchor.

514. *By the Chairman*: You would then, to some extent, make it also a harbour light? Yes.

515. And would this combine the advantages of a coasting with a general light? Exactly.

516. *By Mr. Dalgleish*: Are you aware of any circumstances, irrespective of his own opinion, which may have justified Captain Browne in coming to the conclusion that Cape St. George was a more eligible site than Crocodile Head? The light is not on Cape St. George.

517. But supposing it to be there? Well, supposing that. I take it in this way—he may have said that vessels have been lost in Wreck Bay, and that it is better to avoid such accidents hereafter. But then it must be recollected that vessels have been lost also in the Crookhaven Bight, and that this is a much more dangerous spot than Wreck Bay. And in saying this I say it as one who has had ten times the experience of Captain Browne.

518. You are aware, no doubt, that a Commission of delegates from the different Colonies sat to inquire into this very subject? I am.

519. And that the weight of evidence taken was greatly in favour of Cape St. George over Point Perpendicular for the site for the erection of this light? I am aware of it; but I have looked over the evidence, and it is my impression that had I been a member of that Commission the weight of evidence would have been on the other side. It strikes me from reading the questions put that they were so framed as to draw from the witnesses examined an answer in favour of Cape St. George. (*Vide Notanda appended.*)

520. I certainly do not observe this? Well, such is my impression from reading the evidence; and from my knowledge of captains trading along the coast such must have been the case, because I know that the general feeling is against the light on Cape St. George.

521. In the evidence of Crawford Pascoe, Esq., R.N., given before the Light-house Commission, I find that he is asked—“Perhaps, from your passages up and down the coast you will be able to give the Commission your opinion as to whether you consider there should be any additional light on that coast between Sydney Heads and Cape Howe?” to which he answers—“It occurred to me in the last trip I made that a light would be desirable on Cape George.” And then he is asked—“That is the southern entrance of Jervis Bay?” to which he replies, “Yes, Point Perpendicular, I think, is too elevated for a light.” Now here are distinct answers given, and they do not appear to have been leading questions that have brought them forth? No, but the greater part of the evidence is what I allude to. (*Vide Notanda appended.*)

Mr. C. Smith, 522. If you have read the evidence you must be aware that the weight of evidence taken before that Commission was greatly in favour of Cape St. George, in opposition to Point Perpendicular, as a site for the light-house? I object to the manner in which the evidence was taken.

15 Mar., 1861.

523. But besides Mr. Pascoe, who gave the very strong opinion I have quoted in favour of George's Head, in opposition to Point Perpendicular, there were also the opinions of R. G. Gilmore, A. Devlin, R. T. Moodie, H. Tuiloch, J. Walsh, J. Brown, W. Bell, T. Wing, and several other witnesses, all of whom were in favour of St. George's Head, whilst only two of the witnesses examined were in favour of Point Perpendicular, and neither of them had had the same experience on the coast as the others had had, so that it is fair to assume that at all events the Board had good grounds for the decision to which they came? I am satisfied, from my acquaintance with captains trading on this coast, that, were evidence on this point to be taken now, three-fourths of them would decide in favour of Crocodile Head over Cape St. George.

524. But even if Captain Browne were ignorant of the locality himself, would he not be justified, from the evidence taken before that Commission, in forming an opinion in the way he has done? Certainly.

525. The evidence taken before this Commission was the foundation upon which the Government proceeded in coming to a determination to place the light-house on Cape St. George? No doubt.

526. Then, with this evidence before them, could they have consistently followed any other plan? I do not know. When they had a protest from the Pilot Board, the Government ought to have hesitated.

527. Yes, but that was subsequent to the Government having come to a decision? I do not think so. They had before them a report from the Board, recommending Crocodile Head as the best site, before the position had been fixed upon.*

528. So that it is evident that the Government acted upon the evidence taken, and the opinion given, by this Commission? I presume so.

529. You are aware that there was a letter sent from the Under Secretary for Lands and Works ordering a surveyor to proceed to that part of the coast, to make a minute survey of it, to send in a report of the particular point which he considered the best adapted for the purposes of a light-house, to mark the same upon his chart, and to send in the chart and the report to the Government for their approval. All this had been done, and the chart and the report of the surveyor were before the Government, as well as the evidence and the report of the Commission, prior to their receiving the protest of the Pilot Board, so that it must be confessed that they were justified in the determination at which they arrived? Yes, they certainly were under the circumstances.

530. We find that Mr. Millington, in pursuance of his orders, executed what he called a plan of that part of the coast, and that this plan was submitted to the Pilot Board for their approval of two sites, marked S and T, proposed for the light-house; were you a member of the Board when these plans were submitted? I was.

531. Do you recognize the plan now produced as that which was sent to you by the Government, and which was said to come from Mr. Millington? Yes, I believe it is the same.

532. Then, with this plan before you, and with the peculiar formation of coast there depicted, which of the two points marked would you consider to be the best for a light-house? Well, supposing the chart to be correct—which it is not—my opinion is that neither point is the best that can be found, but that of the two S is preferable to T.

533. This chart was sent to the Board as the most correct that could be given, being a detailed map of the locality taken by a surveyor on the spot, and the Board had, consequently, a right to assume that it was the most correct chart that could be placed in their hands. That being the case, on which of the two points, S or T, would you consider it best to place the light? I have said on the site marked S, supposing the map to be correct.

534. Let me ask you whether, from what you know of the coast, you consider the delineation here given to be an accurate representation of this part of the coast? No, I do not. I could not tell that it was this part of the coast at all from this map.

535. And is the light-house, as now erected, placed upon the site marked here as S? It is not.

536. Then whom, in your opinion, is to blame for the light-house being placed where it is? That I am not prepared to say. I have already said that the contractor told us on board the steamer that he had been six weeks quarrying stone before any one came near him, and that then he had to get a blackfellow to point out the place on which the beacon was to be erected also before anyone came near him.

537. Do you consider the Government to blame for the position of this light? I am not prepared to say where the blame rests.

538. Should it not, in your opinion, be the primary object of inquiry by this Committee to ascertain where the blame lies in not erecting the light-house on the site S, where it was ordered to be erected by the Government? I am not prepared to say anything about that; but it is my opinion that the site marked here as S is somewhere near what we call Black Head. What we term Cape St. George is not the site here marked as S; nor is the light-house erected on the point S, nor on any other point marked on this map, for where the light-house is placed is not shewn here. The light-house is erected about two miles from the point of the headland; and the map is not so far wrong as the light is wrong placed on it.

539. By the Chairman: Do you think that a land surveyor is a proper person for a Government to send to determine the position of a light-house? I think not.

540.

* NOTE (by witness on revision):—Before the light-house was commenced building.

540. And do you imagine that the efficiency of the land surveyor in this respect would be in any way increased by sending to his assistance an architect? I do not. Mr. C. Smith.
541. *By Mr. Dalgleish:* We find that the Government deputed Mr. Surveyor Millington to survey the coast, and to fix upon a suitable site for the light-house, and that at the same time they appointed the Colonial Architect to assist him; do you consider this to have been a proper selection? I should say not, unless they had a nautical man associated with them. 15 Mar., 1861.
542. One nautical man, at least, should have been selected to accompany them? Certainly.
543. The Pilot Board were not communicated with in the first instance in regard to this light-house? Not to my knowledge. I joined the Board on the 1st March, and then about June or July this plan was sent down to us, simply asking us the question which of the two sites, S or T, was the most eligible. We said that neither of them were eligible, but the Chairman said we were not asked that, but merely to say which of the two we considered the best. We then said that if we must give an opinion in that way that we preferred S to T, but that we did not like either.
544. And you were not communicated with further on the subject? Not in so far as I know.
545. Then you were not asked on what part of the coast would be the best site for placing the light-house, but you were simply supplied with a sketch upon which two points were marked, and your opinion was requested as to which of these two points you considered the best? Exactly.
546. Consequently, having given you opinion in obedience to orders, your duty as a Board was complete, and you had no power of yourselves to fix and determine the position of the proposed light? No. Our powers as a Board are very limited; much too limited, I think.
547. Have your Board power to suggest where a light-house should be placed? Only when called upon to do so.
548. Did you take any steps to mark your disapproval of the site selected for the erection of the light-house? We did.
549. I find in this printed correspondence a very important opinion given by Mr. Crook, the Harbour Master, and I should like to know in what capacity he acted in regard to the Pilot Board, for in his letter of the 15th October, 1858, I see that he says—"I am directed by Steam Navigation and Pilot Board to inform you that the Board recommend that the sum of £4,350, for the construction of the light-house in question"—and "on the site indicated in Mr. Surveyor Millington's map, marked S"? This was before I joined the Board, and at that time Mr. Crook used to interfere a great deal in the business of the Board; after I joined, however, he had very much less to do with it, because I and others considered that he had no right to interfere in our business further than he was directed to do by the Board.
550. Have you seen this letter of Mr. Crook's? Yes, I have seen it in the correspondence. It was written prior to my joining the Board in March, 1859. After that period, all letters emanating from the Board were written by the Secretary.
551. Was there a majority in favour of lighting the lantern, after the light-house was finished? No; the majority were opposed to its being lighted at all.
552. So that the minority ruled over the majority? Yes; it seems so.
553. Is it a usual thing with your Board that the opinion of the minority should be taken in preference to that of the majority? No; this is an exceptional case.
554. But, do you not think that the majority have to a certain extent stultified themselves by allowing their opinion to be over-riden by that of the minority? No; we could not prevent it. It would have been impossible for us to have prevented the minority from sending in to the Government the reasons on which they dissented from the views of the majority.
555. But you say that it is an unusual thing for two reports to go in, one from the majority and another from the minority? No doubt it is an unusual thing; but I have already said that our Chairman explained that though he agreed with us in the views we expressed, yet having given to the Government an opinion in favour of George's Head, he considered that he would be stultifying himself if he did not give some reasons for that opinion, and on this account the report of the Chairman and Captain Watsen was sent in.
556. But his letters appear to express the opinion of the majority and not of the minority? In some instances, no doubt they do; but in other instances you will find the opinions of the majority given, with the dissent or modified opinion of the minority appended. We did not approve of the site proposed for this light, and though the words "they therefore approve of the tower being erected as recommended by you" appear in the Secretary's letter, yet they did not form part of the minutes of the Board. Something to that effect was inserted in the minutes, but was ordered to be scratched off them, at the next meeting of the Board.
557. *By the Chairman:* In giving an opinion upon the proper site for a light-house, would you be likely to be influenced more by your own conclusions arrived at from your own experience, than by the opinions of any given number of men who may be examined? In the case of Jervis Bay, I was guided solely by my own conclusions, because I have had a great deal of experience in cruising about all that part of the coast; but I was also aware that it was the general opinions of those captains who had been much in the locality.

Mr. C. Smith.

NOTANDA.

15 Mar., 1861.

Answer No. 519. Addendum.

By this I do not mean to infer that the Board were actuated by any other motives than those for the general good, but the fact that many of the witnesses examined being masters of steamers who were in the habit of hugging the land to the southward of Wreck Bay to avoid the current on their passage to the northward, caused the majority to be in favour of Cape St. George.

Had it been shewn to them that a light on Crocodile Head would have answered this purpose, and given other advantages to the northward, they would have been then as many of them are now in favour of this Head, since the two positions have been more prominently before them.

And, also, that captains in the habit of trading to ports within the radius of the said light should have been called upon to give their opinion before the said Commissioners, which opinions, I have no doubt, would have been in favour of Crocodile Head.

Answer No. 521. Addendum.

And the reason here given is quite erroneous, as Crocodile Head is only about two-thirds the height of our upper South Head light, having a large bay and low land for a long way immediately behind it, giving it the effect of an island, whereas where Mr. Pascoe recommends the light to be placed is not more than 50 feet lower, and at the base of land 600 feet high, where the mist and vapour lies long after it is clear on Crocodile Head.

Mr. W. J. Wilshire called in and examined:—

Mr. W. J.
Wilshire.
15 Mar., 1861.

558. *By the Chairman*: You are Secretary to the Pilot Board? I am.

559. You have been summoned here in order that you may produce the minute book of that Board—do you now produce it? I do; not knowing which you would require, I have brought them all.

560. Will you turn to the record of the meeting of the 4th July, 1859, or rather of the meeting that led to your letter of the 4th July? I have it here.

561. Have you before you the minute in reference to Cape St. George light? I have.

562. Will you read it? It is as follows:—"After a careful consideration of the subject, the Board resolved, that Mr. Dawson be informed that they approve of the design and elevation of the tower and keeper's buildings, as submitted by him; and that in respect to the sites marked S and T, in the coast plan, the Board coincide with the view expressed by himself and Mr. Millington, that the site marked S possesses considerable advantages over the one marked T, and therefore they approve of the tower being erected on the site recommended by him."

563. What was done on this? On this minute, a letter was written to the Colonial Architect, and forwarded by me. At the next meeting of the Board, when the minutes had to be read and confirmed, the last paragraph of the minute I have just read was ordered to be struck out, commencing at the words "and therefore" down to the end.

564. These were struck out at the next meeting of the Board? Yes.

565. The minute not being in accordance with the views of the Board was not confirmed? No; but the minute had been acted on before this last passage was struck out by the Board.

566. Was any communication of that fact made to the Government? No.

567. They were not informed that the Board did not concur in this last paragraph? No, they were not.

Mr. Charles Smith called in and further examined:—

Mr. C. Smith.
15 Mar., 1861.

568. *By the Chairman*: You have heard the evidence just given by Mr. Wilshire? I have.

569. That evidence, I presume, sufficiently explains your views in regard to this minute? It does.

570. *By Mr. Dalgleish*: Can you, in any way, account for the fact that the ultimate conclusion at which the Board arrived was not made known to the Government? No.

571. In no way? No, only from the unwillingness of the Chairman to represent views or opinions that were not asked for by the Government.

572. This conclusion could be of value only to the Government, yet being withheld from them, and they, being ignorant of the falsity of the concluding part of the Board's letter, would to a certain extent be justified in acting upon that paragraph? Yes, they would be justified in the meantime; but if you take notice of Mr. Weekes' note of the 26th July, where he refers the matter back to the Board, you will see that our views must have been before the Government, because in that note he details notions respecting coast lights in which the Board perfectly agreed.

573. But tenders having then been actually called for the erection of the light-house, the opinion of the Pilot Board could have been of no value to the Government? No, and prior to this the Pilot Board had not been called upon to give an opinion as to the proper place on which to put a light-house; at all events not whilst I was there.

TUESDAY, 19 MARCH, 1861.

Present:—

MR. WILSON, | MR. GRAY,
MR. PARKES.

MERION MORIARTY, ESQ., IN THE CHAIR.

H. H. Browne, Esq., recalled and examined:—

574. *By the Chairman:* I have requested your attendance here to-day, Captain Browne, H. H. Browne, Esq., with a view to obtain from you further explanations with reference to some of the answers you have already given in evidence before this Committee. You expressed yourself in favour of the light-house being placed on Cape St. George, because you formed an opinion when a seaman in command of a ship, that that would be the best site. You say—"It is pretty well known that several vessels have been lost in Wreck Bay. There is an indraught which sets in on the coast, and although vessels may be steering to clear Cape St. George, they do not make sufficient to windward, get embayed, and are lost. In the year 1830 or 1837 I was in command of a ship, and passed Montague Island early in the morning, five or six miles to the eastward. We were carrying all sail, and steering north by east to clear Cape St. George. Just before sunset I was up aloft, as was my usual custom, to take a look in the direction of the land, and on going to the foretopsail yard I could plainly see the point—(Cape St. George)—which we were trying to avoid, broad on the starboard bow. I immediately shortened sail, and got the vessel's head off the land, and steered north-east by east, and then only just cleared the Cape. A ship was coming up astern of me, and carrying on the same sail, but not having seen me alter my course, she stood on and was lost." Am I to understand you to say that you were so close in to the land as to make the headland broad upon the starboard bow, that is three or four points, when you were steering north and by east? The high bluff land to the westward of the Cape was the headland I first discovered, and that was very broad upon the weather bow. It was a hot day, and a haze hung about the land. I did not see the cliff at first, but saw the water beneath; then, as I neared it, I opened up the headland, and saw the point outside, as well as Point Perpendicular. I do not say positively that I was steering exactly north and by east. I did not see the land at all on the port side, yet I might have supposed I was running along the land. It made such an impression on me that I felt sure that if by chance the vessel astern of me, which was carrying all sail, did not find out the danger she was approaching, she would be lost. She stood on following, I suppose, as she thought, the same track as myself, and she went ashore.

575. *By Mr. Gray:* That was the "Hivo"? Yes. I fancied that my vessel was brought into that dangerous position by the excessive indraught, not by bad steering—bad steering does not generally take place in the daytime.

576. *By the Chairman:* Steering north and by east from Montague Island would carry you clear of Crocodile Head? About two miles to the eastward of it, I think.

577. You stated, I think, that you had had no experience in the narrow seas at Home, or of the system of lighting there? With the exception of the British Channel.

578. And that only in command of foreign ships, and when you were in a junior position? Exactly so. I had, too, some opportunity of seeing the lights on the eastern coast, and also those in the Gulf of Finland, that sea being very well lighted. With this exception, and not having been in the Bristol or St. George's Channel, I have not had any experience of the lighting of the narrow seas at Home.

579. You have expressed an opinion that it would not be an advantage to have lights too close together—are you not aware that at Home they are much closer than you imagine there is any necessity for them being here? I expressed my opinion upon that point, because on an open coast of this kind, which vessels are not of necessity obliged to approach very close, it did not appear to me advantageous to have too many lights, which might be mistaken one for the other. If the turning points were lighted that appeared to me all that was really necessary. Although many persons have questioned the advantage of the Cape St. George light, I consider that as it is the most prominent headland between Sydney and Cape Howe, it is an advantage to have it lighted.

580. But, upon the broad basis you have stated, would not Crocodile Head be the best point, being in a more direct line? I should like to have been upon that head before expressing an opinion upon this point. Not having seen it so as to be able to form a good judgment, still I have an impression that Point Perpendicular shuts in Crocodile Head from the southward; Crocodile Head not being so high as Point Perpendicular, the latter would obscure it from the southward. I merely give this as my impression, not as an established fact. If I were to take the bearings I could give you a more precise opinion.

581. What course can a vessel steer after passing Crocodile Head—to the westward of south? A vessel after passing that point would have to make as nearly as possible a southerly course.

582. Have you not to make south-west and by south? I do not know exactly; my impression is that the course would be much nearer south than south-west and by south.

583. Allusion has been made to my being Port Master at the time this minute was made. Are you not aware that I never knew anything of that minute? It was not written with a view to cast any censure upon you in your position as Port Master, but with the idea that the Government had not consulted the proper persons, those who had the executive control of light-houses, who should have been consulted before the survey was made.

584. That letter was a simple expression of the opinion of those persons who wrote it, that it was the duty of the Government to consult me upon that point? Certainly. The report of

- H. H. Brown, Esq.
29 Mar., 1861.
- of the Commission was upon light-houses on the Australian Coast generally; but in carrying out the plans recommended they should have been submitted to the officer in charge of this department. It was considered by the Board at that time that you, being Port Master, ought to have been consulted before the survey was made, and have been asked to accompany the surveying officer instead of Mr. Dawson, who had merely the building to look to.
585. In point of fact, you mean to say that previous to fixing the site, I, as Port Master, if the subject had been brought under my consideration, should have gone and pointed out the spot where the light-house should be erected? Certainly.
586. And the Government ought to have asked what my opinion was? Certainly; it would have been only proper courtesy to you as head of the department.

Henry Thomas Fox, Esq., called in and examined:—

- H. T. Fox, Esq.
29 Mar., 1861.
587. *By the Chairman*: You are a member of the Pilot Board, I believe? I am.
588. How long have you been a member of that Board? Since the 1st of March, 1859, that being the date of my appointment.
589. For many years, I believe, you commanded a vessel upon this coast? Yes.
590. You were master of the brig "Phantom", were you not? I was; and for twelve years was engaged in various vessels in the intercolonial trade, principally between this port and Melbourne and Adelaide. I was also coast pilot of the steamer "New Orleans," now called the "Governor General."
591. During your experience then in these seas, you have had ample opportunity of forming an opinion as to the proper site of light-houses on the coast? I have.
592. Was the subject of a light-house, in the vicinity of Jervis Bay, brought under the consideration of the Board at any period previous to its being lighted? As a member of the Pilot Board, I recollect that, either at the end of June or the beginning of July, 1859, a communication (I think the first) upon the subject of the light-house near Jervis Bay, was sent to us from the Government.
593. That was previous to the building of the light-house? Yes; previous to its being commenced.
594. What was the opinion of the Pilot Board upon that occasion? With the first communication from the Government, a chart, or rather two plans, drawn by Mr. Surveyor Millington, were sent down, and we were asked to give an opinion as to which of certain sites—one marked S, the other marked T—upon the plans, was the best suited for a light-house in that locality. A majority of the Board—four out of the six—considered that neither of the points marked in the plans was the best site for a light-house in that vicinity. The Chairman, however, said we were not asked for an opinion whether other sites than these might not be better suited for a light-house, but merely as to which of the two points submitted to us, as marked upon the plans, was the best. We then said, that of the two we preferred the one marked S, though we did not consider either of them the best site that might be chosen.
595. Was that expression of your opinion conveyed to the Government? I believe it was; not at that time. In a letter from the Secretary to the Pilot Board to the Colonial Architect (dated 4 July, 1859), it was stated, however, that "with reference to the sites marked S and T, on the coast chart, the Board coincide with you in opinion—also expressed by Mr. Surveyor Millington—that that marked S possesses considerable advantages over the latter, and they therefore approve of the tower being erected as recommended by you.
596. That was not recommended by the Pilot Board, I believe? No, and when the minutes of the Board were read we called attention to the fact that we never approved of that site, and that portion of the minute which stated that we approved of the tower being erected there was erased from the book.
597. You not only did not approve of the tower being erected on that spot, but disapproved of it altogether as the site for a light-house? Four of the six disapproved of its being in that vicinity; but if the Government had determined upon having it upon one of the marked points we preferred that marked S.
598. Who was the constituted or proper authority for fixing the site of a light-house upon this coast? I scarcely know.
599. Who should it be? Those who had the greatest nautical experience I should think.
600. If there was in existence any Board for the management of such matters—do you think it would properly devolve upon them? I should think so. I think it would be their duty to decide by evidence if they were unable to do so without it.
601. You think the Pilot Board ought to have given an opinion upon that subject? I think so.
602. And any opinion of theirs adverse to a proposed scheme should have led to a re-consideration of the subject? I think the subject should have been re-considered before their opinion was thrown overboard altogether. (*Vide Notanda appended.*)
603. Upon what point would you recommend the erection of this light-house? Upon Crocodile Head, to the north of Jervis Bay.
604. What would be the advantages arising from the erection of a light-house there? It would be the most salient point on the whole coast line. On page 11 of the correspondence you will find a letter from certain members of the Pilot Board to the Colonial Treasurer, in which the advantages of a light on Crocodile Head are stated. (*Vide Notanda appended.*) After the letter from the Board, dated the 4th July, had been sent to Mr. Weckes, that gentleman again wrote to say, that "before the site for the light-house about to be erected at Jervis Bay was finally determined upon, he should be glad to be favoured by the Pilot Board

“ Board with their views as to the most suitable locality on which the light should be placed. “ When speaking of the coast line, at one time Point Perpendicular and Crocodile Head were considered as synonymous, being separate only a mile or so; that was before the last chart was published; but since then the north head of Jervis Bay is called Point Perpendicular, and the outer margin of the cliffs Crocodile Head.” It is all perpendicular land like that at the North Head of Sydney, and very likely on this account some would call that Point Perpendicular which others named Crocodile Head, especially as they lay within a mile or two of each other. In his letter to the Board the Colonial Treasurer says:—“ In selecting a site for a light-house, the main purpose arrived at should, no doubt, be to accomplish as many advantages as the position will admit; and in erecting one at this particular point of the coast we should, if practicable, render it useful to shipping bound either north or south”; and he calls attention to what he had heard stated with regard to the desirability of selecting Crocodile Head as the site for this light-house. I perfectly agreed with him; and, with a view to carry out the wishes of the Treasurer, we again went into a close consideration of the matter, and four of us were of opinion that the best point that could be chosen for the purpose of accomplishing all the desirable advantages alluded to in the Treasurer’s letter of the 26th July was Crocodile Head. At this conclusion we arrived on the 30th July. The Chairman, however, desired that, in communicating this to the Government, the names of the four members in favour of it should be mentioned, his object, no doubt, being to avoid an appearance of stultifying himself after having given an opinion in favour of Cape St. George. We did not consider it necessary to go into the reasons why we adopted this course. From that time the Pilot Board had no further communication with the Government on the subject until long after the light-house was far advanced towards completion; and thus the Government might have been adopting our opinion, and building the light-house on Crocodile Head for aught that we knew officially.

H. T. Fox,
Esq.
10 Mar., 1861.

605. Are you of opinion that the most judicious course would have been for the Pilot Board to depute a competent person to indicate the precise spot upon which the light-house should be erected? I think so.

606. Do you think it was consistent with the duty of the Pilot Board to suggest such a course of action to the Government? Well, after Mr. Weckes had sent this letter of the 26th July, calling attention to the many advantages desirable in a light-house, and after answering that on the 30th July by recommending a site for the light-house which we considered would embrace all those advantages, the Board was not called upon to do more until we again heard from the Government. It was only by mere chance—by hearing from a ship that passed that part of the coast—that we learnt that they were building the light-house on the present site.

607. Do you know where it is erected now? Yes. I was one of a deputation who went down to inspect its position after it was built.

608. Did you approve of the situation? Oh! no; it is in one of the most absurd places that could be found for a light-house. I cannot see why you should put a coast light in a bight. It is within a line drawn from Crocodile Head to Cape St. George.

609. It was supposed, I believe, to possess some advantages over other spots, with reference to guarding against the danger of Wreck Bay? So it would if it had been put on Cape St. George.

610. Then if it had been put on Cape St. George instead of where it is at present situated, it would have the advantages it was presumed to possess? That would be more reasonable if it was intended only for ships coming one way; then you could put a light in the bay to be guarded against; but when there is traffic in both directions, and so great an expense incurred for a light that we can only afford one, I think our object should be to obtain the greatest possible good we can by it, and instead of specially considering one danger we should guard against all in the vicinity as much as possible, as would be the case if the light were placed on Crocodile Head.

611. Then by putting the light at Jervis Bay, as it is, it is made nothing but a harbour light, to guard against dangers only at one particular point? Certainly; it would keep a ship clear of Cape St. George, if she saw it; but it cannot be seen in Wreck Bay, except over the land.

612. If the light-house were placed on Crocodile Head would a vessel, when making it from the southward, come within range of Wreck Bay? Any ship, not seeing the light on Crocodile Head, when she had run her distance, ought to haul off, as she would most likely be too close in; but any ship coming up in her proper track would see this light far beyond Cape St. George. The light would be so far out as to be seen outside Cape St. George. In the track to the northward a light on Crocodile Head would be seen at Kiama, Jerringong, and, I believe, at the entrance to the Shoalhaven River, none of which advantages can be obtained from its present position.

613. From Crocodile Point, up along the coast, the light bears south-west and by south, therefore no point bearing in that direction could intercept the light at all? Certainly not.

614. Supposing a ship is coming from the eastward, say from New Zealand, with the light on Crocodile Head, what is your opinion of the advantages to persons on board to be gained from the light being placed on this in preference to any other spot—the ship being bound to Sydney, Jervis Bay, or wishing to make the land? It is the most easterly point, and of course would be the best for them, as it would be the sooner seen as they approached the land.

615. And if it were necessary to hit the land in the night-time, on seeing the light he would fix his course on getting a distant glimpse rather than by running in to make it, as would be necessary at present? Certainly; the land trends away on both sides, and he would be clear of the Cape.

616. Does the present light afford any guard against vessels getting embayed in Wreck Bay through thick weather? If a vessel is embayed it does not see the light; if it was more to the east, as on Crocodile Head, in making it they would be out of danger.

617.

H. T. Fox, Esq.
19 Mar., 1861.

617. That being your opinion, what course would you suggest with regard to it? I suggested that it should not be lighted, but being lighted I would do away with it, as it is only perpetuating an error, and it would be making matters worse to allow it to remain any length of time after being lighted.

618. Then the sooner it is removed the better? Yes; although it is a great waste of public money I think the sooner it is removed the better.

619. *By Mr. Wilson*: It appears from the papers that the Government, in determining upon the lighting of the light-house as at present situated, were influenced very much by the two opinions of naval officers—the one by Commodore Loring (who gave no reason), the other by Captain Denham, who makes a statement upon which, perhaps, you can throw some light. He says—“It would certainly have been preferable had that light-house occupied the shoal of the actual cape”—is there a shoal at this cape? No. I do not know what he means by the shoal at Cape St. George. There is no shoal off the coast there, and if there were, I would ask is a shoal a proper place for a light-house? There is no shoal there known to our navigators; you can go within two or three ships' lengths of the land at that point.

620. Captain Denham also says—“Looking, however, at its main character—a general coast light for voyagers, to check any ashore deviation of course upon that 240 miles run between Cape Howe and Sydney Heads—I consider it satisfactorily situated.” Looking upon it in that light do you consider that it is at all situated upon a good site? No, I do not. Captain Denham does not say it is well placed; he says it is “satisfactorily placed as a general coast light.” No; I consider it most unsatisfactorily placed for that purpose.

621. *By the Chairman*: If Captain Denham had asserted that this was a proper place to be lighted, would that have any weight with you? Not the slightest. I have seen it a hundred times to his once, and have run up and down by night and by day. With all respect to Captain Denham, I must say I think I know more about the proper position for this light than he does.

622. *By Mr. Parkes*: There appears to be a great discrepancy in Mr. Millington's charts which it is difficult to reconcile, I mean with reference to the marks S and T. I cannot see how the spot S could have been recommended when it does not exist? I think I can throw some light upon that. There are two coast sketches by Mr. Millington. I have no doubt the light-house is built upon the spot marked S, in the plan which shews the elevation and general features of the land. The other sketch he appears to have enlarged from the chart of the coast, and to have made the one I allude to from his own observations. No doubt he then thought the two points marked S would correspond, but that they do not do so is evident. The error he has made no doubt arose in this way.

623. *By Mr. Gray*: He never surveyed and laid down the coast? He surveyed this part, and drew the plan; and, looking upon it as a separate part, it is correct.

624. He never laid down the headlands? No; except from other charts. But the light-house has been put on since. It is upon the spot S, as far as the land around it is concerned.

625. That point of land bearing due south from the present light-house intercepts the light from any place to the westward of south? Yes; it is intercepted to the whole of the south-west, except a small space where it is seen (dangerously) over the land; in its present position it is worse for Wreck Bay than if it were on Cape St. George. It would then have shewn the way in and out of it, but does not do so now.

626. Would a light-house on Crocodile Head throw the rays of light into Wreck Bay? It would have shewn a light into that bay to a certain extent, certainly much further than the present light does.

627. You have come up the coast frequently? Yes.

628. In passing Wreck Bay, have you not found a considerable indraught? Very rarely; it has been the exception, not the rule.

629. Did you make it a habit to hug the coast or to stand out? I used to run tolerably close. After passing Montague Island, I steered for Cape St. George.

630. And never felt yourself drawn in shore by the indraught in the vicinity of Wreck Bay? On one occasion I fancied myself further in than I ought to have been, but I was never set into the bay; I mean I was not so far off Cape St. George as I ought to have been.

631. Do the coasters think there is danger on account of the indraught there? I believe some of them do.

632. There have been some wrecks in that bay, I believe? I think there have been three within the last twenty years.

633. How many miles to the eastward of Cape St. George is Crocodile Head—or is that head to the eastward? About two miles, I think; perhaps a little more, say three miles.*

634. And what is the difference between them north and south? About six miles.

635. The difference in longitude is three miles east, of the one over the other? It is a little more than three miles of longitude, but that is near enough.

636. And do you reckon that a greatly material difference? I do, in a coast light. The three miles off the land is a good offing. That is the most projecting point on the whole range between Twofold Bay and Sydney. If you are to the eastward of that point, you are all right; but if you are three miles to the westward, you have to guess how far to make to the eastward to clear the coast by getting outside the easterly point.

637. In your opinion a light on Crocodile Head would be of advantage with regard to Wreck Bay? More than the present light-house.

638. I mean more than a light-house erected in a proper position on Cape St. George? Yes; and infinitely more for other purposes. (*Vide Notanda appended.*)

NOTANDA.

* NOTE (*By witness on revision*):—I find since, by measurement, that the actual difference of longitude is 5', or about four nautical miles.

† Corrected:—Four.

NOTANDA.

Answer No. 602. *Addendum.*

As it appears to have been by the mere opinion of Commodore Loring, who could not be well acquainted with the locality.

H. T. Fox,
Esq.

19 Mar., 1861.

Answer No. 604. *Insertion after "stated."*

In addition to the reasons stated in that letter there are several others, one being that, having an uninterrupted scope to the northward, there would remain but a small space of about 20 miles between its limit of visibility and that of Sydney light, and this would be the only unlighted part of the track along the coast from 30 miles north of Sydney to upwards of 100 miles south of it.

Answer No. 638. *Addendum.*

I did not mean to say yes without some modification. I meant it would be sufficient to keep a ship clear of that bay under ordinary circumstances, and was infinitely better for all other purposes.

TUESDAY, 2 APRIL, 1861.

Present:—

MR. GRAY,

MR. DALGLEISH.

MERION MORIARTY, ESQ., IN THE CHAIR.

Edward Orpen Moriarty, Esq., called in and examined:—

639. *By the Chairman:* You are the engineer for ports and harbours? I am. E.O.Moriarty,
Esq.
640. Have you lately been down the coast to Ulladulla? Yes, I was down last week.
641. You passed the light-house at present erected in the vicinity of Jervis Bay? I did. 2 April, 1861.
642. At what distance do you imagine? We passed from a mile and a half to two miles off the land.
643. Was it during the night? No, during the day, about eleven o'clock in the forenoon.
644. Have you ever passed it at night, or during the time when it was lighted? No, never.
645. How long did the light-house remain in sight after you passed when bound into Ulladulla? I made some notes at the time, to which, if you will allow me, I will refer. We were exactly abreast of the light-house at 11:30 a.m., being one and a half mile distant, and the speed of the steamer being about eight miles an hour; we were abreast of Cape St. George at 11:40, and abreast of George's Head at 11:48; the light-house was hidden at 11:55. The course she steered was south-west half west; Crocodile Head was hidden at 12 o'clock exactly.
646. *By Mr. Gray:* You did not observe when you first saw it? Yes, I did. We sighted the light-house at 10:35 a.m., two miles off the land; Crocodile Head at that time completely overlapped St. George's Head, the light-house not being visible until we got abreast of Drum Island, before coming to Crocodile Head; that island bore due west.
647. *By the Chairman:* Did you allow for variation? No, I took it by compass bearing.
648. The course from Crocodile Head up to Cape St. George is south-west by south? South-west half west was the course we were steering—that is not far off it. There was sure to be some variation, though I do not know what the local variation would be.
649. Is it your opinion that the coast line, as traced in the chart, is a correct representation of the coast as it is? I believe the coast line has never been completely surveyed except that part in the vicinity of this port, which was surveyed by Captain Denham. They have taken the latitude and longitude at certain fixed points, but never surveyed along the coast. We sighted the light-house at 11:35, being then distant about a mile; we were abreast of the light-house at 11:30—that is an hour all but five minutes from the time we sighted it until we were abreast of it. As we were steaming at the rate of eight miles an hour that would give a range of about seven and a half miles to the north.
650. Only as far to the north as Crocodile Head? Abreast of Drum Island.
651. How long did it remain in sight? The light-house was not visible until we got abreast of Drum Island, which then bore due west; Captain Mailler estimated the distance at about two miles, but I think if anything it was under a mile and a half. Point Perpendicular opened, or became visible, when we were midway between the island and Crocodile Head. At 10:43 we were abreast of Crocodile Head, distant one mile; abreast of Point Perpendicular at 11:3, distant about a mile; abreast of the light-house at 11:30, distant about a mile or a mile and a half. The speed of the steamer was about eight miles an hour.
652. *By Mr. Dalgleish:* What was the boat in which you made the passage? The "Mimosa." We had a leading wind, and the current setting to the south at that point. Cape St. George is visible into Ulladulla.
653. *By the Chairman:* Bearing about south-west half west? A little better than south-west half west, about three-quarters west.
654. Then as a guide to vessels running up the coast close in shore the present light is of no use? None whatever in my opinion.
655. Or is it any guide for protection to vessels entering Wreck Bay to the northward of Ulladulla? I do not think it would be of the least use.
656. Have you been lately running up the coast at night in any of the steamers? I have not seen the Jervis Bay light-house at night.
657. *By Mr. Dalgleish:* Might I ask whether a light-house upon Cape St. George would not be an improvement upon its present position? I think Cape St. George is the proper place for it.

- E.O.Moriarty, Esq.
2 April, 1861.
658. Will you oblige the Committee by looking at Mr. Millington's chart of the coast, and say whether, from the knowledge you have of the coast, you could verify either of the positions as Cape St. George? This point marked S is Cape St. George.
659. On which position do you imagine the light-house is at present placed? I think at T as marked on the plan. There is a projecting bluff where it stands.
660. There is a distance of two miles between these two points, I believe? It would be a little better than a mile and a half, according to the notes I took at the time I was running down there.
661. Do you still think the light is on the point marked T? Yes, I think that is the point. It is on a point, but I think not on the right point.
662. *By Mr. Gray*: Would you give us your reasons for thinking that this light should be on Cape St. George? Because from that point the light would be thrown into Wreck Bay and Ulladulla, and also, to a considerable extent, light the bay to the northward; the light-house could be seen into Ulladulla distinctly, and would be visible about halfway along the coast to Jervis Bay.
663. *By the Chairman*: Why would you go four or five miles inland for the site of a light-house, when there is a prominent headland showing both ways along the coast, up and down, and which, if lighted, would guard against Wreck Bay, and also protect vessels from running into the bay to the north of Jervis Bay? I believe the particular object of a light at this place is to light vessels coming from the southward; I believe it is not required for those coming from the north.
664. *By Mr. Gray*: Supposing you were going up the coast with the light on Cape St. George, might you not be misled as to the offing you took to avoid Crocodile Point, which is four miles to the eastward? I think not; if you see the light you get its bearing, and, knowing the direction of the wind, you are able to tell whether you will clear it or not.
665. Then there is no danger to vessels coming up the coast, by the light being situated three or four miles to the westward of, and inland to another point in the vicinity of it? I think not the slightest.
666. At the same time you consider that one of the greatest dangers to be guarded against is Wreck Bay? Yes.
667. Are you aware of the indraught into Wreck Bay? I should infer that there was one there; there is an eddy current mostly on the lee side of this headland. The prevailing current is from north to south, and all my experience serves to shew that there is an eddy current turning to the northward inside of the principal headlands. In proof of that, in coming up past there in the "City of Sydney," when about five miles to the south of Cape St. George, we found ourselves exactly in the course, as if coming from Ulladulla, and we had to keep well to the westward in order to keep in this counter current. This is the practice, I believe, of vessels going to the north: the steamers, after rounding the heads, keep in close to the coast to avoid the outer current.
668. That would also affect vessels coming from the south? Yes.
669. *By the Chairman*: Only within a certain distance of the coast? Only within the headlands.
670. Suppose a vessel after passing Gabo Island shaped her course for Crocodile Head, would that vessel be or not be within range of this indraught? I think she would not, unless she ran in to take advantage of it in working against a northerly wind.
671. *By Mr. Dalgleish*: Supposing a vessel was beating up with a head wind, is it not probable that, with that indraught, and not knowing the land, she would stand so close in as to come within its range and be drawn in, especially when the course of the current was not known—this light would warn him from that danger? I think so.
672. And the eddy would tend to keep a vessel from the north out of the bay? Yes.
673. Consequently the light would be better placed on Cape St. George than on Crocodile Head? Yes.
674. *By the Chairman*: Your opinion is in reference to lighting Wreck Bay, rather than in reference to general nautical purposes? Yes, I think so.
675. It has nothing to do with the advantages to be derived by ships coming from the eastern parts of the world—New Zealand, for example—in trying to hit the land in this locality? I do not think it would matter in the least. A vessel would run down a certain parallel of latitude, and make certain of hitting the land at a particular point.
676. *By Mr. Dalgleish*: In this case the coast is bold? Very bold.
677. And if she lost her course, and was going into Wreck Bay, this light would warn the vessel? I think it would.
678. *By Mr. Gray*: Do you conceive there is much danger in running down the coast north and south, northward of Point Perpendicular—is there any danger of a vessel becoming embayed? No, not to the north of Crocodile Point.
679. You consider there is little danger to the north of Crocodile Head to guard against? I think very little; indeed, I do not know of any. A sailing vessel would most likely keep in the southerly current, and run down well off the land. A vessel from the southward would try to hug the shore, and take advantage of the current—in that way she might be drawn into Wreck Bay.
680. *By Mr. Dalgleish*: Should the system of lighting a coast like this, in your opinion, be assimilated to the system of lighting the narrow waters of Great Britain, such as the English Channel? That is a wide question. I think the system of lighting this coast now should be with reference to an extensive system to be hereafter carried out, when the trade of our ports is to a large extent increased. You must take care that the class of lights on the prominent headlands may not be mistaken for the smaller harbour lights, but adopt a grand system of first-class lights, to be filled in with smaller ones as the trade of the country augments.
- 681.

681. *By the Chairman*: That being your idea, let me ask you, is it not the system of E.O. Moriarty, Esq. Great Britain to light the extreme headlands. For instance, in the English Channel, from Lizard Point to Start Point, from there to Portland Point, from there to Bechoy Head, and from there to the Foreland Lights, these being prominent points of the coast. I will take ² April, 1861. you to another instance—is it not the case that the lights from Cape Clear to Kinsale Head, from there to Hook Head, and thence to Wicklow Head, are on prominent points. And are there not in the Channel lights on the Smalls and the South Stack. And are not these prominent points, so that vessels can scarcely pass one before taking up another. Their positions, too, would be shewn at once; vessels would not be taken from the prominent points of the coast to look for lights four miles inland? I believe the mode of lighting the coast at Home is to place the lights on well marked headlands, but I consider Cape St. George a well marked headland.

682. *By Mr. Dalgleish*: Are not some of these light-houses just mentioned placed in reference to local dangers; for instance, the Portland lights, are they not intended to guard against the Shambles and Races, against which they act as a warning. And are we not, consequently, to deduce from that system of lighting that a light-house is wanted on Cape St. George, as a beacon against Wreck Bay. Would not that be in keeping with the system of lighting the English coast? It depends whether it is to be a local light or a general light. If a general light, I think Cape St. George would be the best site; but as a coast light I think it would be best on Crocodile Point. But I do not think that a light on Crocodile Head would guard vessels from the danger of running into Wreck Bay. When running up the coast, being on deck early in the morning, and not far off the land, I was astonished to see the land presently opening on the starboard bow, a long way out to sea. It struck me that this was an island. Between the high land at Cape St. George and the back country the land is quite low, and made the point appear like a detached island as you looked across the low country. Running up from the southward this land at Cape St. George looked like an island. I think that, if the light is to be of service to vessels going to Jervis Bay, Ulladulla, and those little places on the coast, such as Twofold Bay and Bate-man's Bay, Cape St. George would be the best site; they would keep within Montague Island.

683. Are you aware of the conference which took place some years ago with regard to the lighting of this coast? I am not.

684. It was with reference to lights for the coast; in fact, to light the coast with regard to danger. Your opinion with respect to the position of a light-house in the vicinity of Jervis Bay was corroborated by some fourteen men of experience; and only four held a contrary opinion? I merely give you my crude opinions, not thinking much of them. I think the matter is best left to sailors, not to engineers.

685. You will perhaps think your opinion of more value when you find it corroborated by the opinions of able nautical men? It is a satisfaction.

WEDNESDAY, 24 APRIL, 1861.

Present:—

MR. J. GARRETT, | MR. GRAY,
MR. WILSON.

MERION MORIARTY, ESQ., IN THE CHAIR.

William James Wilshire, Esq., called in and further examined:—

686. *By the Chairman*: Have you any documents to produce—you have been requested to W.J. Wilshire, Esq. produce some papers? Yes, I have copies of two or three letters that were written for by the Clerk of the House. They are letters from the Port Master to the Honorable the Colonial Secretary, dated, respectively, 13 August, 1852, 15 May, 1855, and May, 1855, ²⁴ April, 1861 all having reference to light-houses on the coast. (*The witness handed in the same. Vide Appendix, A to C.*)

APPENDIX.

A.

Port Master's Office,
Sydney, 13 August, 1852.

Sir,

Had I been aware that it was the intention of the Government to abolish the light dues, I should have deemed it my duty to have laid my views upon the subject before you for the consideration of His Excellency the Governor General, and in the hope that it may not yet be too late, I shall, as briefly as the subject will admit of, do so now.

At present it may be considered that there is only one light (and in the present state of our knowledge, unworthy of the country) upon the coast of this entire Colony, the abolition, therefore, of light dues entering Port Jackson can be of little consequence, but in fact neither masters or owners of ships ever object to paying for light where a good system is established. The immense additional security to life and property, obtained by their use, so infinitely overbalancing the cost of their erection and maintenance, if indeed the diminished insurance would not actually fully meet it.

It must be obvious to the most unreflecting mind, that the general as well as the coasting trade of this Colony is about to receive an immense increase, and extension of the advantages resulting from light-houses should go along, *pari passu*, with that increase; and I wish to place upon record my opinion that a light-house should not alone be erected at Cape Howe (no matter to what Colony it belonged, its advantages

W. J. Wilshire, Esq., advantages are to us), but that lights should also be placed upon the northern entrance of Jervis Bay, upon Nobby Island, the Solitary Isles, and Moreton Island, without any delay.

If I express very strongly my views upon these points, it is because my own experience in critical navigation, for many years, has fully confirmed the opinion entertained by all practical men of their extreme importance, and the numberless lives annually saved to the British Empire by their erection on the coast of the Mother Country.

24 April, 1855.

Should the Government deem it advisable to act upon this opinion, I shall be prepared to offer such further suggestions as to the description of lights most likely to meet the object, and will, I trust, render them worthy of the country. And if any ideas of mine have the effect of expediting this important improvement, I feel that I shall not have lived in vain.

The Honorable
The Colonial Secretary.

I have, &c.,
MERION MORIARTY,
Portmaster.

Read.—23rd.—C. A. F.

B.

Port Master's Office, 15 May, 1855.

Sir,

I have the honor to acknowledge the receipt of your letter of the 12th instant, No. 127, and in reply to state that my letter, No. 52-57, dated 13 August, a copy of which I enclose for the consideration of the Governor General, so fully explains my views that I do not know how I can more clearly convey them to His Excellency.

The Honorable
The Acting Colonial Secretary.

I have, &c.,
MERION MORIARTY,
Portmaster.

Copy of foregoing letter enclosed.

Very well, let an estimate be made for lights upon the Solitary Isles and the northern entrance of Jervis Bay.

W. D.—16 May, 1855.

C.

Port Master's Office,
Sydney, May, 1855.

Sir,

In compliance with the directions contained in your letter of the 17th instant, No. 140, I have the honor to enclose, for the consideration of His Excellency the Governor General, an estimate of the probable expense of maintaining a light-house establishment on the Solitary Isles, and the northern entrance of Jervis Bay, for the year 1856.

2. As the light on Gabo, the first on our coast, is a standing light, that at Jervis Bay should be a revolving one, alternating bright and red lights, to distinguish it from Sydney.

And as the light at Moreton Island is to revolve, I think that on the Solitary Island might be fixed; there would thus be no possibility of confounding them, except by the grossest stupidity.

3. The lights should all be of the first class, and may be estimated for at about, including freight, two thousand pounds (£2,000) each.

The Honorable
The Acting Colonial Secretary.

I have, &c.,
MERION MORIARTY,
Portmaster.

P.S.—From the peculiar position of the Solitary Islets, no doubt considerable difficulty will arise in its erection, which, in my opinion, cannot be completed in less than two years. The charge for oil and incidental expenses, as well as the salaries, will therefore not be required until the light is in operation, or very nearly so.

The Colonial Architect's estimate for the building has not been received. Is it intended to provide for these on the present Estimates?

It is useless to include these in the Estimates for 1856, but I should like to provide for the two lights—that is, for the erection of them.

W. D.—30 May.

See further report from the Colonial Architect herewith.—31 May.

1861.

NEW SOUTH WALES.

IMMIGRATION.

(REPORT FROM AGENT FOR 1859.)

Presented to both Houses of Parliament, by Command.

THE AGENT FOR IMMIGRATION to THE HONORABLE THE SECRETARY FOR LANDS,
submitting Report on Immigration for the Year 1859.

Government Immigration Office,

Sydney, 28 September, 1860.

SIR,

I have the honor to submit, for the information of the Government of New South Wales, a Report on the Immigration to the Colony during the year 1859, as also the several Statistical Tables usually appended thereto.

2. The number of Assisted Immigrants who arrived will be found in the following Assisted Immigration. Return, as well as the Ports at which they were landed:—

PORT OF ARRIVAL.	NUMBER OF SHIPS.	PASSENGERS.		TOTAL SOULS.
		Male.	Female.	
Sydney	13	2,148	2,156	4,304
Moreton Bay	3	441	369	810
TOTAL	16	2,589	2,525	5,114

3. The highest contract price per statute adult was £17 19s., and the lowest Contract price per Statute Adult. £13 14s. 2d.; the average on the 16 ships being £14 15s. 7d.

4. Table A, in the Appendix, gives the names and tonnage of the vessels chartered; Appendix A. the time of their departure from the United Kingdom, and the date of arrival in the Colony; the number of days occupied on the passage; the number of births and deaths which occurred during the voyage, and in Quarantine; the expenses incidental to detention in Quarantine; and the total cost of introduction, as far as the information is obtainable in the Colony, irrespective of the current expenses of the Emigration Commissioners' Establishment in the United Kingdom.

5. The number of immigrants originally embarked was 5,124; of whom 4,306 were Number of Immigrants embarked and arrived— Births, Deaths. for Sydney, and 818 for Moreton Bay. The number of births on the voyage were—to Sydney 49, and to Moreton Bay 17; the number of deaths on the voyage were—to Sydney 50, and to Moreton Bay 25, equivalent to 1·161 per cent. in vessels to Sydney, and 3·05 per cent. in those to Moreton Bay; making the whole number landed alive 5,114 souls, being the smallest immigration to this Colony, at the public cost, for the last six years.

6. Of the deaths, 18 were adults, 37 were between the ages of 1 and 12 years, and 20 were infants.

2 REPORT FROM IMMIGRATION AGENT FOR 1859.

Tonnage of
vessels. 7. The average tonnage of the vessels employed was, according to old measurement, 880 $\frac{1}{2}$; and to new, 910 $\frac{1}{2}$.

Cost of introduc-
tion of immi-
grants. 8. The total cost of the introduction of the 5,114 immigrants was £73,586 9s. 10 $\frac{1}{2}$ d., averaging £16 2s. 2 $\frac{1}{2}$ d. for each statute adult.

Appendix B.—
Native Counties. 9. Table B shows the divisions of the several portions of the United Kingdom in which the immigrants were born to be as under :—

ENGLAND AND WALES.	
Northern Counties.....	224
Southern „	598
Midland „	419
Eastern „	462
Wales „	50
	— 1,753
SCOTLAND.	
Northern Counties.....	230
Southern „	287
	— 517
IRELAND.	
Ulster.....	1,389
Leinster	354
Connaught	156
Munster	920
	— 2,819
Other Countries.....	25
	—
Total.....	5,114

Appendix C, D,
E.—Age, Edu-
cation, and Reli-
gion. 10. The Tables marked C, D, and E shew the ages, extent of educational attainments, and religious persuasions of the immigrants, with the following results :—Of 5,114 persons who arrived, of whom 2,589 were males and 2,525 were females, 2,505 could read and write, 878 could read only, and 1,731 could not read at all. Their religious persuasions were :—

	Males.	Females.
Church of England	879	903
Church of Scotland	246	291
Wesleyan Methodists	90	97
Other Protestants	46	62
Roman Catholics	1,328	1,171
Jews ... .. .	...	1
Other Persuasions ... .. .	...	...
	—	—
Total	2,589	2,525

Appendix F1,
F2.—Trades and
Callings. 11. Tables F¹ and F² shew the trades and callings of the adult males and unmarried adult females, which are as follows :—

	Males.	Females.
Agricultural Laborers... .. .	1,585	...
Shepherds	35	...
Domestic Servants	27	1,237
Mechanics engaged in erecting buildings, &c., &c.	64	...
Tradespeople engaged in the sale or preparation of articles of food	16	...
Tradespeople engaged in the preparation of articles of clothing	39	51
Other tradespeople	214	22
	—	—
TOTAL	1,980	1,310

REPORT FROM IMMIGRATION AGENT FOR 1859.

12. The immigrants who arrived at their own expense, exclusive of Chinese, consisted of 795 from the United Kingdom, of whom 479 were males and 316 females; 5,887 from the neighboring Colonies, of whom 4,556 were males and 1,331 females; and 678 from foreign parts, including India, of whom 553 were males and 125 females; making a total of 5,588 males and 1,772 females. Appendix G.—
Unassisted
Immigration.

13. Of those who emigrated by sea, as shown by Table H, 953 embarked for the United Kingdom, 2,904 for the neighboring Colonies, and 1,115 for foreign parts; making a total of 4,972 souls. Appendix H.—
Emigration.

14. From these Returns, for the last of which, relating to Unassisted Immigration and Emigration, I am indebted to the Collector of Customs, the following results are deducible:—

	Souls.
Immigration at public cost	5,114
Unassisted Immigration	7,360
	12,474
Emigration by sea	4,972
	7,502

15. In contrasting the small amount of Unassisted Immigration during the year 1859, as compared with that of 1858, it may be right to mention that the Return for the latter year did not distinguish between those who arrived from the neighboring Colonies and those from the United Kingdom, as, had this been done, it would have been found that by far the greater portion arrived from the former source.

16. Up to the present time 124,975 souls have been introduced into the Colony at a cost to the public of £1,923,816 3s. 7^d; and, during the same time, 59,764 souls have arrived at their own expense. The total Assisted and Unassisted Immigration during the preceding 22 years has been 184,739 souls. Appendix I.—
Assisted and
Unassisted
Immigration.

CURRENT WAGES AND PROSPECTS OF IMMIGRANTS.

17. The Return marked J gives the rates of wages current in the country districts as well as in Sydney, and the average will be found to be as follows, viz. :— Appendix J.—
Rates of Wages.

MALES.		FEMALES.	
Smiths	10s. per diem.	Per Annum.	
Carpenters	10s. „	Cooks	£25 to £30
Wheelwrights	10s. „	Housemaids.....	£16 to £18
Bricklayers	10s. „	Laundresses.....	£20 to £25
Masons	10s. „	Nursemaids.....	£15 to £18
Farm Laborers	£30 to £40 per an.	With Farm Servants	£20 to £25
Shepherds	£30 to £35 „	With rations. General Farm Servants	£18 to £20

}

With Board and Lodging.

18. It will thus be seen that wages have fluctuated very slightly during the twelve-months as compared with the previous year, and, notwithstanding the impression on the minds of some persons as to the preponderance of labor, there is unquestionably ample and highly remunerative employment still easily obtainable for all classes of mechanics employed in the erection of buildings, and all descriptions of farm laborers and female domestic servants.

19. The ships chartered by the Emigration Commissioners have been mostly of a good class, and as the arrangements on board these vessels have arrived at a great state of perfection the health and comfort of the immigrants is most satisfactorily maintained. Description of
Ships.

20. The Surgeons Superintendent, with scarcely an exception, have performed their duties in a satisfactory manner, and the immigrants have evinced much thankfulness to those officers for their kind attention to them during the passage. Surgeons Super-
intendent

21. The immigrants have been on the whole of a good class, and, with few exceptions, have obtained employment readily or joined their relations upon arrival. Character of
Immigrants.

22. Some irregularities which occurred on board the ships "Wellington" and "Alfred" were brought under the notice of the Government, and steps were taken to prevent, if possible, a recurrence of them. Irregularities on
Board Ship.

Short issue of water on board "Sapphire."

23. The short issue of water to the immigrants by the ship "Sapphire" during the voyage was also brought under notice, and an investigation into the matter shewed that had it not been for the energy and foresight of Mr. Davies, the Surgeon Superintendent, the deficiency of that article might have been productive of very serious results.

REMITTANCE REGULATIONS.

Appendix K.—Deposits.

24. The deposits under the Immigration Remittance Regulations amounted to £16,780 16s. 1d., £15,050 of that amount being for passages, and £1,730 16s. 1d. being for outfit. The number of persons entitled to passages in pursuance of these deposits would accordingly be 3,759 souls.

Description of immigrants under Remittance Regulations.

25. As an adjunct to the ordinary system of selected Immigration, the Remittance Regulations have been productive of much benefit to the Colony, and considerable advantage to the working man. Some of the best people have been introduced under them who would not, under ordinary circumstances, have ever thought of leaving their homes; and the effect produced by bringing together members of families, and thus cementing more closely the ties of affection, has led in a great measure to check the restless spirit too much indulged in by immigrants in all new Colonies to change the scene and character of their habitations and employment.

Number of immigrants under Remittance Regulations.

26. During the year 3,723 persons have been introduced under these Regulations, consisting of 941 English, 2,544 Irish, and 238 Scotch. Included in this number are 705 persons, embarked in the ships "Sapphire," "Lady Elma Bruce," and "Caribou," who had obtained passages to the Colony under the auspices of the Committee of the Donegal Relief Fund, who, in consequence of the receipt of intelligence of the distressed state of the peasantry of that portion of Ireland, contributed a large sum of money towards their relief by offering passages to a new field of operation for the overburthened population.

27. The result of this experiment was most satisfactory, not only in an eleemosynary point of view, but also as affording an excellent adjunct to the immigration of the year by the introduction of an useful body of people.

Appendix L.—Number of Demoralized Immigrants.

28. These immigrants consisted of 80 married couples, with 40 male and 32 female children, 287 single men, and 276 single women. Previously to their arrival the Government had permitted the opening of the Immigration depôt at Bathurst, and consequently a considerable number of both sexes were drafted to that place, Maitland, and Newcastle, and they readily entered into service at most satisfactory rates of wages.

29. The progress of Immigration at the expense of the Government having now been brought before the public for so many years by the Annual Reports emanating from this Department, it is unnecessary to dilate any further upon its merits or demerits; and as it is contemplated to bring it to a close so soon as the existing undertakings for passages to the Colony have been concluded, it will only be by lapse of time that the problem can be solved as to whether the decision come to by the Legislature on the subject is likely to prove beneficial or otherwise to the community.

CHINESE.

Appendix M, N.—Chinese Immigration and Emigration.

30. The immigration of Mongolians during the year has consisted of 3,022 souls, and the emigration to 1,013. The vessels in which they arrived were tolerably cleanly, and the mortality, as formerly, was excessively small. The Tables M and N give the names of the several vessels in which they arrived and departed.

I have, &c.,

H. H. BROWNIE,

Agent for Immigration.

APPENDIX TO REPORT FROM IMMIGRATION AGENT-1859.

A.

RETURN OF ASSISTED IMMIGRATION FROM THE UNITED KINGDOM TO NEW SOUTH WALES AND MORETON BAY DURING THE YEAR 1859.

SHIPS.						IMMIGRANTS.														EXPENDITURE.																			
NAME OF VESSEL.	TONNAGE.		DATE OF DEPARTURE.	DATE OF ARRIVAL.	NUMBER OF DAYS ON THE VOYAGE.	NAME OF MASTER.	NAME OF SURGEON-SUPERINTENDENT.	BIRTHS ON THE VOYAGE.		DEATHS.										NUMBER LANDED.					SEAFUTE ADULTS.	Contract Price per Statute Adult.	Total Passage Money at the Contract Rates, including Half Price for all above 1 year who died on the Voyage.	Amount of Gratuities to Surgeons, Officers, Constables, &c., &c.	Demurrage.	Cost of Victualling, &c., &c., incidental to detention of ships in Quarantine and on Demurrage.	Total Cost of Conveyance, Superintendence, &c., &c.								
	OLD MEASUREMENT.	NEW MEASUREMENT.						ON THE PASSAGE.					IN QUARANTINE.					Above 12 years.		Under 12 years.		TOTAL SOLE.																	
	M.	F.						Above 12 years.	7 and under 12 years.	1 and under 7 years.	Under 1 year.	TOTAL.	M.	F.	Above 12 years.	7 and under 12 years.	1 and under 7 years.	Under 1 year.	TOTAL.	M.	F.		M.	F.															
Daphne	844	700	25 Oct., 1858	15 Jan., 1859	85	W. Claproth	A. D. White	1	1	1	1	1	1	2										288½	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.									
Hornet	1155		10 Nov., "	3 Mar., "	113	T. Greaves	A. S. Gray	3	1	4	2	2	2	1	3	5								387	14 8 0	5,594 8 0	401 13 6			5,996 1 6									
Wellington	450	588	29 Nov., "	1 April, "	123	M. J. Howlett	R. Robertson	5	2	5													306½	13 19 4	2,912 1 0	130 4 0	77 3 6	19 5 6	3,138 14 0										
Nimroud	856	943	27 Dec., "	7 April, "	101	H. Tillman	J. T. S. Jolley	5	5	1	1	2	3	2	5	7								313	13 14 2	4,314 13 11½	419 10 0			4,734 3 11½									
Sapphire	749		3 Feb., 1859	24 May, "	110	J. Douglass	A. E. Davies	1	1	2	1	1	1	1	3	4								276	14 19 3	4,140 17 5¼	265 7 0			4,406 4 5¼									
Palmyra	693	706	13 Feb., "	27 May, "	105	W. Jamieson	W. Holman	3	1	4	1	1	1	1	4	5								250½	14 6 9	3,605 17 7½	273 10 0			3,879 7 7½									
Queen of England	1200	1256	18 Mar., "	18 July, "	118	M. Nolan	A. Newbold	2	2	4	1	1	2	1	3	4	6							385	15 9 3	5,972 7 9½	413 19 0			6,388 6 9½									
Lady Elms Bruce	1007	906	7 April, "	14 July, "	98	B. A. Johnstone	W. Donaldson	1	1	2	1	1			1									300½	15 19 1	4,802 4 1	394 8 0	51 16 1	75 14 5	5,234 2 7									
Siam*	743			23 July, "																			2	15 0 0	30 0 0				30 0 0										
Parsee	1051	1000	7 June, "	14 Sept., "	95	W. Norris	J. S. Wilkinson	4	3	7				1	1	1								367	15 2 1	5,543 4 7	418 14 0			5,961 18 7									
Abyssinian	1140	1072	22 June, "	20 Sept., "	89	T. J. Thomas	W. Arthur	2	3	5	1	1	1	1	2									368½	14 8 10	5,332 11 8½	486 0 0			5,818 11 8½									
Caribou	1270	1065	7 July, "	4 Oct., "	92	A. Cameron	J. F. Hill	2	4	6	1	1	2	2	3									358	17 19 0	6,444 1 0	344 0 0			6,788 1 0									
Annie Wilson	1161	1119	5 Sept., "	14 Dec., "	100	J. Duckett	J. Walls	2	2	4	2	2	4	6	3	12	14							356	13 18 9	5,907 0 11¼	415 10 0		11 7 6	5,433 18 5¼									
Averages.....								1161 per cent.														14 18 0						16 3 0											
<i>Ships which landed their Immigrants at Moreton Bay:—</i>																																							
British Empire	475	503	13 Oct., 1858	4 Feb., 1859	113	T. F. Haines	F. Mackern	2	2	4			1	1	1									204½	14 11 5	2,963 7 6¼	228 0 0			3,211 7 6¼									
Glenanner	524	610		7 July, "		H. Wilson	H. Scott	5	3	8	3	1	4	1	5	7	5	1	19	23				209½	14 9 8	3,110 5 11	242 12 0			3,352 17 11									
Shackamaxon	1100		26 Aug., 1859	22 Nov., "	86	J. B. Tenlon	C. H. Graham	3	2	5			1	1	1									293	14 14 10	4,322 19 10½	344 14 0			4,667 13 10½									
Averages, 850½—910½.								305 per cent.														14 11 11½						15 17 8¼											
GRAND TOTALS FOR BOTH COLONIES.....								34	32	66	7	11	18	1	1	18	18	12	8	37	75				1	1	1	76	2122	2099	467	426	5114	4567½	68,302 19 4¼	5,048 3 6	128 19 7	106 7 5	73,586 9 10½

* This vessel was a private passenger ship.

APPENDIX TO REPORT FROM IMMIGRATION AGENT—1859.

B.

	ENGLAND.				WALES.	SCOTLAND.		IRELAND.				OTHER COUNTRIES.
	NORTHERN COUNTIES.	SOUTHERN COUNTIES.	MIDLAND COUNTIES.	EASTERN COUNTIES.		NORTHERN COUNTIES.	SOUTHERN COUNTIES.	ULSTER.	LEINSTER.	CON-NAUGHT.	MUNSTER.	
SYDNEY	206	476	325	362	37	134	250	1249	304	134	803	24
MORETON BAY	18	122	94	100	13	96	37	140	50	22	117	1
TOTALS FOR BOTH COLONIES	224	598	419	462	50	230	287	1389	354	156	920	25

SYDNEY.		MORETON BAY.	
ENGLAND	1,369	ENGLAND	334
WALES	37	WALES	13
SCOTLAND	394	SCOTLAND	133
IRELAND	2,490	IRELAND	329
OTHER COUNTRIES	24	OTHER COUNTRIES	1
TOTAL	4,304	TOTAL	810

GRAND TOTAL..... 5,114.

Government Immigration Office,
Sydney, 28th September, 1860.

H. H. BROWNE,
Agent for Immigration.

C.

RETURN, showing the Ages of the Assisted Immigrants from the United Kingdom who arrived during the Year 1859.

COUNTRIES.	CLASSIFICATION OF AGES.																GRAND TOTAL.
	UNDER 1 YEAR.		1 AND UNDER 4 YEARS.		4 AND UNDER 7 YEARS.		7 AND UNDER 14 YEARS.		14 AND UNDER 21 YEARS.		21 AND UNDER 45 YEARS.		45 AND UNDER 60 YEARS.		TOTAL.		
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	
SYDNEY—																	
England and Wales	26	26	55	53	57	46	68	68	118	175	256	356	32	40	642	764	1,406
Scotland	8	5	17	16	9	8	14	12	27	42	90	121	6	9	171	213	384
Ireland	14	19	35	35	26	22	46	39	447	551	730	452	27	47	1325	1165	2,490
Other Countries .....	..	..	1	1	2	2	3	2	1	4	2	5	1	..	10	14	24
TOTAL	48	50	108	105	94	78	131	121	593	772	1108	934	66	96	2146	2156	4,304
MORETON BAY—																	
England and Wales	13	8	13	15	8	5	6	10	59	26	107	73	1	3	207	140	347
Scotland	3	5	8	4	3	..	3	6	10	11	32	41	2	3	63	70	133
Ireland	11	6	9	8	4	3	3	2	42	44	100	89	2	6	171	158	329
Other Countries .....	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	1	1
TOTAL	29	19	30	27	15	8	12	18	111	51	239	204	5	12	441	369	810
GRAND TOTAL	77	69	138	132	109	86	143	139	704	853	1347	1138	71	108	2587	2525	5,114

Government Immigration Office,
Sydney, 28th September, 1860.

H. H. BROWNE,
Agent for Immigration.

D.

RETURN, shewing the Number of Assisted Immigrants from the United Kingdom, who arrived during the Year 1859, who could Read and Write.

COUNTRIES.	CLASSIFICATION OF EDUCATION.															GRAND TOTAL.			
	UNDER 4 YEARS.			4 AND UNDER 7 YEARS.			7 AND UNDER 14 YEARS.			14 AND UNDER 21 YEARS.			21 YEARS AND UPWARDS.				TOTAL.		
	Cannot Read.	Read only.	Read and Write.	Cannot Read.	Read only.	Read and Write.	Cannot Read.	Read only.	Read and Write.	Cannot Read.	Read only.	Read and Write.	Cannot Read.	Read only.	Read and Write.		Cannot Read.	Read only.	Read and Write.
SYDNEY—																			
England and Wales ..	159	1	..	85	15	3	30	45	61	20	37	236	77	118	519	371	216	819	1,406
Scotland	46	..	..	17	..	..	7	13	6	..	7	62	5	29	192	75	49	260	384
Ireland	103	..	..	47	1	..	40	24	21	309	174	425	457	239	560	1046	438	1006	2,490
Other Countries	2	..	..	3	1	..	3	1	1	..	..	5	2	1	6	10	3	11	24
TOTAL	310	1	..	152	17	3	80	83	89	419	218	728	541	387	1276	1502	706	2096	4,304
MORETON BAY—																			
England and Wales ..	49	..	..	10	3	..	3	11	2	6	16	63	26	40	118	94	70	183	347
Scotland	22	..	..	2	1	..	..	7	2	2	2	17	11	10	57	37	20	76	133
Ireland	34	..	..	4	3	..	2	2	1	17	27	42	41	50	106	98	82	149	329
Other Countries .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	1	1
TOTAL	105	..	..	16	7	..	5	20	5	25	45	122	78	100	282	229	172	409	810
GRAND TOTAL.....	415	1	..	168	24	3	85	103	94	444	263	850	619	487	1558	1731	878	2505	5,114

Government Immigration Office,
Sydney, 28th September, 1860.

H. H. BROWNE,
Agent for Immigration.

E.

RETURN, shewing the Religious Persuasions of the Assisted Immigrants from the United Kingdom who arrived during the Year 1859.

COUNTRIES.	CLASSIFICATION OF RELIGION.																	GRAND TOTAL.	
	CHURCH OF ENGLAND.		CHURCH OF SCOTLAND.		WESLEYAN METHODISTS.		OTHER PROTESTANTS.		ROMAN CATHOLICS.		JEWS.		MAHOMEDANS AND PAGANS.		OTHER PERSUASIONS.		TOTAL.		
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.		F.
SYDNEY—																			
England and Wales ..	526	606	3	8	61	68	26	45	26	37	..	..	..	..	..	..	642	764	1,406
Scotland	21	21	135	178	..	..	4	5	11	9	..	..	..	..	..	..	171	213	384
Ireland	125	118	37	34	3	..	..	2	1157	1011	..	..	..	..	..	..	1325	1165	2,490
Other Countries	6	8	3	..	..	..	..	2	5	..	1	..	..	..	..	..	10	14	24
TOTAL	680	753	178	220	64	68	30	52	1196	1062	..	1	..	..	..	..	2148	2156	4304
MORETON BAY—																			
England and Wales ..	156	90	1	4	26	28	11	6	13	12	..	..	..	..	..	..	207	140	347
Scotland	2	4	50	55	..	..	5	3	6	8	..	..	..	..	..	..	63	70	133
Ireland	41	56	17	12	..	1	..	1	113	88	..	..	..	..	..	..	171	158	329
Other Countries .....	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	1	1
TOTAL	199	150	68	71	26	29	16	10	132	109	..	..	..	..	..	..	441	369	810
GRAND TOTAL.....	879	903	246	291	90	97	46	62	1328	1171	..	1	..	..	..	..	2589	2525	5114

Government Immigration Office,
Sydney, 28th September, 1860.

H. H. BROWNE,
Agent for Immigration.

F¹.
SYDNEY.

TRADES AND CALLINGS.

MALE.

COUNTRY EMIGRATING.	NUMBER OF AGRICULTURAL LABORERS.		NUMBER OF DOMESTIC SERVANTS.		NUMBER OF MERCHANTS EN- GAGED IN TRADE.		NUMBER OF MECHANICS EN- GAGED IN BUILDING, OR IN REPAIRING, OR IN MAKING OF ARTICLES OF CLOTHING, OR OF FURNITURE.		NUMBER OF MECHANICS, &c., NOT INCLUDED IN THE FOREGOING COLUMNS.		Total
	From England	From Other Countries	From England	From Other Countries	From England	From Other Countries	From England	From Other Countries	From England	From Other Countries	
England	60	167	1	513	2	1	1	1	1	1	1
Scotland	28	21	1	3	1	1	1	1	1	1	1
Ireland	179	754	1	324	100	10	9	7	3	1	107
Other Countries	1	1	1	4	10	1	1	1	1	1	1
Total	288	992	4	852	112	22	13	11	3	4	1,007

TRADES AND CALLINGS.

FEMALE.

FROM WHAT COUNTRY EMIGRATING.	NUMBER OF DOMESTIC SERVANTS.		NUMBER OF TRADESMEN EN- GAGED IN MAKING ARTICLES OF CLOTHING.		OTHER CALLINGS, &c., NOT INCLUDED IN THE FOREGOING COLUMNS.		Total
	From England	From Other Countries	From England	From Other Countries	From England	From Other Countries	
England	52	50	1	1	1	1	1
Scotland	6	4	1	1	1	1	1
Ireland	41	15	217	52	245	7	32
Other Countries	1	1	1	1	1	1	1
Totals	89	42	315	161	98	32	422

Government Immigration Office,
Sydney, 28th September, 1860.

H. H. BROWNE,
Agent for Immigration.

F²,
MORETON BAY.

TRADES AND CALLINGS

FROM WHAT COUNTRY EMIGRATING.	MALE.																										
	NUMBER OF AGRICULTURAL LABORERS.					Number of Shepherds.	NUMBER OF DOMESTIC SERVANTS.			NUMBER OF MECHANICS ENGAGED IN ERECTING BUILDINGS, OR IN OBTAINING OR PREPARING BUILDING MATERIALS.				NUMBER OF TRADESPEOPLE MAKING OR SELLING ARTICLES OF FOOD.		NUMBER OF TRADESPEOPLE ENGAGED IN MAKING ARTICLES OF CLOTHING.		NUMBER OF MECHANICS, &c., NOT INCLUDED IN THE FOREGOING COLUMNS.									
	Agricultural Laborers.	Laborers.	Gardeners.	Carters.	Total.		Grooms.	House Servants.	Total.	Carpenters.	Bricklayers.	Plasterers.	Total.	Butchers.	Total.	Shoemakers.	Total.	Deck Labourers.	Miners.	Painters.	Pitmen.	Ploughmen.	Tolismen.	Porters.	Teachers.	Warehousemen.	Total.
England	25	110	1	2	138	4	1	1	1	1	1	5	2	2	2	2	.....	2	.....	1	1	2	1	1	1	9
Scotland	1	27	.....	.....	28	5	.....	1	1	2	.....	2	.....	.....	.....	.....	.....	.....	.....	3	.....	1	.....	.....	.....	4
Ireland	32	98	.....	.....	130	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	1	.....	2	.....	.....	.....	.....	4
Other Countries ..	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Totals	58	235	1	2	296	10	1	1	2	3	1	5	2	2	2	2	1	2	1	1	6	2	2	1	1	17	

FROM WHAT COUNTRY EMIGRATING.	FEMALE.									
	NUMBER OF DOMESTIC SERVANTS.					NUMBER OF TRADESPEOPLE ENGAGED IN MAKING ARTICLES OF CLOTHING.				
	Housekeepers.	House Servants.	Nursesmaids.	Laundresses.	Total.	Dressmakers.	Needlewomen.	Total.		
England	1	22	1	1	25	.....	.....	.....
Scotland .....	.....	17	.....	.....	17	1	.....	.....
Ireland .....	.....	27	.....	.....	27	.....	.....	.....
Other Countries ..	.....	.....	.....	.....	.....	.....	.....	.....
Totals	1	106	1	3	111	2	2	4		

Government Immigration Office,
Sydney, 28th September, 1860.

H. H. BROWNE,
Agent for Immigration.

G.

RETURN of the Number of Unassisted Immigrants who arrived in the Colony of New South Wales during the Year 1859, *exclusive of Chinese.*

PORT OF ARRIVAL	FROM UNITED KINGDOM.					TOTAL	FROM NEIGHBORING COLONIES, INCLUDING NEW ZEALAND.					TOTAL	FROM FOREIGN PORTS.					TOTAL
	Adults.		Children.		M.		Adults.		Children.		M.		Adults.		Children.		M.	
	M.	F.	M.	F.			M.	F.	M.	F.			M.	F.	M.	F.		
Sydney	2,166	2,085	460	387	5,098*	4,073	1,040	416	275	5,804	299	51	20	18	388			
Newcastle.....	Nil.	Nil.	Nil.	Nil.	....	56	13	1	2	72	Nil.	Nil.	Nil.	Nil.	....		
Twofold Bay	Nil.	Nil.	Nil.	Nil.	....	7	1	Nil.	Nil.	8	Nil.	Nil.	Nil.	Nil.	....		
Moreton Bay	1	Nil.	Nil.	Nil.	1	3	Nil.	Nil.	Nil.	3	77	24	23	18	142			
	BRITISH INDIA.						CHINA.											
	M.	F.	Boys.	Girls.	Total.		M.	F.	Girls.	Total.								
Calcutta	122	6	2	4	134	Hong Kong	10	2	2	14								

* This number includes 4,304 immigrants introduced at the public expense.

W. A. DUNCAN,
Collector.

H.

RETURN, shewing the number of Emigrants who have departed from New South Wales by Sea, during the Year 1859, *exclusive of Chinese.*

PORT OF DEPARTURE.	TO UNITED KINGDOM.					TOTAL	TO NEIGHBORING COLONIES, INCLUDING NEW ZEALAND.					TOTAL	TO FOREIGN PORTS.					TOTAL
	Adults.		Children.		M.		Adults.		Children.		M.		Adults.		Children.		M.	
	M.	F.	M.	F.			M.	F.	M.	F.			M.	F.	M.	F.		
Sydney	413	279	130	125	947	1,736	698	210	161	2,805	609	228	83	84	1,004			
Newcastle .....	....	....	....	....	....	54	13	3	4	74	77	20	6	4	107
Eden .....	....	....	....	....	....	7	6	2	3	18	..	..	..	..	....
Moreton Bay	1	2	3	....	6	2	3	....	2	7	3	1	..	..	4
(Up to 30th November, 1859.)																		

W. A. DUNCAN,
Collector.

I.

RETURN, showing the Amount of Assisted and Unassisted Immigration from the United Kingdom, during the several Years between the 1st January, 1838, and 31st December, 1859.

YEAR.	ASSISTED IMMIGRANTS.														UNASSISTED IMMIGRANTS.						TOTAL NUMBER OF ASSISTED AND UNASSISTED IMMIGRANTS																										
	NUMBERS LANDED.						COST OF THEIR CONVEYANCE.								NUMBER LANDED.																																
	Fourteen Years and upwards.			Under Fourteen Years.			TOTALS.	Amount of Passage Money.	Amount of Gratuities to Surgeons, Officers, Constables, &c.	Amount of Demurrage.	Cost of Victualling, &c., incidental to detention of Ships in Quarantine and on Demurrage.	Total Cost of Conveyance, Superintendence, &c.	Paid by Immigrants, or out of Imperial Fund.	Paid by Residents in this Colony under the Remittance Regulations.	Total Charged on the Colonial Fund, for introduction of Immigrants.	Fourteen Years and upwards.			Under Fourteen Years.			TOTALS.	Fourteen Years and upwards.			Under 14 Years.	GENERAL TOTAL.																				
	M.	F.	Total.	M.	F.	Total.										£	s.	d.	£	s.	d.		£	s.	d.			M.	F.	Total.	M.	F.	Total.	M.	F.	Total.											
1833	1,928	1,073	3,001	.....	.....	2,501	6,402	101,081	16	0	3/4	6,371	0	9 1/2	.....	.....	107,453	15	10	.....	.....	.....	107,453	15	10	764	438	1,202	.....	.....	126	1,328	2,692	2,111	4,803	2,627	7,430	
1839	2,911	2,761	5,672	1,131	1,013	2,144	7,832	139,354	13	9 1/2	.....	7,173	13	0	.....	.....	146,528	6	9 1/2	.....	.....	.....	146,528	6	9 1/2	1,070	562	1,632	.....	.....	351	1,983	3,981	3,326	7,307	2,528	9,835		
1840	2,029	2,037	4,066	561	589	1,150	5,216	116,775	18	11 1/2	.....	4,761	18	5	.....	.....	121,537	17	4 1/2	.....	.....	.....	121,537	17	4 1/2	830	311	1,141	.....	.....	163	1,206	2,850	2,350	5,206	1,313	6,522		
1841	4,552	4,800	9,352	1,462	1,374	2,836	12,189	194,846	9	5 1/2	.....	12,334	12	11	.....	.....	207,181	2	4 1/2	.....	.....	.....	207,181	2	4 1/2	811	403	1,214	.....	.....	354	1,528	5,333	5,203	10,596	3,190	13,786		
1842	1,931	1,887	3,818	633	620	1,253	5,071	72,334	5	8	.....	4,138	15	2	.....	.....	76,473	0	10	.....	.....	.....	76,473	0	10	896	350	1,246	.....	.....	369	1,534	2,337	2,246	4,083	1,622	6,005		
1843	.....	.....	.....	.....	.....	.....	.....	8,778	3	7 1/2	.....	116	13	6	.....	.....	8,894	17	1 1/2	.....	.....	.....	8,894	17	1 1/2	559	263	822	.....	.....	145	967	559	263	822	145	967
1844	891	899	1,790	469	467	936	2,723	42,955	11	10	.....	2,014	15	0	.....	.....	44,970	6	10	.....	.....	.....	44,970	6	10	265	122	417	.....	.....	68	485	1,186	1,021	2,707	1,004	3,211		
1845	173	175	348	89	77	166	497	9,166	13	7	.....	381	4	0	.....	.....	9,547	17	7	.....	.....	.....	9,547	17	7	278	127	333	.....	.....	128	461	261	303	684	274	958		
1846	.....	.....	.....	.....	.....	.....	.....	873	0	0	.....	.....	.....	.....	.....	.....	873	0	0	.....	.....	.....	873	0	0	210	117	327	.....	.....	75	402	210	117	327	75	402
1847	.....	.....	.....	.....	.....	.....	.....	951	1	3	.....	.....	.....	.....	.....	.....	951	1	3	.....	.....	.....	951	1	3	258	151	412	.....	.....	103	615	258	151	412	103	515
1848	1,514	1,612	3,127	671	578	1,249	4,376	41,467	16	0	.....	3,486	19	0	.....	.....	47,954	15	0	1,338	16	8	.....	.....	.....	384	163	547	.....	.....	104	651	1,806	1,770	3,674	1,353	5,027		
1849	2,637	3,491	6,128	1,110	1,071	2,181	8,309	83,170	9	4 1/2	.....	5,277	9	0	10,600	2	6	.....	.....	75,847	15	10 1/2	.....	.....	.....	679	391	1,070	222	200	422	1,402	3,316	3,882	7,198	2,603	9,801				
1850	1,182	2,223	3,405	331	342	673	4,075	40,095	7	9 1/2	.....	2,841	6	7	.....	.....	42,946	14	4 1/2	2,468	17	0	.....	.....	.....	271	180	451	51	57	108	559	1,453	2,403	3,850	781	4,637				
1851	742	687	1,429	207	210	417	1,846	13,870	4	6	.....	1,508	14	0	.....	.....	15,378	18	6	3,404	13	7	.....	.....	.....	389	225	614	81	61	142	756	1,131	912	2,043	552	2,605				
1852	1,633	1,910	3,543	763	673	1,436	4,981	61,091	6	9 1/2	.....	3,691	10	0	.....	.....	65,389	2	9 1/2	.....	.....	.....	65,389	2	9 1/2	2,477	725	3,202	286	293	579	3,781	4,112	2,835	6,747	2,016	8,762				
1853	2,706	4,704	7,410	1,373	1,629	3,002	10,412	158,561	18	9 1/2	.....	7,583	8	6	.....	.....	166,161	7	3 1/2	.....	.....	.....	166,161	7	3 1/2	1,096	833	2,534	404	417	821	3,355	4,402	5,542	9,041	3,883	13,767				
1854	2,816	2,717	5,533	863	913	1,776	7,309	113,677	15	7 1/2	.....	6,077	6	0	.....	.....	140,759	15	3 1/2	.....	.....	.....	140,759	15	3 1/2	1,309	665	1,974	330	383	719	2,664	4,128	3,382	7,507	2,495	10,002				
1855	5,441	5,489	10,930	1,837	1,800	3,637	11,567	212,647	4	6 1/2	.....	11,324	11	10	.....	.....	224,266	2	10 1/2	.....	.....	.....	224,266	2	10 1/2	1,309	801	2,550	418	465	916	3,116	6,790	6,389	13,130	4,353	17,683				
1856	2,894	2,771	5,665	783	770	1,553	7,210	86,981	10	9	.....	6,888	12	6	.....	.....	93,177	1	3	.....	.....	.....	93,177	1	3	2,207	2,888	5,690	1,607	1,436	3,090	8,791	5,691	5,690	11,350	4,651	16,001				
1857	4,415	3,567	8,002	1,198	1,075	2,203	10,295	132,270	1	0	.....	9,417	9	6	.....	.....	141,709	11	8	.....	.....	.....	141,709	11	8	4,123	825	4,948	218	206	426	5,373	8,536	4,412	12,950	2,628	15,678				
1858	2,850	2,733	5,593	641	632	1,253	6,916	90,142	13	7	.....	6,043	16	6	.....	.....	96,402	0	6	.....	.....	.....	96,402	0	6	11,556	4,136	16,694	1,045	1,051	2,129	17,823	14,116	6,809	21,287	3,452	24,739				
1859	2,122	2,089	4,211	467	426	863	5,114	68,302	19	4 1/2	.....	5,018	3	6	.....	.....	73,320	9	10 1/2	.....	.....	.....	73,320	9	10 1/2	406	283	683	79	33	112	795	2,522	2,362	4,904	1,005	5,909				
TOTALS.	45,369	48,262	93,631	14,501	11,339	31,314	124,975	1,611,006	3	4 1/2	107,008	5	8 1/2	2,640	8	11 1/2	2,892	5	8	1,923,816	3	7 1/2	17,812	9	9	38,918	0	0	1,867,035	13	3 1/2	33,243	15,066	48,309	4,284	4,767	11,453	50,761	78,612	63,228	141,910	42,769	184,739

Government Immigration Office, Sydney, 28th September, 1859.

H. H. BROWNE, Agent for Immigration.

J.

RETURN, shewing the Average Rate of Wages for different Classes of Labor in the Colony of New South Wales, from the 1st January, 1850, to the 1st January, 1860.

TRADE OR CALLING.		Average Wages per diem, without Board and Lodging.		Average Wages per annum, with Board and Lodging.		Average Wages per diem, without Board and Lodging.		Average Wages per annum, with Board and Lodging.		Average Wages per diem, without Board and Lodging.		Average Wages per annum, with Board and Lodging.		Average Wages per diem, without Board and Lodging.		Average Wages per annum, with Board and Lodging.		Average Wages per diem, without Board and Lodging.		Average Wages per annum, with Board and Lodging.	
		1850.	1851.	1852.	1853.	1854.	1855.	1856.	1857.	1858.	1859.										
MALES.		s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£
Carpenters	{ Town	4 6	...	6 5	...	9 0	...	12 6	...	16 0	...	15 0	...	12 6	...	12 0	...	10 0	...	10 0	...
	{ Country .....	...	35	...	42	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Smiths	{ Town	4 6	...	6 8	...	9 0	...	12 9	...	14 0	...	15 0	...	12 2	...	12 0	...	10 6	...	10 0	...
	{ Country .....	...	35	...	45	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Wheelwrights	{ Town	4 6	...	6 4	...	9 0	...	15 0	...	15 0	...	15 0	...	12 2	...	12 0	...	10 0	...	10 0	...
	{ Country .....	...	36	...	46	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Bricklayers	{ Town	4 6	...	6 0	...	9 0	...	15 6	...	18 0	...	17 0	...	13 6	...	13 0	...	10 6	...	10 0	...
	{ Country .....	...	38	...	42	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Masons	{ Town	4 6	...	7 8	...	9 0	...	16 0	...	21 0	...	17 0	...	13 6	...	14 0	...	10 6	...	10 0	...
	{ Country .....	...	37	...	49	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Farm Laborers .....		...	16 to 19	...	18 to 22	...	25 to 30	...	26 to 31	...	25 to 40	...	30 to 40	...	30 to 40	...	30 to 40	...	40	...	30 to 40
Shepherds .....		...	16 to 19	...	18 to 23	...	25 to 30	...	26 to 30	...	25 to 35	...	30 to 35	...	30 to 31	...	30 to 35	...	30	...	30 to 35
FEMALES.																					
Cooks (plain) .....		...	15 to 19	...	16 to 25	...	18 to 25	...	19 to 28	...	25 to 30	...	25 to 30	...	24 to 27	...	25 to 30	...	26	...	25 to 30
Housemaids .....		...	11 to 15	...	14 to 18	...	14 to 18	...	15 to 19	...	18 to 25	...	18 to 25	...	19 to 22	...	16 to 18	...	23	...	16 to 18
Laundresses .....		...	13 to 16	...	14 to 18	...	18 to 22	...	18 to 22	...	25 to 30	...	25 to 30	...	23 to 26	...	20 to 25	...	26	...	20 to 25
Nursemaids .....		...	7 to 12	...	7 to 12	...	15 to 18	...	15 to 18	...	15 to 20	...	15 to 20	...	16 to 19	...	15 to 20	...	19	...	15 to 18
General House Servants ..		...	12 to 15	...	14 to 18	...	16 to 18	...	15 to 21	...	25 to 30	...	20 to 26	...	20 to 24	...	20 to 25	...	25	...	20 to 25
Farm House Servants .....		...	11	...	13	...	14	...	15	...	25	...	20 to 24	...	19 to 22	...	18 to 20	...	25	...	18 to 20
Dairy Women, &c. ....		...	11	...	13	...	14	...	15	...	25	...	20 to 24	...	19 to 22	...	18 to 20	...	25	...	18 to 20

Government Immigration Office,
Sydney, 28th September, 1860.

H. H. BROWNE,
Agent for Immigration.

K.

RETURN, shewing the number of Individuals for whose Passages and Outfits deposits were made under the Immigration Remittance Regulations, in the Year 1859, with the Amount received under each head.

YEAR.	NUMBER OF INDIVIDUALS.	AMOUNT PAID TOWARDS PASSAGES.	AMOUNT PAID FOR OUTFIT.	TOTAL.
1859	3,759	£ s. d. 15,050 0 0	£ s. d. 1,730 16 1	£ s. d. 16,780 16 1

Government Immigration Office,
Sydney, 28th September, 1860.

H. H. BROWNE,
Agent for Immigration.

L.

RETURN of Immigrants introduced under the auspices of the Committee of Subscribers to the Donegal Relief Fund, during the Year 1859.

SHIP.	MARRIED.		SINGLE.		CHILDREN.			
					Male.		Female.	
	Male.	Female.	Male.	Female.	1 to 14.	Under 1	1 to 14.	Under 1
Sapphire.....	19	19	114	112	6	2	2	3
Lady Elma Bruce	24	24	94	91	15	..	7	3
Caribou	37	37	79	73	14	3	12	5
Total	80	80	287	276	35	5	21	11
GENERAL TOTAL.....795								

Government Immigration Office,
Sydney, 28th September, 1860.

H. H. BROWNE,
Agent for Immigration.

M.

RETURN, shewing the Number of Chinese Immigrants to New South Wales in the Year 1859.

SHIP.	TONNAGE.	WHENCE FROM.	DATE OF ARRIVAL.	NUMBER OF DAYS ON PASSAGE.	NUMBER OF IMMIGRANTS.	
					Male.	Female.
Atlanta	930	Hong Kong	28 February	53	187	Nil.
Land o' Cakes	560	Do.	27 March	72	229	"
Beatrice	887	Do.	1 April	42	270	"
Red Rover	740	Do.	1 May	52	332	"
Atmosphere	1,485	Do.	19 May	55	608	"
Eagle	1,102	Do.	19 May	43	340	"
Kate Hooper	957	Do.	15 June	53	673	"
Cyclone	594	Do.	21 June	62	98	"
Highland Lassie	176	Melbourne	15 July	4	6	"
Golden State	1,361	Hong Kong	3 August	68	238	"
City of Sydney	394	Melbourne	11 August	3	7	"
Bell Rock	767	Hong Kong	23 September ..	106	139	"
					3,022	Nil.

W. A. DUNCAN,
Collector.

N.

RETURN, shewing the Number of Chinese who have departed from New South Wales during the Year 1859.

SHIP.	TONNAGE.	WHITHER BOUND.	DATE OF DEPARTURE.	NUMBER OF EMIGRANTS.	
				Male.	Female.
Amaranth	660	Hong Kong	13 January	67	Nil.
Henry Miller	433	Do.	8 March	73	"
Almeda	210	Melbourne & Geelong ..	9 "	5	"
Atlanta	930	Melbourne	9 "	63	"
Land o' Cakes	561	Do.	2 April	40	"
Beatrice	878	Do.	4 "	67	"
Ospray	407	Hong Kong	23 "	30	"
Red Rover	747	Melbourne	5 May	40	"
City of Melbourne	176	Do.	18 "	3	"
Mary Nicholson	258	Hong Kong	25 "	47	"
Eagle	1,102	Melbourne	3 June	75	"
Atmosphere	1,486	Do.	7 "	52	"
Canaan	840	Hong Kong	17 "	30	"
Cyclone	595	Melbourne	1 July	38	"
Eagle	123	Do.	2 "	2	"
Wanderer	140	Do.	11 "	4	"
Himalaya	592	Hong Kong	5 August	113	"
Prince Alfred	703	Auckland	10 "	2	"
Sarah	121	Melbourne	19 "	4	"
Burnett	137	Do.	26 "	1	"
Golden State	1,361	Hong Kong	21 September	75	"
Wanderer	140	Melbourne	5 October	5	"
Bell Rock	768	Do.	12 "	19	"
Native Lass	106	Do.	14 "	2	"
Union	131	Do.	22 "	5	"
Burnett	137	Do.	29 "	4	"
Hellas	731	Hong Kong	4 November	146	"
Wanderer	140	Melbourne	16 "	1	"
			TOTAL	1,013	Nil.

W. A. DUNCAN,
Collector.

1861.

Legislative Assembly.

NEW SOUTH WALES.

CHINESE IMMIGRATION REGULATION BILL.

(CERTAIN MERCHANTS, TRADESMEN, AND CITIZENS OF SYDNEY.)

Ordered by the Legislative Assembly to be Printed, 26 March, 1861.

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

The humble Petition of the undersigned Merchants, Tradesmen, and Citizens of Sydney,—

RESPECTFULLY SHEWETH :—

That your Petitioners have remarked with deep concern the proposals contained in a Bill, intituled "A Bill to regulate Chinese Immigration," and respectfully pray your Honorable House not to proceed in passing such a measure, for the following reasons :—

That, population being in all countries the source of wealth, any prohibition to its free ingress in a young and thinly populated country, such as is the Colony of New South Wales, would be a fatal blow to its advancement and prosperity.

That the Chinese Immigrants arrive without charge to the Colony, expend large sums immediately on their arrival, and at their own cost, and without delay, proceed into the interior, developing by their energy and perseverance the mining wealth of the Colony.

That these resources, so developed by them, afford increased activity to all the European population of New South Wales.

That it appears to your Petitioners that the Chinese who have hitherto arrived in the Colony are an orderly and sober race, and their faults and vices not greater than those of Europeans of a similar class; while the police reports are sufficient evidence of their being good citizens.

That some branches of industrial pursuits have been originated by Chinese and are now carried on by them only.

That no sufficient evidence has been adduced to impose a poll tax for excluding Chinese any more than any other aliens or subjects of other nations at peace with Great Britain.

That your Petitioners entreat your Honorable House to take into consideration the vast wealth in circulation which this Bill would interrupt—the employment of shipping—the importation of goods—the profits on resales—the increased local consumption of grain and meat—the trade of artizans and retailers, &c., &c., and for these various reasons, as well as the oppressive and invidious nature of this Bill, your Honorable House may see sufficient reason to revise its provisions.

Your Petitioners, therefore, most earnestly pray that any Chinese Immigration Regulation Bill may be deprived of all class legislation of an oppressive or prohibitory character, and be framed upon principles of justice to the mutual benefit of the Chinese and the inhabitants of these Colonies.

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

[Here follow (111) One hundred and eleven Signatures.]

1861.

Legislative Assembly.

NEW SOUTH WALES.

VOLUNTARY IMMIGRATION.

(FUNDS FOR PROMOTING.)

Ordered by the Legislative Assembly to be Printed, 7 May, 1861.

JOHN YOUNG,

Administrator of the Government.

Message No. 15.

In accordance with the request contained in the Address from the Legislative Assembly, of the 3rd May, 1861, the Administrator of the Government invites them to make provision for a sum not exceeding £5,000, for the salaries and travelling expenses of Immigration Agents and Lecturers in Great Britain and Ireland, and to defray the expenses of printing for circulation, in a cheap and popular form, throughout the United Kingdom, copies of Land Acts, and other trustworthy information relating to the Colony.

Government House,

Sydney, 7 May, 1861.

i d.

1861.

Legislative Assembly.

NEW SOUTH WALES.

JANE COCKBURN

(PETITION.)

Ordered by the Legislative Assembly to be Printed, 10 May, 1861.

To the Honorable the Legislative Assembly, in Parliament assembled.

The humble Petition of Jane Cockburn, wife of George Henry Cockburn, late Messenger to the Immigration Department,—

SHEWETH :—

That your Petitioner has, for the last ten years, resided in the Immigration Barracks.

That, during the whole of this long period, your Petitioner has acted as office-cleaner, without receiving any remuneration whatever, although all other office-cleaners have been in receipt of from fifteen to twenty-five pounds per annum.

That, besides the work of office-cleaner, your Petitioner has always been compelled, in the absence on duty of her husband, to act as gatekeeper.

That Mr. H. H. Browne, the late Immigration Agent, repeatedly promised to procure some consideration for Petitioner's case, but failed to do so.

That, in consequence of Petitioner's husband having been disabled by paralysis, Petitioner and her family have been subjected to great distress.

Petitioner therefore prays that your Honorable House will take the circumstances into consideration, and grant her relief.

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

JANE COCKBURN.

3 May, 1861.

1861.

NEW SOUTH WALES.

HEALTH OFFICER, SYDNEY.

(RETURNS FOR 1859.)

Presented to both Houses of Parliament, by Command.

THE HEALTH OFFICER to THE UNDER SECRETARY, TREASURY,
forwarding Returns for 1859.

22 December, 1860.

SIR,

I have the honor to enclose you herewith the following Returns for the year 1859, viz. :—

No. 1.—A nominal list of Ships visited during that year.

No. 2.—A nominal list of Ships that have been placed in Quarantine; shewing the ports from which they sailed, the number of deaths which occurred among the passengers of each vessel during its detention in Quarantine, the duration of the Quarantine in each case, and the nature of the disease that occasioned it.

No. 3.—A nominal list of Emigrant Ships from the United Kingdom, during the year 1859; shewing the ports from whence they sailed, the tonnage of each ship, the number of passengers in each, the nature of the disease prevalent during the voyage, the number of deaths during the voyage, and the cause of the deaths.

The sanitary state of the Emigrant and other vessels arriving in this port has been generally good.

And owing to the excellent arrangements for securing efficient ventilation between decks, to the enforcement of the Orders in Council relating to cleanliness, &c., and to the superior quality of the provisions issued to the passengers, the Government Immigrant Ships have, with one exception, been all free from fevers and other diseases common to ill-regulated passenger ships.

Three ships only were placed in Quarantine—the “Wellington,” from Southampton, with 243 passengers; the “Lady Elma Bruce,” from Liverpool, with 318 passengers; and the “Annie Wilson,” from Liverpool, with 395 passengers; making a total of 956 persons, of whom one only (who was landed in an advanced stage of consumption) died.

In consequence of the care taken in conducting the examination of the passengers, previous to their embarkation, and to the improved sanitary condition of the depôts in England, there have been no cases of small-pox on board any of the Immigrant Vessels which arrived during 1859.

I have, &c.,

H. G. ALLEYNE, M.D.,
Health Officer.

No. 1.

NOMINAL LIST of VESSELS visited by the HEALTH OFFICER during the Year 1859.

From Ports in Great Britain and Ireland.

NAME.	TON- NAGE.	NAME.	TON- NAGE.
Lloyds	1090	Car	440
James Wilson	364	Centurion	639
Jason	877	Lord Raglan	923
Moravian	968	Naomi	709
Daphne	707	Aalborg	466
Surinam	495	Telegraph	357
Nerbudda	426	Bostonian	1117
Lansdowne	715	Sebastopol	609
Snaptadragon	612	Gallila	625
Geelong	453	Winifred	503
Camperdown.. .. .	992	Woolloomooloo	627
Hannah	480	Joseph Jones	784
Alliance	338	John Bright	541
Castle Howard	757	Autumnus	362
Cattaux Wattell	900	Red Gauntlet	825
Hornet	1155	Ferdinand Brennan	818
Omar Pasha	980	Lord Stanley	749
Virginia	800	Klawitter	522
Wellington	537	Parsee	1051
Claremont	694	John Banks.. .. .	750
Esperance	378	Forest Queen	526
Canaan	840	Abyssinian	1070
Antelope	362	Tyra	276
General Windham	651	Damascus	964
Waterloo	860	City of Newcastle	400
Nimrod	912	Blue Jacket.. .. .	1556
Meteor	427	Caribou	1060
Viscount Canning	751	Vineira	1137
Marina	529	Blackwall	1000
Lovestyn	736	Earl of Shaftesbury	518
Hollingside	640	H. M. S. Herald .. .. .	....
Maria Augusta	300	Wave	200
Phoenician	478	British Merchant	960
Wild Ranger.. .. .	984	La Hogue	1331
Sapphire	749	Lochiel	674
Palmyra	706	Thomas Campbell.. .. .	630
Maid of Judah	665	Malakoff	1173
Dunrobin Castle	549	Quito	503
Helen Douglass	894	Duncan Dunbar	1300
Caldera	730	Helen Wallace	642
Dawstone	495	Wave of Life	888
Queen of England	1197	Granite City	771
Graces	449	Mornington.. .. .	948
Norma	430	Jason	877
Malta	536	Annie Wilson	1117
Lady Elma Bruce	920	Joseph Gilchad	1800
Columbine	958	Light of the Age	1000
Rachael	528	Colonsay	598
Siam	743		

NOMINAL LIST of VESSELS Visited by the HEALTH OFFICER during the Year 1859.

From Ports other than in Great Britain.

NAME.	TON- NAGE.	NAME.	TON- NAGE.
Zingari	250	Prince of Denmark	89
Henri Miller	433	Spec	164
Agnes	104	Rebecca	115
H. M. S. Cordelia .. .. .	....	Test	265
Castilian	1,064	Bella Vista	178
Gazelle	200	Westervicks	320
Sea Bird	930	Styx, War Steamer .. .. .	....
Souvenir	70	Narragansett	397
Atlas	791	Alice	170
Joseph Thornton	425	Sea Ranger	370
Annie	21	Governor	280
Samuel Hendricus	611	Hirondelle	180
Solide	240	Balder	334
Dart	84	Wilhelmina	375
St. Michael	400	Victoria	288

HEALTH OFFICER'S REPORT FOR 1859.

3

NOMINAL LIST, &c.—continued.

NAME.	TON- NAGE.	NAME.	TON- NAGE.
Favorito	64	Fernand	269
Onyx	242	Governor	190
Marion	550	Ebenzer	84
John and Herman	400	Orion	1,297
James Horey	1,147	Selim	111
Bec D'Ambes	480	Hedwig	400
Herault	460	Csarnarvon	250
Armita	180	Souvenir	63
Melani	136	Keemanglen	478
Electra	450	Sea Ranger	366
Norman Morrison	530	Azzan	596
Susan	230	Oberon	49
H. M. S. Cordelia .. .. .	.....	Raven	180
Freak	230	Clarendon	154
Mechanic	44	Chowringhee	898
Northern Light	463	Sea Gull	61
Atlanta	930	John Wesley	236
Clarence Packet	61	Jenny Dove	103
Mary Nicholson	240	Golden State	1361
Spec	164	Mathilde	150
Circassia	120	Brilliant	112
John Williams	320	Mechanic	80
General Michel	340	Circassian	89
Independence	190	Gertrude	140
Wanderer	235	Phantom	174
Armenian	500	Cheetah	162
Eli Whitney	760	H. M. S. Pelorus .. .. .	.....
Ocean	180	Heloise	730
Taranaki	130	Caroline Hort	258
Phantom	220	Gazelle	284
Achilles	553	Ocean Rover	776
American	600	Woodlark	280
Nambattan	360	Graaf Van Heiden	600
Nil	380	Spec	164
Lootze	148	Francis	103
Land o' Cakes	560	Madeira	600
Beatrice	878	Emily Alison	99
Gratia	190	Wild Wave	179
Caroline Hort	180	Kito	188
Billiton	450	Prince of Denmark	70
Betty	360	Arnim	624
Lizzie Spalding	791	Anne	21
Jacoba Helena	733	Bell Rock	767
Thames	240	Christopher George	69
Minerva	291	Taranaki	180
Wild Wave	179	Joven Rosario	290
Harkaway	899	H. M. S. Iris .. .. .	.....
Koophandle	467	Gratia	189
Crusader	594	H. I. M. S. Thisbe .. .. .	.....
Helene	120	H. I. M. S. Styx .. .. .	.....
Frowning Beauty	367	Brilliant	112
Caroline	593	Princess Amelia	280
Fanny Fisher	238	Airedale	288
Alice Brown	172	Breadalbane	280
Spec	164	Lizzie Spalding	760
Red Rover	740	Osprey	407
Margaret Mitchell	894	Electra	906
Silvia	700	Condor	245
Caledoniennic (War Steamer) .. .. .	.....	Bella Vista	179
Cristina	272	Amelia Breillat	230
Fortuna	660	Shamrock	260
Joan Jacob	175	Matilda	698
Deutschman	170	Triton	120
Regia	189	Provence	4 guns.
Eagle	1,102	E. Coming	322
Atmosphere	1,485	Margarette	163
Amelia Breillat	163	Shay	104
Da Rose	484	Fanny Fisher	260
Maria	432	Betty	260
Cherokee	780	Virginie	800
Francis	102	Sea Witch	373
Himalaya	600	Carric Leland	315
Eagle	300	Monarch	315
Sarah Ann	130	Henrietta Wilhelmina	400
Thisbe, (Man of War) .. .. .	.....	Grass Brook	218
Agnes	104	Isle of France	238
Acis	94	Caledoniennic (War Steamer) .. .. .	.....
Kato Hooper	967	Achilles	670
Hollander	459	Billiton	579
Cyclone	594	Comet	120
Concorde	400	Clara Novello	512
Venture	124	Progressive	296
Spec	164	Teste	265
Alice Brown	133	Scotia	69
Albion	84	Caroline	933

NOMINAL LIST, &c.—continued.

NAME.	TON- NAGE.	NAME.	TON- NAGE.
Melanic	136	Tell	286
H. M. S. Cordelia .. .. .	....	Freak	215
Cheisna	321	Caroline	170
Agnes	104	Autumnus	362
Matador	249	Chamois	360
Malay	240	Bronze Wing	25
Thames	230	Spec	164
Roach	892	Esperance	377
Alexander	600	Post Boy	95
May Queen	143	Clarence Packet	62
Tuisco	380	Water Witch	225
Coleroon	710	Horseburgh.. .. .	550
Johannes	420	St. Louis	532
Strath Allan	557	Sebastian	364

H. G. ALLEYNE, M.D.,
Health Officer.

No. 2.

RETURN shewing the Names of Ships placed in Quarantine; the Ports from which they sailed; the nature of Disease causing Quarantine; number of Deaths while in Quarantine; number of Days detention in Quarantine.

Ships.	From what Port.	Nature of Disease.	No. of Days of Ship in Quarantine	No. of Days Sick in Quarantine	No. of Deaths in Quarantine	Whether England or Foreign.	Remarks.
Wellington.....	Southampton.	Measles..	16	22	None.	England.	....
Lady Elma Bruce	Liverpool....	Fever ..	12	39	1	Ditto.	....
Annie Wilson ..	Liverpool ...	Measles..	5	5	None.	Ditto.	....

H. G. ALLEYNE, M.D.,
Health Officer.

No. 3.

RETURN showing the number and names of Emigrant Ships which arrived in Port Jackson during the year 1859; the Ports from whence they sailed; the number of Passengers; the nature of the Diseases which prevailed during the voyage; the number of Deaths during the voyage, and return of the Diseases causing Death.

NAME OF SHIP.	PORT OF DEPARTURE.	TONNAGE.		NUMBER OF PASSENGERS.	NUMBER OF DEATHS ON THE VOYAGE.	CAUSE OF DEATH.	PREVAILING DISEASE DURING THE VOYAGE.
		Old.	New.				
Daphne.....	Southampton	844	760	320	2	1 Gastro Entitis; 1 Puerperal Peritonitis	Infantile Gastritis.
Hornet	Plymouth .....	.....	1,155	437	5	1 after operation of Craniotomy; 1 Convulsions; 1 Puerperal Peritonitis; 1 Dropsy after Measles; 1 Mesenteric Disease	Pulmonary affections.
Wellington	Southampton	450	588	243	..	3 Diarrhoea; 1 Tabes Mesenterica; 2 Typhoid Fever; 1 cause unknown.	Measles.
Nimroud	Plymouth	856	943	367	7	.. .. .	Infantile Gastritis.
Sapphire	Liverpool .....	.....	749	286	4	2 Pneumonia after Measles; 1 Sloughing of Skin; 1 found dead in bed ..	Pulmonary affections.
Palmyra	Plymouth	693	706	261	6	1 Hydrocephalus; 1 Dysentery; 1 Bronchitis; 1 Convulsions; 1 Tabes Mesen. ..	Diarrhoea and Bronchitis.
Queen of England	Liverpool	1,200	1,256	427	6	1 Dysentery; 1 Hydrocephalus; 1 Inflammation of Lungs; 1 Tabes Mesent.; 1 Scald; 1 in Childbirth	Do. do.
Lady Elma Bruce	Liverpool	1,007	966	315	1	1 continued Fever	Continued Fever.
*Siam	London .....	.....	.....	2	..	.. .. .	No sickness.
Parsee	Southampton	1,051	1,060	424	1	Diarrhoea	Diarrhoea.
Abyssinian	Plymouth	1,140	1,072	407	2	1 Tabes Mesent.; 1 Debility and Diarrhoea (æt. 62)	Do.
Caribou	Liverpool	1,270	1,065	388	3	1 Pneumonia; 1 Convulsions; 1 Effusion on Brain	Pulmonary affections.
Annie Wilson	Liverpool	1,191	1,119	395	14	13 Measles; 1 Natural Causes (æt. 40)	Measles.
				4,304	60		

* Private Ship.

H. G. ALLEYNE, M.D.,
Health Officer.

1861.

Legislative Assembly.

NEW SOUTH WALES.

VACCINATION.

(REPORT FROM MEDICAL ADVISER TO THE GOVERNMENT, FOR 1860.)

Ordered by the Legislative Assembly to be Printed, 13 February, 1861.

Parramatta, 28 January, 1861.

SIR,

I do myself the honor, for the information of the Government, to furnish the general return of persons vaccinated at the different Government Vaccine Institutions, during the year 1860, as directed by your letter, dated 7th January, 1861, distinguishing the age and sex; also the report of the Superintendent of the Vaccine Institution in Sydney, for the same period, distinguishing the age and sex, and also the different quarters of the year.

2. The total number of vaccinations during the year is 1,594, of which 1,453 were successful, 25 unsuccessful, and 105 unascertained.

3. I annex, in the margin, the number of persons vaccinated in each year, since 1853 inclusive, shewing an annual average of 1,899, or less than one-fifth of the number of births. It is therefore clear that this community is very inadequately protected against the most fearful and fatal of all diseases.

1853	2,800
1854	1,842
1855	954
1856	1,521
1857	3,646
1858	1,174
1859	1,886
1860	1,594

4. The cost of vaccination per case varies from a little over two shillings in Maitland, to very nearly one pound at Yass.

*) 15,192
1,899

5. I see no advantage in offering gratis vaccination to adults; it will be seen that only seventeen (17) have availed themselves of the privilege during the past year. If there were any alarm of approaching small-pox many would come in, but then also they would be willing to pay for the privilege. And every adult in this Colony should be, and I believe is, able to pay the small fee charged by the profession for the operation; and I believe that men generally value more what they have to pay for.

6. One reason for the small number of vaccinations performed this year, may be found in the prevalence of measles and hooping-cough, and other diseases of children during the year.

I have, &c.,

R. GREENUP,

Medical Adviser to the Government.

THE HONORABLE

THE COLONIAL SECRETARY.

[Enclosure 1.]

GENERAL Return of Persons Vaccinated by the Superintendents of the several Vaccine Institutions, from the 1st January, 1860, to the 31st December, 1860.

	1 MONTH AND UNDER 1 YEAR OF AGE.					1 YEAR AND UNDER 5 YEARS OF AGE.					5 YEARS AND UNDER 10 YEARS OF AGE.					10 YEARS AND UNDER 15 YEARS OF AGE.					ADULTS.					TOTAL NUMBER OF CASES OF VACCINATION.										
	Males.	Females.	TOTAL.	Successful.	Unsuccessful.	Unascertained.	Males.	Females.	TOTAL.	Successful.	Unsuccessful.	Unascertained.	Males.	Females.	TOTAL.	Successful.	Unsuccessful.	Unascertained.	Males.	Females.	TOTAL.	Successful.	Unsuccessful.	Unascertained.	Males.	Females.	TOTAL.	Successful.	Unsuccessful.	Unascertained.						
Sydney	214	238	452	452	..	..	123	121	244	244	..	..	19	16	35	35	..	..	8	9	12	12	..	..	1	3	4	4	..	..	360	387	747	747	..	..
Maitland	43	51	94	74	..	20	43	48	91	71	..	20	20	19	39	36	..	3	10	7	17	17	..	..	..	2	2	2	..	..	116	127	243	200	..	43
Parramatta	6	7	13	13	..	..	14	12	26	26	..	..	10	11	21	21	..	..	6	9	15	13	2	..	..	..	..	..	..	37	38	75	73	2	..	
Bathurst	24	22	46	28	4	14	36	30	66	37	5	24	12	13	25	11	..	14	3	4	7	..	..	7	2	2	4	1	..	3	77	71	148	77	9	62
Newcastle	51	62	113	113	..	..	15	21	36	36	..	..	8	5	13	13	..	..	1	3	4	4	..	..	1	4	5	5	..	..	74	97	171	171	..	..
Goulburn	18	18	36	36	..	..	20	23	43	43	..	..	3	2	5	5	..	..	..	..	..	..	..	..	..	1	1	1	..	..	41	44	85	85	..	..
Wollongong	32	22	54	47	7	..	17	13	30	27	3	..	..	1	1	1	..	..	..	..	..	..	..	..	..	1	1	1	..	..	49	37	86	76	10	..
Yass	8	6	14	11	2	1	10	4	14	12	2	..	..	1	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	18	11	29	29	4	1	
	396	426	822	774	13	35	278	272	550	496	10	44	72	68	140	123	..	17	23	32	55	46	2	7	4	13	17	14	..	3	792	812	1,584	1,453	25	106

R. GREENUP, M.D.,

Medical Adviser to the Government.

Parramatta, 28 January, 1861.

REPORT ON VACCINATION.

3

[Enclosure 2]

Vaccine Institution,
15, January 1861.

Sir,

I do myself the honor to report, for the information of His Excellency the Governor General, the result of my operations during the past year.

I have vaccinated seven hundred and forty-seven individuals, at the Institution in Macquaric-street and the Benevolent Asylum.

I was obliged to discontinue for some time my duties at the latter, in consequence of the prevalence of great sickness.

I have supplied between eleven and twelve hundred charges of lymph to applicants from various parts, and am in a position to state that vaccination is extending.

I have, &c.,
JOHN YATES RUTTER,
Superintendent.

R. Greenup, Esq., M.D.,
Medical Adviser to the Government.

[Enclosure 3]

RETURN of Persons Vaccinated by the Superintendent of the Sydney Vaccine Institution, from the 1st of January to the 31st of December, 1860.

	1 MONTH AND UNDER 1 YEAR OF AGE.					1 YEAR AND UNDER 5 YEARS OF AGE.					5 YEARS AND UNDER 10 YEARS OF AGE.					10 YEARS AND UNDER 15 YEARS OF AGE.					ADULTS.					TOTAL NUMBER OF CASES OF VACCINATION.								
	Males.	Females.	TOTAL.	Successful.	Unsuccessful.	Unascertained.	Males.	Females.	TOTAL.	Successful.	Unsuccessful.	Unascertained.	Males.	Females.	TOTAL.	Successful.	Unsuccessful.	Unascertained.	Males.	Females.	TOTAL.	Successful.	Unsuccessful.	Unascertained.	Males.	Females.	TOTAL.	Successful.	Unsuccessful.	Unascertained.				
January to March	42	60	102	102			22	22	44	41			6	6	12	12			2	4	6	6									72	92	164	164
April to June	45	51	96	96			27	30	57	57			4	4	8	8			2	2	2	2			1	1	1	1			76	88	164	164
July to September	19	30	49	49			26	23	49	49			1	1	2	2			3	3	3	3			1	1	1	1			67	67	134	134
October to December	87	88	175	175			48	46	94	94			6	5	13	13			1	1	1	1			1	1	2	2			145	140	285	285
TOTALS	214	238	452	452			123	121	244	244			19	16	35	35			3	9	12	12			1	3	4	4			360	357	717	717

But for the discontinuance of some months of my duties at the Benevolent Asylum my Numerical Return would have been greater.

1 January, 1861.

JOHN YATES RUTTER,
Superintendent.

[Price, 1d.]

Sydney: Thomas Richards, Government Printer.—1861.

1861.

—
Legislative Assembly.
NEW SOUTH WALES.

—
DESTITUTE CHILDREN'S SOCIETY.
 (LIST OF OFFICE-BEARERS AND DIRECTORS FOR 1861.)

—
Ordered by the Legislative Assembly to be Printed, 24 January, 1861.

—
**LIST OF THE OFFICE-BEARERS AND DIRECTORS OF THE SOCIETY FOR
 THE RELIEF OF DESTITUTE CHILDREN.**

PATRON—

PRESIDENT—THE HON. E. DEAS THOMSON, C.B.

TREASURER—JOHN CALDWELL, Esq., M.L.A.

SECRETARY—REV. A. STEPHEN, B.A.

DIRECTORS—

HON. GEO. ALLEN,
 DR. BROWN,
 H. C. BURNELL,
 THOS. COWLISHAW,
 SAMUEL COHEN,
 HON. DR. DOUGLASS,
 D. EGAN, M.L.A.,
 JOHN FAIRFAX,
 SAMUEL HEBBLEWHITE,
 WILLIAM HANSON,
 REV. G. HURST,
 EDWARD JOY,
 REV. G. KING,
 J. RICHARDSON,

C. W. LLOYD,
 VEN. ARCHDEACON M'ENCROE,
 REV. J. S. MILNE,
 REV. STANLEY MITCHELL,
 HON. DR. M'FARLANE,
 A. MCARTHUR, M.L.A.,
 I. NATHAN,
 VERY REV. DEAN O'CONNELL,
 R. O'CONNOR,
 S. H. PEARCE,
 JAMES PEMELL,
 J. G. RAPHAEL,
 REV. J. SHERIDAN,
 THE HON. SIR A. STEPHEN.

I certify that the above is a correct list of the Office-Bearers and Directors of the Society for the Relief of Destitute Children for 1861.

ALFRED H. STEPHEN,
 Secretary.

January 21, 1861.

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

1907

NEW SOUTH WALES.

NATIONAL EDUCATION.

REPORT

OF THE

BOARD OF NATIONAL EDUCATION,

FOR THE YEAR

1859.

Presented to both Houses of Parliament, by Command.

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER,
PHILLIP-STREET.

1861.

[Price, 1s. 3d.]

3—A

NEW SOUTH WALES.

NATIONAL EDUCATION.

TWELFTH REPORT OF THE COMMISSIONERS OF NATIONAL EDUCATION IN NEW SOUTH WALES.

Report for the Year 1859.

To His Excellency SIR WILLIAM THOMAS DENISON, K.C.B., Governor General, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY:—

We, the Commissioners of National Education in New South Wales, beg to submit to your Excellency this our Twelfth Report.

I.—SCHOOLS.

By a Return herunto appended it will be seen that during the year we had 128 Appendix A. schools in operation, attended in the aggregate by 9,376 children. Of these schools 26 were opened in 1859, namely:—

- | | |
|---------------------|--------------------|
| 1. Aberglasslyn. | 14. Oswald. |
| 2. Bow Bow Creek. | 15. Sedgefield. |
| 3. Burrendulla. | 16. Shell Harbour. |
| 4. Cessnock. | 17. Towrang. |
| 5. Cambewarra. | 18. Tinonee. |
| 6. Evans Plains. | 19. Vacy. |
| 7. Keen's Swamp. | 20. Violet Hill. |
| 8. Long Reach. | 21. Warkworth. |
| 9. Morangaroo. | 22. Windeyer. |
| 10. Merendee. | 23. Westbrook. |
| 11. Molong. | 24. Winburndale. |
| 12. Marshall Mount. | 25. Walcha. |
| 13. Ophir Road. | 26. Woola Woola. |

Fourteen vested schools were erected during the year, or were in progress of erection at its close, namely:—

- | | |
|-------------------|--------------------|
| 1. Aberglasslyn. | 8. Manly. |
| 2. Berkeley. | 9. Marshall Mount. |
| 3. Bega. | 10. Omega Retreat. |
| 4. Brisbane. | 11. Violet Hill. |
| 5. Binalong. | 12. Windeyer. |
| 6. Cambewarra. | 13. Walcha. |
| 7. Fishery Creek. | 14. Westbrook. |

And seven school buildings (vested) received important additions and improvements, namely:—

- | | |
|----------------|--------------------|
| 1. Cundletown. | 5. William-street. |
| 2. Dubbo. | 6. Wollombi. |
| 3. Mudgee. | 7. Wollongong. |
| 4. Picton. | |

Appendix B.

A Return hereunto appended will shew that thirty-three new schools were sought to be established under the Board during 1859, at the places therein mentioned; and what action was taken by the Board in each case.

2.—GRANTS IN AID OF SCHOOL BUILDINGS.

Appendix C.

The aggregate amount paid for the erection of school buildings, and for repairs, rent, and furniture, for 1859, was £5,356. At the close of the year we had pledged sums for similar purposes amounting to £2,461 2s. 10d., contingent on the vote for 1860, being double the amount of local contributions promised to be raised in accordance with our published regulations. The amount mentioned above as paid for school buildings, &c., does not include the sums locally contributed, but refers only to the expenditure of the public money.

3.—SALARIES.

The salaries and allowances paid to teachers, officers, and servants of the Corporation for the year amounted in all to £17,089 12s., of which sum £14,136 7s. 5d. was paid to teachers; and £2,953 4s. 7d. to the other officers, namely, Secretary, Inspector, and Superintendent, District Inspectors (2), Accountant, Clerk, Architect, and Messengers (2). The gross amount of fees paid by the children during 1859 was £8,245 9s., showing an increase of £2,040 18s. 10d. over the fees paid for 1858.

4.—CLASSIFICATION OF TEACHERS.

Annexes A, B,
and C.

The systematic examination of teachers and their schools, with the view of classifying the teachers, and determining the rate of salary to be paid to them, first introduced in 1854, has been pursued with increasing efficiency, and with much success. We append a letter laid before us by Mr. Wilkins, our Inspector and Superintendent, in the beginning of last year, along with a Circular to Teachers founded thereon, which will shew the improvements introduced into the system during the year.

5.—TRAINING OF CANDIDATES.

Acting under the advice of Mr. Wilkins, we introduced in the beginning of last year several improvements in the mode of training candidates for situations, whereby a larger amount of direct instruction was communicated to them than before, and also a longer time allowed for becoming familiar with the organization and methods of teaching in the Model Schools. It was found that the time (one month) spent by candidates in training was in many cases too brief. Teachers thus often carried away with them crude and distorted views of the plans in use at the Model Schools; and the National System itself has in consequence been sometimes brought into discredit. The only obstacle that existed to lengthening the period of training was the general inability of the candidates to bear the expense of protracted residence in Sydney. It was accordingly arranged that eligible candidates should be permitted to remain in training for three months, and after the first month to receive pay at the same rate as would accrue to them if they were at once placed in charge of schools. Such arrangements were also made as would enable candidates to spend at least one-half of their time in improving their own attainments, either by writing exercises, or by attending lessons given them by Teachers of the Model Schools; whilst, at the same time, they would continue to attend the previously existing means of instruction, the mid-day class, and the normal class.

6.—INSPECTION OF SCHOOLS.

During the past year we have been able to obtain a more complete oversight of the country schools by means of the labours of two additional Inspectors, Mr. Gardiner and Mr. McCann, both appointed in February, 1859. Mr. Gardiner had previously been a teacher under the Board for a period of seven years, three of which he had spent as Head Master of the Fort-street Model Schools. Mr. McCann had been trained in the Model Schools of the National Board of Ireland, and was sent out to this Board in 1856. After being in our service as a teacher for nearly two years, he was sent as an Organizing Master to the schools of the Western and Southern Districts, and after a year's probation in this capacity he was appointed Inspector of the Western District. Mr. Gardiner was placed in charge

charge of the Northern District, while the Metropolitan District was assigned to the Chief Inspector and Superintendent (Mr. Wilkins). As we were unable, last year, to appoint an Inspector for the Southern District, we sent Mr. Wilkins, Mr. Gardiner, and Mr. M'Cann, each on a special tour in different directions southward, so that every school in the Southern District had at least one visit during the year. It has not yet been found necessary to define accurately the boundaries of the several Inspectoral Districts, but the following have been adopted provisionally:—

Metropolitan.—Includes the Counties of Cumberland and Camden, the Shoalhaven District, and that part of Cook and Westmoreland which lies on the east of the Blue Mountains.

Northern.—Bounded south by the Hawkesbury and Colo Rivers; west by the Dividing Range, and by a line drawn from the western termination of the Liverpool Range, north-westerly, to the northern boundary of the Colony.

Western.—Includes the country lying south and west of the former districts, and north of a line drawn westerly from the head of the Abercrombie to the western boundary of the Colony.

Southern.—Includes all the remainder of the Colony.

GENERAL REPORT upon the condition of National Schools in 1859.

I.—ARRANGEMENTS FOR INSPECTION.

Three Inspectors were constantly employed, during the greater part of the year 1859, in examining schools and in visiting, for the purpose of inquiry and report, localities from which applications for aid in the establishment of National Schools, had been received. Of the four districts into which the Commissioners had divided the Colony for the purposes of school inspection, three—the Metropolitan, the Northern, and the Western—were each placed in the charge of an Inspector. The duty of visiting schools in the Southern District was discharged jointly by all the Inspectors. The instructions to the Inspectors required them to visit each National School at least twice during the year, and those in the more accessible positions much oftener; but the obstacles arising from bad weather and unexpected business, for which no provision had been made, rendered it impossible to carry out this arrangement in its integrity.

II.—AMOUNT OF INSPECTION.

During the year one hundred and twenty-four schools were formally inspected. The following Table exhibits the distribution of Schools visited, according to the district in which they are situated:—

DISTRICTS.	*No. of Schools.		
	Visited.	Not Visited.	TOTAL.
Metropolitan	34	1	35
Northern	43	6	49
Western	27	3	30
Southern	15	2	17
TOTAL	124	12	136

*Note.—Whenever a *department* was placed in charge of a teacher responsible for its management, it was regarded as a separate school.

OF THE SCHOOLS INSPECTED,

49 received one visit,
 43 „ two visits,
 22 „ three visits,
 10 „ four or more visits.

In this statement no account has been taken of the numerous visits to the Model Schools in Sydney, when no formal examination was instituted. Two of the schools not inspected are situated in the Colony of Queensland, and were removed from the jurisdiction
of

of the Board before the Inspector had an opportunity of visiting these localities; and the remaining ten were either closed before, or opened after, his visit to the neighbourhood.

The Tables A and B given below shew the number of pupils on the rolls of the schools inspected on the day of examination, and the number present, together with their ages and sexes. It will be remarked that the number of children seven years old and under constitutes 41 per cent. of the whole. This is partly explained by the fact that the infant schools are attended only by children of the ages just mentioned, though a majority of children in country schools are also very young. Above the age of seven years the proportions continue gradually to decrease until we arrive at those twelve years and over, when a considerable increase may be observed. This is occasioned by the circumstance that, in all newly opened schools, a number of young people above the ordinary school age, but whose previous education had been neglected, usually attend for a few months in order to remedy the more serious of their deficiencies, or to obtain at least the rudiments of knowledge. They rarely remain at school longer than a few months, and then their places are supplied by children of much less advanced ages.

A.

TABLE shewing the Ages of the Pupils on the Roll of National Schools on the date of Examination.

DISTRICTS.	7 YEARS AND UNDER.		8 YEARS.		9 YEARS.		10 YEARS.		11 YEARS.		12 YEARS AND ABOVE.		TOTAL.	
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.
Metropolitan	844	673	229	186	217	193	255	160	190	123	331	217	2066	1532
Northern	574	558	295	200	164	167	170	142	116	129	181	197	1413	1393
Western	243	242	74	69	61	46	56	46	46	47	88	107	568	657
Southern	170	150	37	38	39	31	43	30	26	26	47	54	362	329
TOTAL	1831	1623	545	493	481	437	524	378	378	325	650	575	4409	3831

B.

TABLE shewing the Number of Children present at the Examination.

DISTRICTS.	7 YEARS AND UNDER.		8 YEARS.		9 YEARS.		10 YEARS.		11 YEARS.		12 YEARS AND ABOVE.		TOTAL.	
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.
Metropolitan	674	503	177	164	198	138	213	146	144	92	280	156	1686	1199
Northern	463	427	147	136	103	116	105	99	73	87	120	139	1011	1004
Western	207	201	66	60	64	37	43	43	34	33	57	87	461	470
Southern	129	122	28	32	32	28	38	29	24	22	37	37	288	270
TOTAL	1473	1253	418	401	387	319	399	317	275	234	494	419	3446	2943

The duties performed by the Inspectors may be thus summed up:—

Inspection of schools in operation	251	visits.
Inspection of proposed schools	37	„
Visits for the purpose of affording information ...	30	„

318

In estimating the amount of work done by the Inspectors, the writing of the Reports upon the various schools must not be overlooked, nor the time and labour expended in revising the examination papers of teachers and candidates.

III.—CHARACTER OF INSPECTION.

In a previous Report the mode and character of the inspection have been minutely delineated, and it is consequently unnecessary to repeat the description. It only remains to add, in this place, that the process was not less rigid and searching than last year, while the whole of the arrangements for inspection were of a more complete and systematic character. There was an obvious advantage in possessing the means of comparison afforded by the inspection of schools that had been examined in the previous year; and while this circumstance

stance materially aided in the formation of a correct opinion on the condition of the school, it was equally useful in rendering the inspection itself efficient. The difference between the course of inspection adopted in 1859, and that pursued in the previous year, may be briefly alluded to. The inspection was of two kinds, Primary and Secondary, and each school, it was intended, should undergo both in the course of the year. During a primary examination much greater minuteness was observed than at the secondary inspection, the object of the former being to collect data from which to form an opinion as to the state of the school in all its various aspects; and of the latter, to point out defects to the teachers, and to aid them in effecting improvements. On entering a school, the Inspector's first duty was to observe if the Board's fundamental regulations had been complied with; to notice the tablets upon the walls and the books used by the children; to ascertain if their occupations corresponded with the indications of the time table; and to inquire into the condition of the school registers. When this preliminary examination had been completed, the Inspector's attention was directed to the following matters in succession, and on each of them he was instructed to enlarge, with greater or less minuteness as the case required, in framing his Report, viz. :—

1. The material state of the school.
2. Its moral character.
3. The subjects and methods of instruction.
4. The proficiency of the pupils.
5. The teacher's qualifications.
6. The general tone of the school.
7. The local supervision.

IV.—CONDITION OF SCHOOLS INSPECTED.

Appended hereto is a detailed statement of the condition of each school inspected in Annex D. 1859, under the first four heads above-mentioned. By a careful analysis and comparison of the details comprehended in these statements, and in the Reports from which they are condensed, we are enabled to arrive at the following general conclusions respecting the actual condition of the schools on the day of inspection.

V.—MATERIAL STATE OF SCHOOLS.

The situation, or school site, first engages the attention of an Inspector. The usefulness and success of a school are greatly influenced by the character of the site, by its convenience to the majority of the inhabitants, its accessibility in all seasons, its healthiness and pleasantness. When these conditions are satisfied, there can be no valid objections on the part of parents to send their children to school on the ground of distance, danger by the way, or risk to health. In all newly established schools, great care is exercised in the selection of school sites, in order that all obstacles to regular attendance may, as far as possible, be removed. The same principle had been generally acted upon in former years, though in some instances, where the population has decreased by removal to other localities, the sites have ceased to be central to the residue of the inhabitants. Of the schools inspected, the sites of 94 may be pronounced good; of 19, fairly suitable; of five, indifferent; and of one, bad. Those classed as indifferent are mostly situated in or near swampy ground, not easily accessible in wet weather, and at all times somewhat unhealthy. The Panbula School is reported as being badly situated, being placed on an alluvial flat near the bank of a river, subject to periodical inundations, and frequently out of reach of a large proportion of the pupils.

The character of the school buildings may be regarded from two points of view; first School buildings. with respect to the materials of which they are constructed; and secondly with reference to their suitability for purposes of teaching. The choice of material for school building necessarily depends upon the amount of funds at the command of the local patrons; and hence we find every available kind of material employed in various localities—stone, bricks, weatherboards, and slabs. Most vested schools are now constructed of stone and brick, though in a few cases of weatherboards; and a few schools erected some years ago are built of slabs. In general terms, it may be said that the non-vested schools are of but indifferent construction, the majority of those in the country being built of slabs. In localities where schools of this kind exist, the people are commonly poor and much scattered, so that the raising

raising of any considerable sum as a contribution towards the erection of suitable school premises would be a matter of no ordinary difficulty. This lack of the necessary funds is universally found to be the principal obstacle to the establishment of vested schools, and consequently to the spread of the National System. There is, however, a steady, gradual improvement in this respect, which encourages the belief that the time is not far distant when a more satisfactory state of things will be reached. With regard to the suitability of the school premises, the same general distinction applies to vested and non-vested schools; the former, especially those of recent construction, being well adapted to the purpose, and the latter more or less defective in this particular. Considering the question as to the condition of the schoolhouses from both points of view—as regards the materials of which they are composed and their fitness for the intended purpose—the following estimate may be arrived at:—

School buildings of which the condition is good	39
" " fair	24
" " tolerable	28
" " moderate	16
" " indifferent or bad.....	17

Of eight school buildings which are decidedly bad, three belong to non-vested schools, four to vested schools held in temporary premises until permanent structures can be erected, and one to a vested school.

Playgrounds.

The value of a playground and its appurtenances is very great, whether regarded from a sanitary or a moral point of view, and it is not less important as an aid to the teacher in the conduct of his school. In fact, no school can be considered as completely organized, to which a large playground properly enclosed and furnished with the requisite accompaniments is not attached. This is a very general characteristic of vested schools, though in numerous cases absent from those not vested. No less than eight non-vested schools are totally destitute of playgrounds and their appurtenances. In 71 schools, chiefly vested, the playground accommodation is good or fair; in 27, tolerable or moderate; and in 14, indifferent or bad.

Furniture.

The supply of school furniture has greatly improved since 1858, both as regards quantity and quality. It is of course requisite, for the efficient conduct of a school, that it should possess a supply of furniture adequate to the requirements of the pupils, and of a convenient description. Its tasteful appearance and orderly arrangement, though important in another respect, are not necessary for the actual working of the school. How far these conditions are met in the circumstances of National Schools may be inferred from the following Table:—

No. of schools in which the supply of furniture is good or fair	61
" " tolerable	39
" " indifferent or bad	23

In one vested school, Dubbo, the furniture had not been constructed at the time the school was inspected, though it has since been supplied on a liberal scale. Fifteen out of the twenty-three schools indifferently or badly provided with furniture are non-vested schools. In most cases of inadequate supply, the deficiency may be traced to paucity of means, but in some to ignorance. It is often difficult, for example, to prove to local patrons that a desk of a certain description is more useful than another; and they are in consequence strongly tempted to procure that kind which is the cheapest, without reference to its suitability. The visits of Inspectors to different localities are productive of much benefit in this respect, however, as they circulate among persons who have no other means of obtaining it, much useful information as to the best plans for school buildings and designs for furniture.

Apparatus.

The foregoing remarks as to the difficulty of obtaining furniture apply with equal force to the procuring of apparatus. There is consequently a wide difference between certain schools as to the amount of apparatus provided for the teacher's use, a few being absolutely destitute, while others enjoy an abundant supply. In the case of non-vested schools, the want of apparatus is particularly felt, and most of the schools reported as indifferently or badly provided belong to this class. In the following Table, the schools stated to be well or fairly supplied possess, in addition to the usual stock of maps, a black-board,

so that in these books the character and habits of the teacher for the time being are more or less vividly portrayed. In consequence of the establishment of a large number of new schools, a majority of which were of the non-vested class, many teachers who had no previous instruction in the mode of keeping the books fell into errors which could not be corrected until the Inspectors had visited the school. From this cause some of the statistics relating to the number of children on the roll are approximate only; though in every such case a smaller number is stated than was actually attending the school. With the exceptions just noted, the great majority of the school registers are correctly and punctually kept, as may be seen from the subjoined Table. The incompleteness of the registers must be regarded as implying neglect, wilful or from ignorance, on the part of the teacher.

No. of schools in which the registers were correct	91
" " incomplete	9
" " incorrect	24
	124

VI.—MORAL CHARACTER OF SCHOOLS.

Punctuality.

In the majority of schools no grounds of dissatisfaction exist as regards punctuality, either in reference to the attendance of pupils, or the observance of proper time in conducting the operations of the school. This is the more gratifying, as some children have to walk a distance of three or four miles to school; and it is generally remarked, that those pupils who reside furthest from the school are the earliest in their attendance. Wherever a want of punctuality is observable, its existence may be traced to one of two causes—either the teacher is not sufficiently precise in his observance of rule as regards time, or the parents neglect, for their convenience or profit, to send their children to school at the appointed hour. The principal share of blame will probably attach to the teacher, who, if not earnest and diligent, as well as rigidly punctual himself, will fail to produce the desired impression upon the habits of his pupils. On the whole, considerable improvement has taken place in this particular since the date of last report. From the annexed Table the condition of the schools with respect to this subject may be gathered:—

No. of schools in which the punctuality is good or fair	79
" " tolerable or moderate...	20
" " indifferent or bad	25
	124

Regularity.

In this respect no improvement can be reported; it is even doubtful whether the irregularity does not become greater every year. This is one of the greatest obstacles to the success of any scheme of education. It is an evil pervading all schools, some to so great an extent as to nullify all the exertions of the teacher, and to render ineffectual all efforts for the improvement of the character of the instruction. There are schools in which the pupils attend for less than half a year, while in others they are sent at such times only as the caprice or convenience of parents may dictate. It is unnecessary to enlarge upon the evils of such a state of things even as regards the children themselves, for it must be obvious that distaste for continuous thought, and consequent desultoriness or vacuity of mind, can be the only results. It is lamentable to think that when all has been devised and executed that can conduce, under existing circumstances, to render school instruction valuable, and to place it within the reach of all, this fatal bar should interpose to prevent its reception by the classes to whom it is most necessary. The difficulties which surround this question are undoubtedly very great, and the prospect of a reasonable solution seems to be far distant; yet, while the state of things above-mentioned continues, while parents persist in depriving their children of one of their most valuable rights, and thus retard the progress of the country, and prepare future difficulty and danger to the public peace, it is well nigh useless to legislate for systems of education, to rear commodious buildings, provide able teachers, and supply sound instruction. These can only fail to produce satisfactory results, unless the attendance of the pupils for a certain number of hours daily can be effectually secured. At present there appears to be but one feasible mode of accomplishing that object—by a measure bordering upon compulsion. Although ungrateful to the feelings of a free people, the conviction

conviction seems to be gaining ground among all who are conversant with the state of matters in the country as regards school attendance, that in no other way can children be kept at school with sufficient regularity to ensure their receiving even the rudiments of education. And yet a measure containing even a slight admixture of the compulsory element would press severely upon some classes of the community. The farmer, whose land must be cultivated and crops gathered in by his own labour, assisted by his children, would be ruined if deprived of that help, because he could not afford to pay for hired labour, even if it were procurable. It is not merely the amount of the school fee, but the sum to be disbursed for the labour substituted for that of his children, that makes a parent pause before sending them to school. It is true that the parent is bound to educate his child, and that the latter has a right to proper instruction. But the duty of providing bodily necessities must first be discharged, and is paramount to all others; and this the parent cannot in many cases perform without the aid of his children. This then is one of the most difficult problems with the solution of which any community can be concerned. The question is, how can an adjustment be brought about between the claims of the State for the education of its citizens, and those arising out of parental necessities. The nearest approximation to a settlement of this question would, perhaps, be found in the adoption of a half-time scheme, which would leave children free to attend school for a given number of hours per diem, while it would not trench too deeply upon the amount of assistance they were required to give in the labours of the field or workshop. Experience in the agricultural schools of the Mother Country has shewn that labour and instruction need not be antagonistic in their demands upon the child's time; that they may be carried on co-ordinately, not merely without detriment to either, but with positive advantage to both; and that as much work could be performed and as much instruction imparted, under this arrangement, as could be accomplished in either respect under the existing system. It is open to discussion, however, whether the time has arrived for the introduction of such a scheme. The passing of a Land Bill would materially affect the present distribution of the population; and under the altered circumstances, new conditions may be developed, which would possibly render such a step unnecessary, or, on the contrary, call for a measure much more stringent in its provisions. In the mean time all the indirect methods of increasing the regularity of attendance must be diligently employed. By improving the character of the instruction; by demonstrating its value, as well in an intellectual as in a material sense; and by reasoning with parents, and impressing upon them the expediency, the usefulness, the duty of educating their children, some good will be effected, which will be further increased by directing public attention to the subject, and eliciting expressions of public opinion. It is not impossible that the more general introduction of labour-saving machinery into agricultural operations may result in rendering the demand upon children's time less urgent, and thus contribute to remove the principal obstacle to their regular attendance at school. The following Table exhibits the character of the attendance at school, after making some deduction for irregularity, occasioned by sickness, bad weather, floods, and the requirements of special seasons, such as harvest. It may be remarked that after making every allowance for these and other circumstances, the attendance in at least twenty schools must be deemed exceedingly irregular.

No. of schools in which the regularity is good or fair.....	59
" " tolerable or moderate	22
" " indifferent or bad ...	43
	124

There is little to complain of, and much to cause gratification, in the condition of Cleanliness. National Schools as respects cleanliness; and when it is remembered that many new non-vested schools are comprised in the list of those reported upon, it may fairly be concluded that they still continue to improve in this particular. In the greater number of schools the children are cleanly in person, and decently, though humbly, clothed. The girls still maintain their superiority over the boys. In the few cases in which defective cleanliness was noted, the fault could be distinctly traced to some neglect of the teacher, in his own person, in the schoolroom, or in the amount of attention devoted to the appearance of the pupils

Instances are unknown in which teachers failed to cure this defect, when they sincerely and resolutely set themselves to remove it, by precept and example.

No. of schools in which cleanliness is good or fair.....	101
" " tolerable or moderate...	14
" " indifferent or bad	9
	124

Order.

This is a subject of the highest importance. It includes all those considerations which may be supposed to influence the formation of orderly habits, or to bear upon the proper regulation of the will. Under this head, therefore, will be comprehended such matters as the arrangement of school furniture and apparatus, the manner in which the school business is carried on, the conduct and demeanour of the pupils, and the moral tone of the establishment. In this view, the order of the school will mainly depend upon the teacher's personal character; upon his professional knowledge and skill; upon his energy, patience, and resolution; and upon his love of order, sense of propriety, and capacity for government. To obtain good order, it is necessary that the school should possess a good organization. Every teacher, therefore, who is acquainted with his duties, and disposed to perform them faithfully, will so arrange beforehand, that all the pupils can be supervised from his position in the school without interfering with his main business of teaching. He will have all necessary materials in readiness, so that, when required, no confusion or delay may encourage noise and irregularity; full and appropriate occupation will be provided for all his pupils, since in school idleness is the sure precursor of disorder; and his own example, in manner, posture, and tone of voice, will be subdued, decorous, and earnest. In a school which can legitimately be characterized as orderly, the furniture, books, and other material appliances are well arranged in their proper places; the operations of the school are carried on with system, precision, and decorum, but without noise; the conduct, manners, and demeanour of the pupils are respectful and well regulated; and their application to their studies is earnest and diligent, and their attention close and well sustained. There will further be an appearance of quiet energy and settled industry, which indicates that the pupils are absorbed in their proper business, because the performance is both a pleasure and a duty. Judged by this high standard, few schools will be found to attain it, although some make a fair approximation. More satisfactory results could be obtained than are recorded in this Report, were teachers generally fully persuaded of the importance of the subject, more skilful in detecting the indications of disorder, and more prompt to prevent the evil, instead of endeavouring to cure it, after it has been allowed to gather strength. In adopting a low standard in this respect, teachers have overlooked the fact that many children are under no restraint except when at school; that their wills and tempers undergo no curbing and training at home; and that their only chance of growing up into orderly citizens, obedient to law, and capable of exercising a rational self-control, arises out of the disciplinal treatment they experience in the schoolroom. Even in the case of children whose home training is in accordance with right reason, the orderly habits acquired or confirmed at school, the power there conferred of governing their inclinations and passions, and the deference there taught to the legitimate wishes and feelings of others, are valuable moral gifts, calculated to increase, if not to produce, the happiness and well-being of the future citizen. The subject has been enlarged upon in this place, because the State has a right to expect results of the kind above described from the expenditure of public money on schools. With these views of the nature and importance of order, the condition of National Schools may be estimated, in general terms, as fair. The same judgment may be pronounced in reference to the moral tone of the schools, though exception must be taken to that puzzling peculiarity of character, the excessive timidity of the pupils in some country schools. All the Inspectors find it still in existence, and all complain of it as one of their most trying difficulties. Little or no improvement is yet observable in this respect—a result for which the teachers are mainly responsible.

No. of schools in which the order is good or fair	80
" " " tolerable or moderate.....	38
" " " indifferent or bad	6
	124

By

By this term is meant the means by which a teacher rules his school, whether by Government. corporal punishments, moral suasion, or a combination of the two. Implicit obedience is essential to the proper management of a school; and in cases where it is refused or yielded reluctantly by the pupils, the master must be prepared to enforce it by physical or moral influences. An earnest, skilful teacher would employ the latter means, unless in extreme cases of decided insubordination. Three requisites are demanded in the teacher who would rule by moral suasion: knowledge of the tempers and dispositions of his pupils, mildness in his manner and considerateness in his conduct towards them, and great firmness and decision of character. Should a school exhibit evidence of being ruled by moral influence, it may be inferred that the teacher possesses these qualifications, and employs them in the actual government of his school. In a majority of National Schools, moral influence has been adopted as the rule of government, corporal punishment being resorted to only in extreme cases, and after milder measures have failed to accomplish the end desired. Speaking generally, the government of the schools may be described as mild, and the amount of corporal punishment at the minimum. The language and demeanour of the teacher to the pupils are, on the whole, distinguished by propriety. In four schools the government is reported to be above the average in point of severity, while thirty-four are distinguished by too great mildness, and the absence of necessary firmness and energy. In two cases the government is positively feeble and useless.

VII.—INSTRUCTION.

Under this head may be included certain arrangements which the teacher must make before commencing to teach. These are the classification of the pupils, and the proper distribution of their occupations. The fundamental principle of classification in public schools, conducted in accordance with the plans pursued in National Schools, is, that all the children in the same class shall closely approximate to a given standard of attainments, and shall all have acquired the same mental stature. Where this principle is duly observed, the instruction addressed collectively to the class is appropriate to the wants of each pupil, and all share alike in the advantages of the master's teaching; but where overlooked, or set aside, the scholars can no longer participate in the instruction upon equal terms, since that information which is adapted to the more advanced is too difficult for the remainder. The difficulties in the way of carrying out this principle of classification are acknowledged to be great, and arise from two different causes. One of these is the small number of pupils attending some country schools. Where this is the case, the attainments of the pupils will vary to a great extent, and the number nearly on an equality in respect of intellectual development will be very small. But the most important obstacle in the way of a perfect classification is the want of skill and experience on the part of the teachers, especially those of recent appointment in non-vested schools. To assist them as far as practicable, a standard of acquirement for each class has been provided in the "Table of Minimum Attainments," and it has been found that when this guide has been followed, in spirit as well as in letter, the classification has been the best possible under the circumstances. Even in cases where the teacher is alive to the importance of a good classification, and has endeavoured to secure it to the best of his ability, it not unfrequently happens that his plans are completely reversed by the irregularity of the attendance, and he finds, after three months' labour, that a portion of the class have made satisfactory progress, while the remainder, from repeated absence from school, have profited nothing. Leaving out of view the instances in which the teacher has not exercised sufficient care in his classification, but had advanced to a higher class pupils of varying capacity and diligence, there will be found examples of error arising from the desire to make an appearance of progress, or from the wish to please parents, who, not seldom, are the worst judges in such matters. A comparative view of the condition of the schools inspected, in this particular, is given in the following Table:—

No. of schools in which the classification is good or fair	75
" " " tolerable or moderate ...	24
" " " indifferent or bad	25
	124

The classification and occupation of the pupils usually go together; the one must be skilful or the other can be productive of but little benefit. In National Schools, the occupations

pations of the pupils are defined in the Time Table, constructed by the teacher in accordance with the requirements of the "Table of Minimum Attainments," and suspended on the wall of the schoolroom. In the Time Table, provision is made for the full employment of pupils in appropriate tasks, for the equitable distribution of school time among the various subjects of instruction, and for the arrangement of the lessons in such order that the change from one to another shall take place at regular intervals, and have the effect of relieving the mind of weariness and monotony. At the same time, it will be so arranged that a due proportion of the teacher's direct instruction and personal supervision shall be allotted to each class. The construction of a good Time Table is therefore a work of some difficulty, requiring much consideration and experience for its successful accomplishment. On the whole, the occupations of pupils in National Schools are judiciously arranged, and the Time Tables, by which the operations of the schools are supposed to be regulated, are faithfully observed.

No. of schools in which the arrangement of the Time Table was good or fair	73
" " " " tolerable or moderate...	26
" " " " indifferent or bad	25
	124

Subjects. The subjects of instruction designated *ordinary* are taught in all National Schools. These are Reading, Writing, Arithmetic, Grammar, Geography, Needlework, and Scripture History. In a large number of schools, Lessons on Objects are also given. Other branches receive attention in cases where the teachers are qualified, and the pupils are sufficiently advanced to warrant the necessary expenditure of time. But owing to the strong tendency existing among parents to remove children as soon as their services can be made available at home or in the field, there are few schools at which the pupils remain sufficiently long to be capable of entering upon the study of the higher branches. The following Table exhibits the number of schools in which extra subjects are taught:—

Vocal Music	17
Outline Drawing	9
Algebra	4
Mensuration	2
Geometry	5
Latin	5
French	4

A considerable improvement is therefore manifest since 1858 on this head. The number of pupils receiving instruction in each of the ordinary subjects is given below:—

Reading	6,889
Writing	5,977
Arithmetic	5,283
Grammar... ..	3,259
Geography	3,954
Needlework.....	1,851

The fact that all the pupils do not learn writing and other subjects may be accounted for by the circumstance that some of them are too young to receive instruction in these branches.

Methods. By a method is meant such a mode of imparting knowledge as is best adapted to ensure its comprehension by the pupil, while at the same time it properly exercises his intellectual faculties, and tends to promote their training and development. A correct method will be based, first, upon the nature of the subjects to be taught; and, secondly, upon the special faculties to be called into exercise. In this view there are two classes of methods—analytic and synthetic; the former descends from general results and principles to special facts and details; it is, on the whole, best suited to pupils who have made considerable progress. The synthetic method, on the other hand, begins with individual facts and elements, and proceeds constructively until general results or principles are arrived at; it is best adapted for beginners. The methods in actual use partake more of the analytic than of the synthetic character, and hence are frequently not the best adapted to the pupil's capacity. On the whole, the amount of skill displayed in the choice and employment of methods cannot be regarded as high, except in comparatively few cases, where the teachers have

have undergone a more thorough training for their work. The most striking defects are the want of logical arrangement in the matter of the lessons, the absence of a well defined purpose or object, and lack of skill in framing questions. When these characteristics prevail to such an extent as to form the most prominent feature in the instruction, the teaching is said to be mechanical. In giving a lesson, a teacher deficient in energy and skill would be likely to communicate a few isolated facts, having no logical relation or connection with each other; he would fail to observe whether his instruction was received by the pupils, comprehended, and made their own; and by way of examination, he might ask a few objectless questions, requiring no exercise of thought, and utterly valueless as mental discipline. Mechanical teaching of this nature is commonly practised by those among the teachers of non-vested schools, who have never undergone a course of training for the profession, and whose knowledge of the art of teaching is merely empirical. It is but justice to give them credit for an evident desire to increase their knowledge of method, and their practical skill; and, indeed, in many cases visible improvement in these particulars has already been effected. Having regard to all the circumstances attaching to the schools, the quality of the methods employed may be thus estimated:—

No. of schools in which the methods are good or fair	46
" " moderate or tolerable ...	44
" " indifferent or bad	34
	124

As before remarked, the amount of instruction given in National Schools is, in a measure, determined by the "Table of Minimum Attainments"; and it may be further stated, that the quality of the teaching is regulated by the same means. One principal object of that table is to guard against any tendency to desultory and unsystematic teaching, and to secure for each pupil that continues sufficiently long at school, the benefits of a thorough training, by conducting him through a well defined and properly graduated course of instruction. By requiring in all National Schools uniformity of practice as regards the leading features of this course, this further advantage is gained, that the transference of a pupil from one school to another does not occasion any interruption in the process of education through which he is passing, but enables the teacher to carry him forward from the point already attained, without stoppage and without deviation from the path. The utility of the "Table of Minimum Attainments" has never yet been adequately appreciated even by teachers. If we suppose a boy to enter a tolerably efficient National School at the age of seven years, and to remain in regular attendance until he is fifteen, he ought at the expiration of that time to have received a thoroughly good English education. He should be capable of reading an ordinary English book with ease, fluency, and expression, and at the same time with perfect comprehension of its design and meaning. He should be able to express his ideas in neat and legible handwriting, clearly and grammatically, with correct spelling, punctuation, and style. He should have acquired such a familiarity with the principles and practice of arithmetic as to be able to solve any of the questions likely to arise in the actual business of life, especially those in which the merchant or the artizan is interested. He should be acquainted with the physical features of the various regions of the world; their natural productions, whether animal, vegetable, or mineral; the character of their human inhabitants, and their forms of civilization; their cities and towns; their commerce; and, in particular, their relations to his own country. To these may be added, under favorable circumstances, some knowledge of the elementary parts of Latin, mathematics, and physics, together with drawing and vocal music. That the education designed to be placed within the reach of the children attending National Schools is so seldom realized to its full extent is a fact, however much to be regretted, susceptible of easy explanation. Three circumstances concur to produce this result. Stated in the order of their importance, they are, miscalculation of the value of such education by the parents, irregularity of attendance on the part of the pupils, and inefficiency, arising from defective knowledge or skill, on the part of the teacher. In the better sort of schools these difficulties have to some extent been overcome, experience having shewn that under certain circumstances they are mutually dependent, and that the removal of one leads gradually but certainly to the partial cure of the others. In such schools, the development of mental power—the aim of education in one of its aspect

aspects—is made the primary object of solicitude. Knowledge is imparted to the pupil not merely for its own sake, or on account of its so-called utility, but also because it ministers directly to the growth and expansion of the intellect, as material food nourishes and supports the body. The power of sustained attention and of independent thought, gained by pupils whose instruction is conducted in accordance with this view, are two of the most valuable qualities that could be imparted to them, and which must influence their future success in life. In striking contrast to these superior schools are some, chiefly non-vested, which have been too short a time in operation to allow the teachers to acquire sufficient knowledge and skill to carry out elevated views of their profession. It not unfrequently happens in such schools, that while there is some learning, the teaching will be unworthy of the name, comprising little more than a dull mechanical round of procedure, void of both profit and interest to the pupil. The higher objects of education being thus kept out of view, the pupils are at a loss whenever called upon to answer questions requiring exercise of thought, and hence many persons would suppose them to be more ignorant than is really the case; even when skill and industry are combined, and the pupils are regular in their attendance, it will sometimes occur that very little progress is made in any subject. The pupils, it may be, have failed to give the necessary constant attention, and sometimes they appear to sink into a kind of intellectual lethargy, from which they can be aroused only with great difficulty and care. The following remarks will exhibit the character of the instruction in detail:—

READING.—All the children attending National Schools are taught to read; the importance of the subject is therefore practically acknowledged, though vague and partial notions still prevail to a great extent as to its proper place in the course of instruction, and as to the most judicious mode of treatment. It may be said, in general terms, that teachers proceed upon one of two hypotheses, they either regard reading as a purely mechanical exercise, simply requiring the enunciation of certain sounds without reference to their meaning, or they look upon it as one of the most efficacious instruments in cultivating the ability to reflect. The distance between these extreme views is occupied by teachers of various degrees of merit, whose instruction approximates with more or less fidelity to one method or the other. Perhaps the more general tendency is towards the mechanical mode of procedure. In schools where this mode prevails, the lessons are read over with no great attention to distinctness of enunciation, correctness of emphasis, or appropriateness of expression, and then the pupils are asked to spell a few words, or to answer a few questions that tend but little to elucidate the subject, or to encourage mental activity. In the less numerous class of schools, the reading lessons are treated in a more thorough and systematic style. While great attention is paid to the mechanical department, the mental bearing of a lesson is made the subject of special consideration. The pupils are called upon to give the meanings of words and phrases, to find synonymous terms, and to express in their own words orally, or in writing, the sense of selected passages. Peculiarities of grammatical construction, or of style, are pointed out and explained; and questions are proposed on the subject matter of the lesson until the information it contains is completely mastered. Thus the two higher ends of reading—the acquisition of knowledge and the expansion of the mental faculties—are both subserved, and the exercise becomes one of great value. Unfortunately for the true interests of education, reading is a subject upon which parents too often profess ability to judge. Most frequently they are satisfied with mechanical reading, and they are unable to form a just conception of the proper mode of treatment. Hence discontent is often felt and expressed with the conscientious teacher who endeavours to carry out right principles, and whose pupils appear to the ignorant to progress slowly and unsatisfactorily. On the other hand, the praise frequently and unsparingly awarded by the unreflecting to those who teach mechanically, and whose instruction is worthless as a means of intellectual culture, is a direct premium upon unfaithfulness, and an effectual bar to improvement in method.

WRITING.—This is one of the branches in which the proficiency is of a more satisfactory character. In general it is very fairly taught, and even in cases where the actual skill in writing is regarded as moderate only, the cleanness and care with which the books are preserved speak favorably for the attention of the teachers. It is not unusual for the teacher in the better description of schools to give oral instruction to a class collectively upon the proper mode of forming and joining letters, and their relative proportions, together with
illustrations

illustrations of the difference between good and bad writing. Where this is done regularly, and examples are written upon the blackboard, the happiest results have followed. The subjects of the copies written by the pupils are frequently moral maxims and proverbs; but as these appeal to a mental and worldly experience far in advance of that possessed by children, they can scarcely be deemed appropriate. The more skilful teachers use geographical, historical, and other interesting facts, as subjects for copy lines, as being more likely to be understood. The junior classes appear to receive somewhat less than their due share of attention, the slates and copybooks sometimes exhibiting evidences of the want of minute and careful inspection, though this error is rapidly on the decline.

SPELLING.—The writing is often associated with the reading lessons. After a lesson has been thoroughly explained and read by the pupils, they are required to reproduce upon their slates in their own language the substance of the information they have gained. By this means habits of thought and attention are induced; the lesson previously read is fixed upon the mind; the pupils acquire facility of expression; and the correctness of their orthography is tested. In respect of the last-mentioned point, this exercise is supplemental to the ordinary dictation lessons, by which spelling is usually taught. The plan of giving children columns of spelling to learn is rarely resorted to, being confined to schools of which the teachers have had no opportunity of becoming acquainted with the methods adopted in National Schools.

ARITHMETIC.—The instruction in this branch still retains much of the mechanical rote character, and has, less than any other subject taught in National Schools, shared in the general advance as regards methods. The working by set rules, without any explanation of the principles upon which they are founded, is the most frequent mode of procedure in teaching this subject. Arithmetic still continues to be treated merely as an art, without any recognition of its claims as a *science* to a prominent position in every course of instruction. The consequences of this mode of treatment are that the progress of the pupils is slow, unsound, and partial, and the educative influence of arithmetic taught demonstratively is lost. In all cases where the teaching of this subject has been founded upon principles, the results have been of a gratifying character; but where this condition has not been observed, the attainments of the pupils are meagre and unsatisfactory. The greatest amount of deficiency is observable in the junior classes; but all, even the highest, are, in most schools, imperfectly acquainted with some branches, notation being one of those most frequently not understood. Some teachers appear to experience great difficulty in adapting their instruction to the capacities of the younger pupils, and in removing the obstacles to the comprehension of the subject, arising out of its abstract nature. Hence the character of the instruction is less suitable in the case of the younger children than in that of the more advanced pupils. In no branch of school instruction is the irregularity of the attendance found to have so injurious an effect as in arithmetic. The inequality of attainments, consequent upon frequent absence from school, destroys the classification; and the teacher, instead of giving collective instruction to the whole class by a demonstrative method, is compelled to occupy his time with individuals, and is thereby reduced to the necessity of employing rote methods. Of course the ultimate result is that the quality of the instruction itself is deteriorated, and that more individual teaching is practised in this subject than in any other. Mental arithmetic does not yet receive such general and thorough attention as its importance deserves. In addition to its use in business transactions, it is one of the most effectual means by which the mind may be trained to habits of rapid and sustained thought, and by which the memory is strengthened and the perception sharpened. It is therefore to be hoped that teachers will not any longer defer the systematic teaching of this subject.

GRAMMAR.—Although this branch continues to be well treated by the superior teachers, much remains to be accomplished before it can be considered as efficiently taught by the majority. The want of definite logical purpose is perhaps more evident in the teaching of grammar than of any other subject. There are two points of view from which grammatical studies may be regarded: first, as the art of using a language correctly, in speech and in writing; secondly, as a mental discipline of the highest kind. In neither case are the results, generally speaking, of a satisfactory character; for it is found that the pupils

pupils possess but a limited acquaintance with the principles of English grammar, while, as an aid to development, the instruction in this subject must be considered as having failed. Besides the irregularity of the attendance, the following causes have contributed to produce the results now recorded:—want of complete and comprehensive knowledge on the part of the teachers; use of inappropriate text-books; and absence of well defined purpose, giving rise to neglect of systematic arrangement of lessons. The only effectual remedy for this want of progress, so far as it is produced by their inefficiency, would be the more thorough training of teachers.

GEOGRAPHY.—Generally speaking, this is a subject in which the pupils feel much interest, though there are yet to be found parents who object to have their children instructed in it. Considering the nature of the subject, and the many points of attraction it presents when treated with ordinary skill, a respectable amount of proficiency was to be anticipated, and the expectation has to some extent been realized. With one special defect, the teaching in a majority of schools was fairly skilful and efficient, interesting, but profitable, as opening up to the pupil almost unlimited sources of inquiry and reflection. In some schools, particularly those recently established, in which the teachers had but little experience, the instruction was deficient in point and appositeness; it was of too general a character, and often aimed at accomplishing too much. But the great defect pervading all the schools, with very few exceptions, was the fact that sufficient prominence was not given to the principle of making geographical knowledge commence at home, proceeding from the known to the unknown. In accordance with this view Australian geography would have received the first attention of the teacher; but it was sometimes found that pupils who were well acquainted with the map of Europe, or of the World, had formed no definite idea of the position, size, and character of the river upon the banks of which they were located, and seemed utterly ignorant of even the most striking features of the surrounding district. The want of a good school map of New South Wales probably occasions this defect in some degree, and is also its excuse.

OBJECT LESSONS.—The design of these lessons is to cultivate the pupils' powers of perception, comparison, and reflection, by giving information on matters falling within their sphere of observation, or within the compass of their reasoning faculties. When properly carried out these lessons are found to be full of interest, useful in training the mind to habits of fixed attention, and valuable for the mental exercise they afford—not to mention the worth of the information conveyed. It is therefore somewhat surprising that object lessons should be seldom taught in country schools, and still more, rarely taught well. The explanation must be sought in the character of the teachers, many of whom doubtless experience considerable difficulty in conveying the instruction in a clear, connected, and interesting manner; first, on account of their own lack of information; and secondly, from the circumstance of not being trained to the profession. Of the necessity and advantage of object lessons there can be no question. The powers of observation are remarkably low in country children. They appear to witness the operations of nature in the various seasons, and to gaze upon natural phenomena without interest or concern; the position and mode of growth in plants, and the nature and habits of animals seem to be considered unworthy of a thought; and even with regard to the processes of agriculture or manufacture, carried on under their own eyes, they appear to be utterly destitute of rational curiosity and the spirit of inquiry. To rouse them from this listless apathy—to excite in their minds a feeling of admiration of the works of nature—and to implant in them a desire to study and understand them, would be a work of great public utility, and ought to be considered by every teacher as an imperative duty.

SCRIPTURE.—Generally an hour daily is devoted to this subject, in the case of pupils able to read the Scripture lessons. The substance of these works, and especially of No. 1 of both Old and New Testament series, is familiar to the elder pupils. The General Lesson is regularly read in the schools, and its principles explained, though in many cases its real spirit is, as yet, but imperfectly understood. A more correct appreciation of its scope and design, and much greater sincerity in bringing them home to the children's minds, are needed, in order to produce much benefit from reading the General Lesson.

From

From the subjoined Tables the actual proficiency of the children examined may be ascertained :—

ACTUAL PROFICIENCY OF PUPILS	I.—READING.				II.—WRITING.			
	No. of Pupils Able to Read.			Totals.	No. of Pupils Able to Write.			Totals.
	Mono-syllables.	Easy Narrative.	Ordinary Prose.		On Slates.	In Copy-books.		
Indifferent	889	522	389	1,800	Indifferent	1,564	790	2,354
Tolerable	1,102	906	503	2,511	Tolerable	1,188	1,323	2,506
Fair to Good	877	579	622	2,078	Fair to Good	483	634	1,117
Totals	2,868	2,007	1,514	6,389	Totals	3,230	2,747	5,977

ACTUAL PROFICIENCY OF PUPILS.	III.—ARITHMETIC.				IV.—GRAMMAR.			
	No. of Pupils Learning Arithmetic.			Totals.	No. of Pupils Learning Grammar.			Totals.
	Simple Rules.	Compound Rules.	Higher Rules.		Elementary.	Advanced.		
Indifferent	1,587	338	124	2,049	Indifferent	868	255	1,118
Tolerable	1,504	422	347	2,273	Tolerable	661	383	1,044
Fair to Good	613	220	128	961	Fair to Good	673	424	1,097
Totals	3,704	980	599	5,283	Totals	2,197	1,062	3,259

ACTUAL PROFICIENCY OF PUPILS.	V.—GEOGRAPHY.		
	No. of Pupils Learning Geography.		
	Elementary.	Advanced.	Totals.
Indifferent	1,587	225	1,812
Tolerable	1,017	381	1,398
Fair to Good	352	392	744
Totals	2,956	998	3,954

VIII.—LOCAL SUPERVISION.

In many schools the local supervision is merely nominal; in at least two-thirds the visits of local patrons are irregular, and therefore ineffective, and in comparatively few are they competent and punctual in the discharge of their duties. In the schools where the local Boards are properly organized an arrangement is made by which they visit the school together, or singly in rotation, not seldomer than once a month; but it not unfrequently happens that when some of the patrons absent themselves or remove from the district, the duty of supervising the school is neglected, being thrown upon a few individuals, who, from the pressure of business, or the urgency of other demands upon their time, are not always able to attend to the interests of the school. It is unfortunately too common to hear complaints from the teachers of the apathy of local patrons, and though the former are perhaps often unreasonable in their expectations, their representations are not inconsistent with fact. Some of the weak points in the local administration may, perhaps, be traced to the inherent defects of all voluntary organizations, and especially to the absence of power to raise money otherwise than by local subscription; and these are found to exist in other countries besides New South Wales. Even in Canada and some other American States, where the local oversight of schools is entrusted to the municipal authorities, who have power to levy rates for school purposes, similar difficulties have to be encountered. But a more serious defect than the want of interest in the schools is the unsuitability of some of the persons chosen to act as local patrons—a defect which becomes more apparent and more injurious in proportion to the increased efficiency of the schools in other respects. When individuals that are deficient in the necessary qualifications are elected members of a local Board, besides the mischief arising from the low conception they

form of their duties, they are frequently found to be unreasonable and impracticable, even in matters obvious to persons of common sense; and the injury they occasion, by the obstructive line of conduct they pursue, militates very perceptibly against the prosperity of the school. In a few instances, in which the local patrons are in other respects highly suitable, dissensions and party spirit have prevented them from acting with unanimity; and as a natural consequence of divided feeling, the supervision of the schools was neglected, or performed in an unsatisfactory manner. These two points, then, tend to hinder effective local supervision:—first, the difficulty of obtaining individuals of the right spirit and qualifications for the office; and secondly, the difficulty of securing their united and harmonious action for any lengthened period. Until a remedy can be devised for these evils, it is doubtful whether the local supervision can ever become really beneficial in the majority of schools, although, from the circumstances of the country, it cannot be dispensed with.

IX.—TEACHERS.

Position of
teachers.

It has formed one of the most conspicuous features in the policy of the Commissioners, in their administration of the National System, to secure for the teacher that position of comfort and respectability to which his honorable and valuable services entitle him; and, further, to raise up a class of teachers who shall be worthy in character, conduct, and ability, of the improved condition thus attained. While very considerable success has attended these efforts, and the position of National School Teachers possesses many of the desired advantages, it must be confessed that great improvements must be effected before a satisfactory state of things is arrived at. It is not surprising, therefore, that much discontent prevails among teachers. Some of the grounds of complaint are inevitable, and so far from being peculiar to the teacher's position, are such as fall to the lot of every one; while others are self-imposed, being the result of a want of ordinary tact and prudence. The real causes of dissatisfaction are the following:—The wretched character and condition of their dwellings; the annoyances attendant upon the payment of school fees; the interference of parents; the irregularity of the pupils; and the neglect or opposition of the local patrons. On the first of these heads, complaint is very reasonable. Leaving out of consideration the want of material comfort to himself and family involved in residence in a miserable slab hut, the teacher feels that it destroys his prestige; that he is regarded by the people as on a level with themselves, if not inferior; and that he loses their respect accordingly. His opinion on school matters is thus deprived of the weight of authority, for people will seldom attach much importance to the dictum of their equals or inferiors. This unpleasant state of feeling is greatly aggravated by the contentions arising out of the payment of school fees, under the existing arrangements. If the teacher be a high minded man, he can hardly avoid being shocked and disgusted by the meanness and injustice to which he is subjected, even by persons who cannot truly plead poverty in excuse for their niggardliness. From this fertile source of quarrels spring nearly all the more serious misunderstandings between teachers and parents, and probably their mutual feeling is greatly embittered by the very paltriness of the matter in dispute. Great annoyance is also occasioned by the interference of the parents with the conduct of the school. They profess at times to give directions as to the proper mode of managing the school, and the employment of particular methods; or they desire the teacher to place their children in classes for which he considers them unfit; or they command him to desist from teaching certain subjects. Should the teacher decline compliance with these unreasonable demands, and continue to follow the dictates of his judgment, offence is taken, and frequently the children are removed from the school in consequence. It is evident, therefore, that the more enlightened and conscientious the teacher, the greater will be his risk of giving offence, while the greater must be his impatience of dictation. The irregularity of the attendance has already been adverted to, and it is, in this place, only necessary to shew how it affects the teacher's position. If he be a man of ability, earnest in his teaching, and anxious for the improvement of his pupils, he will feel acutely their want of progress, and the fruitlessness of his labours in their behalf; and, if at all susceptible on the score of reputation, he will suffer from being exposed to invidious remark on the ground of his failure. Lastly, when not supported by the local patrons, all these grievances are intensified, and the teacher experiences the necessity of contending unaided against a host of difficulties. But should the local patrons, from ignorance, pique, or misconception, oppose the teacher, his position becomes one of intolerable misery, in spite even of the alleviation of his

his suffering caused by the recognition of his services by his Inspector. Some improvement will doubtless be produced in this unsatisfactory state of things by the gradual progress of public opinion; but inasmuch as most of the complaints originate in imperfections of the system itself, no full and complete remedy can be expected, unless from the establishment of a general system of education from which the defects alluded to can be excluded.

The income of National School Teachers is derived from two sources. There is first the fixed salary paid by the Board, and ranging in country schools from sixty to one hundred and forty-four pounds per annum; and secondly, the local contributions in the shape of school fees, together with a residence. The average amount of salary received by the teachers is £92 8s. 8d., and of school fees, £52 19s., making a total of £145 7s. 8d. In estimating the value of the residence, regard must be had to the amount and character of the accommodation it affords. In some instances the dwelling must be considered absolutely worthless; in many cases the amount of accommodation is limited to two small rooms; and where, as generally happens, the teacher has a family, this want of space is not consistent with common decency, much less with comfort. In the schools recently created, the provision for the teacher's accommodation is more ample, and the building is generally well finished and impervious to the weather. In country schools, the salaries of teachers depend upon their classification, a lower scale being adopted in the case of non-vested schools. Opportunities are given of obtaining a higher classification, so that teachers have it in their power, by increasing their qualifications, to improve their pecuniary condition and to raise their standing in the Board's service. The amount paid for school fees is small, and bears no reasonable proportion to the means of most parents. But even this small sum, reduced as it is by the irregularity of the pupils' attendance, is paid grudgingly, and sometimes withheld altogether on the most frivolous pretext, although fixed by the local patrons at the lowest possible rate. In such cases, the teacher must be content to bear the loss in silence, for if he had recourse to his only means of redress—a Court of Justice—he would probably find himself ruined by the withdrawal of all his pupils and the breaking up of his school. Instances have occurred in which ignorant people have refused to pay school fees on the ground that the teacher had a "splendid" salary from the Government, when perhaps the whole of his income fell short of the wages of a mechanic.

With scarcely an exception, the teachers of National Schools are persons of good moral character, earnest, attentive, and industrious. Their attainments vary considerably, but in the main may be regarded as tolerably satisfactory. The following Table exhibits the relative qualifications of the teachers, as indicated by their classification:—

Number of Teachers holding Certificates of—

	Section A.	Section B.	Total.
First class ...	1	5	6
Second class ...	18	24	42
Third class ...	26	28	54
TOTAL ...			102

Number of teachers not holding certificates, 45.

The possession of a third class certificate would guarantee that the holder was able to read with fluency and correct emphasis; to write neatly and legibly; and to express himself clearly in writing, with correct grammar and punctuation; and to parse and analyze simple sentences; to solve questions in arithmetic involving an acquaintance with decimals; and to give a comprehensive description of the more important countries in the world. In addition to these acquirements, he would have a good knowledge of the lesson books, and might therefore be supposed to possess some general information. The possession of a second class certificate presupposes all the foregoing qualifications in a higher degree, together with, in most cases, some knowledge of algebra and geometry, or of Latin; while for a certificate of the first or highest class, a more thorough acquaintance with the ordinary

branches

branches is demanded, as well as a fair knowledge of, at least, one special subject requiring diligent and successful study. There is a marked distinction between the teachers of vested and non-vested schools, as respects attainments; the latter being, as a rule, greatly inferior. This difference is being rapidly lessened, as teachers of non-vested schools are enabled to study and undergo examination, and in time will probably disappear altogether. The rule established in the commencement of 1859, by which teachers holding certificates lower than Class II, Section A, are required to undergo examination annually, has stimulated many to increased exertion in study; and its beneficial effects will, in all probability, be felt to a much greater extent. As regards practical skill in teaching, the results of the inspection are of a very mixed character. In this point of view, the teachers may be arranged in three groups; the first and least numerous of which consists of teachers fully trained in the Mother Country or in the Colony; the second of teachers partly trained in the Colony; and the third of untrained teachers. The teachers of the first class possess a good knowledge of methods of imparting instruction, and of modes of conducting schools; those trained in the Colony, in the first place as pupil teachers and afterwards as assistants, being in no way inferior to the others. But by far the largest number possess but a limited acquaintance with method, and a few none at all. These teachers have in various degrees failed; their errors being those of judgment, arising from defective information. It is only fair to add, that most of them are making strenuous efforts to improve their qualifications, both as respects attainments and practical skill.

X.—SPECIAL SCHOOLS.

The Model
Schools.

The annexed Table shews the position of these schools, as regards the attendance of pupils during the year:—

	Average No. on the Rolls.	Average Daily Attendance.	Amount of School Fees Paid.		
			£	s.	d.
Fort-street School	910	622	1,170	5	1
William-street School ...	786	505	761	8	3
Cleveland-street School...	269	172	346	15	9
Paddington School	208	127	210	3	5
	2,173	1,426	2,488	12	6

No change of importance has taken place during the year, in the organization and discipline of the schools. The instruction also remains the same, with the exception of the increased prominence given to the subject of Drawing. In carrying out the arrangements for teaching this subject, the views and methods adopted by the Department of Practical Art in connection with the Board of Trade have been followed, as far as they are applicable to instruction in rudimentary drawing. The object has not been to produce artists, or even to give instruction in *art*, in the proper sense of the term; but rather to give the pupils facility in representing *things*, as by writing they express ideas. The intention was not to create a school of design, but to render universal an acquaintance with elementary drawing. It was felt that, independently of its value as an agent in general education, a knowledge of drawing was specially calculated to make better mechanics, artisans, and skilled labourers of all kinds. Every "carpenter who has to cut straight lines, every smith who has to forge them, and every bricklayer who has to lay them," will better perform their respective works by acquiring the power of using the pencil correctly and with freedom. Sufficient time has not elapsed since the experiment was initiated to decide positively as to its success, but the progress of the pupils has hitherto been very encouraging.

Training of
candidates.

During the year 1859, twenty-eight candidates for situations under the Board—eighteen males and ten females—have completed their period of training at the Model School. Out of this number, thirteen males and six females have succeeded in obtaining certificates

certificates of merit, and appointments to schools in various parts of the Colony. The following Table exhibits the number of each kind of certificate granted:—

Certificate.	Section A.	Section B.	Total.
Class I.	0	0	0
„ II.	1	4	5
„ III.	9	5	14

The average time of attendance has been two months; a period far too short, when the candidate has had no previous training, which is the case with the majority of those now under consideration. When it is remembered that, in the Mother Country, the period of attendance at a training school varies from one to three years, the existing arrangement can only be regarded as an approximation to a plan for securing an efficient staff of National School Teachers. To attain so desirable an end, each candidate ought to remain at the Model School for at least six months. The chief obstacle to the immediate adoption of such a course lies in the fact of its expensiveness. The circumstances of the Colony are peculiar. Many of the schools are situated in thinly peopled localities; and as a consequence, boys and girls are instructed together. It is obvious, therefore, that the only eligible candidates for such schools are married men, whose wives can take charge of the needlework and otherwise assist in the conduct of the schools. In the case of persons so situated, it generally happens that they are either unable or unwilling to bear the cost of maintenance during the time of training. It therefore becomes a matter of necessity either to dispense with their services altogether, or to grant them an allowance sufficient for the support of themselves and families, while passing through the necessary ordeal. This item of expenditure—supposing the period to be extended to six months—would involve an outlay of about sixty pounds for each married candidate, and about half that sum in the case of a single female whose services could be made available as assistant teacher in the larger schools. Besides, to carry out the systematic course which the extension of time would demand, it would be necessary that one or more teachers should be specially charged with the instruction of candidates; and therefore the expense would be increased by the addition of the salaries attached to such an office. The machinery called into existence for accomplishing such a purpose would be ample for the effectual training of teachers for all the primary schools in the Colony. Every true friend of education will admit that the establishment of one central training institution is an educational want that cannot be supplied too early. It may be worthy of consideration whether the candidate ought not to be called upon to bear at least part of the cost of his own training. The payment might be made by periodical instalments, after his appointment to a school. As a general rule, the candidates have striven to derive as much benefit as possible from the short period of their probation. A portion of each day has been devoted to private study, for which a room is set apart; they have also had free access to a library of educational works. Daily lessons in the ordinary subjects taught in National Schools have been given to them, and, in addition, they have attended the Normal Class Lectures, three of which are delivered in each week. Some of the lectures treat of the foregoing subjects in a more comprehensive manner than is attempted in the daily class, while others deal with an equally important question, viz.:—“The principles of Teaching and School Management.”

There is good reason to believe that, notwithstanding the limited amount of training now afforded, it is far better than no training at all, the experience of most candidates leading them to express a strong desire to remain for a longer period. The principal evil arising from so incomplete a course appears to be that, except in the case of persons of cultivated habits of mind, the candidate is apt to assume the mere externals of a teacher, rather than imbibe his spirit—in other words, to become a mechanical instead of a real and efficient instructor. It is here worthy of remark, that of the five candidates to whom second class certificates were awarded, one had been trained in the Mother Country, while the others were of the exceptional character just alluded to.

The success, as teachers, of persons circumstanced as the majority of candidates, must be regarded as very problematical. It will, in a great measure, depend upon their own exertions

exertions to work out the ideas acquired during their stay at the Model School, and also to supplement the acknowledged deficiency of their training. And here it may be observed, that in making such endeavours, they may expect to derive great assistance from the periodical visits of the Inspector of the District. In fact, the necessity for regular and frequent inspection is greatly enhanced by the imperfect opportunities afforded for the systematic and complete training of teachers for primary schools. It may also be observed that it is extremely difficult in so short a time to form a just estimate of a candidate's capability to conduct a school efficiently. Whilst being trained he is under constant supervision, and is subject to strict disciplinary regulations, being at the same time within a circle of influences calculated to stimulate him to some amount of enthusiasm; whereas when appointed—it may be to a school in a remote locality—he is naturally very liable to a reaction. The pressure has not been sustained for a sufficiently lengthened period to make its effect enduring.

District Model
Schools.

The establishment of these institutions had been urged from time to time, experience having demonstrated their necessity and usefulness; and early in last year an opportunity of trying the experiment occurred at Mudgee, where the existing National School was converted into a District Model School for the Western District. By making certain alterations in the school buildings they were adapted for the division of the pupils into three departments—boys, girls, and infants; each under a separate teacher, but subject to the general control and supervision of the Head Master. This school achieved very gratifying success in both points of view—as a superior primary school, and as a model school for the training of candidates.

Non-vested
Schools.

Among the schools inspected were forty-six non-vested schools. From previous portions of this report it will be observed that they are, in general, much inferior in every respect to the vested schools. In fact, as regards efficiency, they occupy a position similar to that held by vested schools five years ago, though they will probably improve at a much more rapid rate, inasmuch as the greater perfection of the arrangements for examining them, gives more frequent opportunities for pointing out defects and providing remedies. Many causes operate to favor the establishment of non-vested schools. In some localities no land can be obtained as sites for vested schools, the owners being unable or unwilling to alienate any portion of their property. But in the majority of cases the obstacle to the erection of a vested school is the want of sufficient funds, and this again arises from the poverty of the people. In very few cases has the establishment of a non-vested school been the result of denominational action; and, as might be inferred, the consequence is that these schools are never of a sectarian character, or conducted with a view to sectarian interests.

XI.—GENERAL RESULTS OF INSPECTION.

If the present degree of efficiency attained by National Schools be compared with their condition a few years ago, their advancement in every essential particular is evident, and calculated to afford much encouragement. Every year a gradual improvement is observable in the character of the material appliances, the discipline of the pupils, and their intellectual training; and though the progress is slow, it is, perhaps, not the less valuable on that account. The large number of non-vested schools has tended to lower the average merit of the schools in general; but this evil is in course of reformation, and will soon be, to a great extent, rendered unimportant by the rapid improvement now taking place. While there is much to encourage in the present state of National Schools as compared with their condition a few years ago, it must be acknowledged that, measured by a proper standard, their shortcomings are only too evident. Leaving out of view for the present the improvements required in educational machinery, and observing only the result of past exertions, it will be apparent that the greater number of schools is characterized by two prominent defects—the absence of a high moral tone, and the want of vigorous mental power. These two qualities ought to be produced by any proper educational system, if worked with ordinary skill and energy; but the general character of our schools, in both particulars, is comparative feebleness. Even making allowance for the irregularity of the scholars, and the numerous other difficulties the teacher has to encounter, no more favorable opinion can be formed of the result of the past year's teaching. It is not for want of a desire to succeed that the teachers have failed, nor from the lack of persevering industry, but rather from the absence
of

of fact and skill to apply their work in the right direction, and in such a manner as to yield a profitable return. In a good school the pupils will manifest in their appearance, demeanour, language, and conduct, the amount of attention paid to their moral training, and in all these respects the most rigid scrutiny should fail to detect serious departures from right. They should further be able to concentrate their attention upon their business, and sustain it in a vigorous exercise for a considerable time—to observe, consider, compare, and when at fault to retrace their steps until the right clue is taken up—to follow the teacher readily through all the steps of a lesson so as to make themselves masters of the subject—and to work cheerfully and perseveringly, until all difficulties are surmounted, and they have acquired the habit of mental self-dependence. Though a high standard, this is quite within the bounds of possibility. Even under existing circumstances it might be attained by a much larger number of schools, and a closer approximation might be made by all; though, perhaps, its general realization cannot be anticipated until the pupils attend with greater regularity, and the teachers acquire greater skill and energy.

XII.—HINDRANCES TO EDUCATION.

Various minor obstacles to the success of the system have already been discussed; but to complete the account of the condition of schools, it is necessary to explain, with some minuteness of detail, the more important considerations which oppose themselves to the advance of educational improvement. Perhaps that which is most generally felt, which is the most obvious, and which adds most to the effect of the others, is the existence of two rival systems of public instruction, each of which, to a certain extent, lives and flourishes in proportion to its ability to destroy the other. This is a waste of educational power. By the existence of two systems public feeling in regard to education is divided and weakened, local apathy and prejudice are increased, the chances of irregular attendance are doubled, and the efficient teacher is made to suffer, while the unskilful or unfaithful is encouraged and supported. This evil paralyzes educational effort in every department of its operation. Next in order come the impediments produced by the indifference, ignorance, and prejudices of parents. It is generally believed, even by those who are otherwise well informed on educational matters, that parents are on the whole very anxious to secure a good education for their children, and willing to make large sacrifices to accomplish this purpose. Certainly instances do occasionally occur in which this spirit is exhibited in a most creditable manner; yet, judging by deeds, not words, it may safely be asserted that the general feeling manifested by the people ranges from a languid and evanescent interest in the local educational movement to positive indifference or repugnance. Large and apparently earnest professions are common, but they seldom endure beyond a few months. The localities are not few in which, if the people declared their real sentiments, they would express themselves in this manner:—"We are not particularly desirous to obtain education for our children, inasmuch as they are very useful to us at home; but, should the Board establish a school, erect buildings, and appoint teachers, without trouble or expense to us, then—to oblige the Commissioners—we shall have no objection to send them to school when they can be spared." Even when parents have gone so far as to contribute to the cost of school buildings, they have taken offence at some imaginary slight offered them, or the children, and have removed them from school. Others attempt to dictate to the teacher what he shall teach, and how he shall communicate his information; and, should he decline to accommodate his practice to their views, he at once raises a host of enemies. Certain subjects of instruction are interdicted by some parents, and particular methods by others. As a rule, parents in the country consider that by attending school for two or three years, in the usual irregular manner, the children ought to have acquired all necessary information, and to have become well educated; and should this unreasonable expectation be disappointed, they at once attribute the failure to the teacher's incapacity. Connected with this fault is the irregularity of the pupils, which need not be expatiated upon here, the subject having already been referred to at some length. But, practically, the circumstance most prejudicial by far to the interests of education is the lack of qualification on the part of teachers. Until a staff of teachers bred to the profession, thoroughly trained, and qualified in other particulars, has been secured, it is useless to expect any but imperfect results from educational effort. The teacher is the "school;"

"school;" whatever the amount and character of his qualifications, they will be visible in the effect of his teaching. The establishment of a training college in connection with the Model School is absolutely necessary for the purpose of ensuring a supply of suitable teachers, and of extending and perfecting the system; but the expense of such an institution is an obstacle of so formidable a nature as to render its establishment impracticable under existing circumstances.

XIII.—SUGGESTIONS FOR FUTURE IMPROVEMENTS.

The following are suggestions as to desirable reforms, which appear to be practicable, if not wholly, to a considerable extent:—

Detractibility of re-constructing the Boards of local patrons.

1. In considering this question, the following facts may be borne in mind: First, that many persons have ceased to act as local patrons on account of decease, removal from the district in which they held the office, indifference on educational matters, or some other cause; secondly, that some persons have been nominated local patrons, and have acted in that capacity, whose appointments have not been confirmed by the Board; and, thirdly, that the working of some local Boards is rendered ineffective, and the National System itself brought into disrepute by the recognition as patrons of persons who, from defective education, low social status, or doubtful moral character, are unfit for the office, and incompetent to discharge its duties. We are, therefore, of opinion, that it is desirable to re-construct the Boards of Local Patrons of all National Schools in the Colony. It would doubtless appear invidious to remove from the office a person who was already a local patron, and it might be supposed that injury would accrue to the system by rousing the angry feelings of the parties affected. But, granting that such a result might follow from the adoption of the course now recommended, we believe the toleration of such persons as those above referred to would prove a still greater evil. In the former case, the irritation would gradually subside, and the injury, should any follow, would be but temporary; whereas, by retaining improper persons in the office, the evil would be perpetuated. We venture to suggest that, where the services of eligible persons cannot be obtained, the Commissioners themselves should act as local patrons, and supervise the schools through the agency of their Inspectors; and that, in the event of no suitable party being proposed to represent any particular denomination at the local Board, the appointment of a patron belonging to that body should remain in abeyance.

Revision of regulations relating to school fees.

2. The rules on this head leave it to the local patrons to determine, without restriction of any kind, the amount of school fee to be paid by each child, and also the mode of payment. There is reason to believe that some teachers suffer much injustice from the want of consideration manifested by local patrons in this respect, while in a majority of cases, the income of teachers is rendered a matter of extreme uncertainty. The results, in a moral point of view, of this state of things, are seriously to be deprecated; it is, therefore, advisable to limit the power of local patrons by requiring each Board:—

1. To fix a certain rate of fee to be paid by the children attending the school under its supervision.
2. To submit the proposed scale for the approval of the Commissioners before carrying it into practice.
3. To avoid making the amount of school fee contingent upon the child's classification.

Revision of rules relating to the book fund.

3. The object for which this fund was originally instituted has in many cases been frustrated by the unwillingness of parents to pay the small amount required, from the neglect of the teacher to collect the fund, and from remissness on the part of local patrons in not checking the expenditure of the amount received. The schools have consequently suffered from a deficiency of books, and other appliances necessary for the effectual instruction of the pupils. As these are points of fundamental importance as regards the welfare and efficiency of the schools, we think it desirable that steps should be taken for the better administration of the "Book Fund;" and we accordingly suggest that a fixed proportion, say 10 per cent., should be deducted from the school fees, and that this arrangement should be communicated to the local patrons, in order that they may take it into account in fixing the proposed new scale of fees.

4. During the past year, we have had occasion to observe that the attendance of pupils in many country schools has frequently fallen short of the minimum average—thirty (30) pupils—fixed by the Board. Several causes have led to this result:—The unsettled state of the education question, the removal of the population to other localities, the poverty of the inhabitants, and, above all, indifference on the part of the parents to the education of their children. While we feel that this evil may be partially remedied by visiting the people, and by rousing parents and local patrons to a sense of their duties, we are persuaded that the only complete and permanent cure lies in making education to some extent compulsory. In the mean time, we think it may be desirable to reduce the expense of such schools, by paying the teacher such a proportion of his classification salary as the actual attendance forms of the required minimum. We are also aware of the existence of numerous localities in which a school of twenty children might be formed, but in which it is highly improbable that the minimum required by the Board could be obtained for many years to come. These places, which, perhaps, have the most imperative claim for state interference and assistance, are virtually excluded from any participation in the public funds by the operation of the Board's rules, which requires the attendance of thirty pupils at least. The difficulty may be met to some extent, by awarding aid to such schools, at a reduced rate, in proportion to the number of pupils in actual attendance.

Limited attendance of pupils in country schools.

5. There are many localities in the Colony, some of them populous, where the number of children would justify the establishment of schools, but where the people are unable or unwilling to contribute towards the cost of erecting the necessary buildings. We think that, in cases where it can be shewn to the satisfaction of the Commissioners that the inhabitants are really too poor to provide the usual quota of the cost of building, the expense of erecting the schoolhouse should be defrayed by the Board from the public funds; but, when proper school buildings cannot be obtained, on account of the disinclination on the part of the people to pay for them, we think no effectual remedy can be applied except under a general system, involving in some form or other local taxation for educational purposes.

The want of school buildings in certain localities.

6. District Model Schools may be regarded as seminaries for the training of future teachers, and as first class National Schools, through the medium of which, a high standard of instruction may be obtained. The advantages of District Model Schools are numerous. They would afford facilities for the training of candidates for situations under the Board, and render unnecessary the trouble and expense of sending all applicants to Sydney. Pupil teachers of country schools, many of whom, it is hoped, will be appointed as the system progresses, could here complete their education and training with a similar saving of expense; and to the teachers of non-vested schools, who are generally imperfectly educated and wholly inexperienced, opportunities would be afforded of qualifying themselves for the more efficient discharge of their duties. These schools would also exercise a great influence upon the teachers of country schools, by holding out a powerful incentive to study, and by creating an inducement to men of education and ability to attach themselves to the National System, and remain in the Board's service. There can be little doubt also that country schools would be beneficially affected, when the teachers come to observe the high standard of efficiency reached in the District Model Schools. Efforts would be made to improve the character of the instruction, and teachers would vie with each other and with the Model School in the endeavour to produce the most advanced pupils. The impulse given to education by the establishment of these institutions would, we think, soon be communicated to every National School in the Colony, and all would to some extent partake in the advantages thus offered.

District Model Schools.

We conceive that a District Model School should differ as little as possible in its arrangements from an ordinary vested school, except as regards the abundance and perfection of its material appliances. The Model School in Sydney, although useful as a place of instruction, fails as a means of training, simply because all the arrangements differ from those of the country schools, to which candidates are appointed. In a District Model School therefore there should be but one teacher, with perhaps a pupil teacher, as in ordinary country schools. It would, of course, be necessary that the master should be selected from the teachers in each district who were most highly distinguished for personal attainments and skill in teaching, and who were in every respect qualified to act as models for the instruction of candidates. We would recommend, therefore, that District Model Schools should

should be established in some of the principal towns, as Maitland, Bathurst, and Goulburn, in the course of the current year.

The Table of Minimum Attainments.

7. We are aware that complaints have been made occasionally by several teachers that the standard fixed in the "Table of Minimum Attainments" is beyond their power to reach, and we believe it to be expedient to reconsider this document, in order to discover how far the charge is sustained. It will be remembered that the objects sought to be attained in framing this Table were:—

1. To furnish a general standard to which all teachers could work, and by which all schools could be measured.
2. To check the indiscreet and desultory manner in which many schools were taught, by laying down a definite and systematic course of instruction.
3. To prevent the premature removal of the children from school by their parents.
4. The prevention of errors in classification.

Having maturely considered the matter, we are of opinion, that, although the "Table of Minimum Attainments" presents no serious difficulty to teachers of ordinary ability and industry, yet, taking into account the meagre attainments, low practical skill, the total or partial absence of training, and general deficiency of qualifications, in many teachers, some reduction of the standard may be allowed.

District libraries.

8. Many reasons could be adduced in favor of the establishment of such libraries. It would be well were they unnecessary, but it is to be regretted that such is not the case. As numerous non-vested schools are now in operation, and as the teachers are often inexperienced, and in some cases imperfectly educated, it would follow, as a case of necessity, that something should be done to afford them as much information as possible upon matters connected with school management and the art of teaching, and to urge them to a systematic course of study. In the absence of other and better means of insuring so desirable an end, we would recommend the establishment of a small library in a central part of each district, to be afterwards attached to the Model School thereof; and that it consist of the more improved works on school management, and books of reference on all the subjects to which a teacher's attention might be legitimately directed.

Revision of the system of classification.

9. We think it desirable to revise the system of classification, as far as relates to the first class, by introducing another to be called Section I, to which grade a salary of £180 per annum should be attached.

One powerful reason for this change is the fact, that many of the most efficient teachers in the country become discontented, and crave removal to Sydney. But if their emoluments were more nearly assimilated to those of Sydney teachers, they would probably be more satisfied with their positions. Besides the ordinary inducements which such an arrangement would hold out to deserving teachers, it might be understood that future Inspectors and Masters of District Model Schools would be selected from men who had gained the highest rank. We observe that the National Board in Victoria have adopted this system of classification. It would also be highly beneficial to give a stamp of authenticity to the Board's certificates, by adding to the Board of Examiners persons of known eminence in educational matters; for example, Professors of the University or Masters of the Grammar School.

Institution of a probationary class.

10. When the Board for the first time accedes to a formal application for aid in the establishment of a non-vested National School, the teacher may not be in a position to undergo an examination. Indeed we think it more advisable to defer such an examination, until he has acquired some experience in the business of teaching. But the practice at present is to recognise such teachers as 3rd class, Section B, for which, however, it may eventually be found they are not qualified. We would, therefore, submit that all teachers, before their formal examination, be styled probationers; and in the event of such a course being sanctioned by the Board, we would further recommend that all such teachers should be paid at the rate of sixty pounds (£60) per annum.

11. We believe this to be simply an act of justice. As far as we understand the question, the difference in the two scales of salaries depends upon the following considerations. The teacher of a vested school is the servant of the Board only, who, in consequence, furnish the whole of his remuneration. In a non-vested school, on the other hand, the teacher is presumed to be the servant, for special purposes, of the local patrons, and of the Board, as regards general instruction merely. The responsibility of providing his emoluments rests, therefore, with both parties: in other words, the Board being the teacher's master for a portion only of his time, pay him but a portion of his remuneration. But in an overwhelming majority of instances, the assumed difference has no existence, but the teachers act in every particular like teachers of ordinary vested National Schools. This being the case, their salaries ought, we think, to be at the same rate, provided they exhibit equal qualifications.

Expediency of equalising the salaries of teachers in vested and non-vested schools.

12. The teacher's programme of study, published by the Board, contains subjects upon which few female teachers could be expected to undergo examination, and makes no mention of some of the branches appropriate to a good female education. We therefore think it expedient to publish a separate list of subjects upon which female teachers will be examined for certificates.

Programme of study for female teachers.

13. The average number of pupils now required to be in attendance at a country school, in order to procure the assistance of a pupil teacher, is seventy. There are many cases, however, where this average is difficult to attain, but yet where the appointment of a pupil teacher would be desirable. We beg, therefore, to recommend that where there is an average of fifty pupils, the master in possession of the required certificate, and the appointment in question can be shown to be expedient, the application should be entertained.

Appointment of pupil teachers.

14. We are of opinion that it would be desirable to require each teacher to furnish the Inspector of his District with a monthly report of the lessons given to each class during that period. This plan would be productive of a healthy understanding between the teacher and the Inspector as to the actual course and character of the instruction; it would facilitate the thorough inspection of the school; it would make the teacher, so to speak, his own examiner, and it would incite him to increased exertion for the progress of his school by enabling the Inspector to take him at his own word as to the amount of work done.

Reports from teachers to Inspectors.

15. We think it extremely desirable that the Board should supply Visitors' Books, uniform in size and appearance, to every school, as we are under the impression that from the absence of such books the observations of strangers are seldom recorded.

Visitors' books.

16. The duty of an Inspector in inquiring into the regularity of a school would be greatly facilitated by the addition of two columns to the Class Rolls, so that the number of days during which each pupil has been present may be exhibited, and also the number he has been absent during the quarter. We accordingly submit that these columns should be inserted when new class rolls are printed.

Class rolls.

17. Notwithstanding all the care and instruction given to the teachers respecting the quarterly returns, these documents are often furnished incorrectly and unpunctually. One cause of this fault is the fact that the Inspector never sees the completed return, and consequently is unable to exercise any check upon the teachers. We believe that correctness and punctuality may be secured by causing each teacher to forward the Quarterly and Annual Returns to the Inspector of the District, who, after examination, would certify as to their accuracy, and transmit them to the Secretary. We are further of opinion that no salary due or accruing to any teacher should be paid unless his Returns be certified in this manner. The distribution of Salary Abstracts, Returns, and other Forms, might also be entrusted to the Inspectors.

Quarterly returns.

18. The books usually employed in our schools are not in all cases well adapted to the purposes for which they are used. This is especially the case with the reading books. These books are not, in certain parts, properly graduated as regards their difficulty. Many lessons occurring throughout them are inapplicable; others, to be serviceable, would require to be re-written and corrected. The two Sequel Books, Nos. 1 and 2, might well give place to a new publication, more useful than either; and experience has taught us that the

The National School Books.

Supplement

Supplement to the Fourth Book does not supply the mental food and exercise expected from such a work; nor is it of much service as preparatory to entering upon the study of so difficult a work as the Fifth Book. The Text Books on Geography appear to us the worst in the series, and require to be remodelled. The best course, under these circumstances, would unquestionably be to compile an entirely new set of school books, suitable to the wants of the Colony, and alike adapted to the requirements of the National System and of the present age. In the present unsettled state of the education question this would, perhaps, be premature, but we are of opinion that an arrangement could at once be effected, whereby the best lessons in both Sequel Books might be selected, and, with some additional matter, carefully chosen, form one work.

The necessity for a good school map of the Colony of New South Wales is urgent, and we therefore submit that measures should be immediately taken to supply this deficiency.

W. WILKINS,
Inspector and Superintendent.

J. GARDINER,
Inspector of Northern District.

B. H. M'CANN,
Inspector of Western District.

7.—FINANCE.

Appendix C. The usual statement of Receipts and Disbursements is appended. The favorable balance from last year, together with the money accruing from the Church and School Estates, enabled us to expend £3,339 beyond the amount of the annual vote. It will be seen from this how urgently an increase of the annual vote is required if our operations are not to be greatly restricted.

We submit this our Report for the year ending 31st December, 1859; and in testimony thereof we have caused our Corporate Seal to be hereunto affixed, this sixth day of September, one thousand eight hundred and sixty.

G. K. HOLDEN.
J. SMITH.
G. WIGRAM ALLEN.
W. A. DUNCAN.
E. BUTLER.

W. C. WILLS,
Secretary.

APPENDIX A.

RETURN of the Attendance of Children at the National Schools of New South Wales, as certified by the Local Patrons, for the quarter ending December, of the Year 1859, or for the last quarter in which the Schools were in operation respectively.

No.	NAME OF SCHOOL	No. of SCHOLARS ON ROLL.			AVERAGE ATTENDANCE.			VESTED OR NON-VESTED.	REMARKS.
		M.	F.	Total	M.	F.	Total		
1	Albury	59	68	127	47	52	99	V.	Open the whole year.
2	Araluen	27	20	47	16	13	29	N.V.	Closed 16th April.
3	Aberglasslyn	20	27	47	13	18	31	N.V.	Closed in April, and re-opened July 13th, and closed 30th September.
4	Bathurst	51	40	91	32	20	52	N.V.	Open the whole year.
5	Bendolba	12	25	37	6	13	19	V.	Ditto.
6	Berrima	18	20	38	14	16	30	V.	Ditto.
7	Berkeley	37	20	57	30	14	44	V.	Ditto.
8	Black Creek	30	8	38	23	6	29	N.V.	Ditto.
9	Bolwarra	28	35	63	19	16	35	V.	Ditto.
10	Bowling	12	6	18	6	2	8	V.	Closed 21st March.
11	Bowenfels	38	36	74	30	29	59	V.	Open the whole year.
12	Braidwood	73	74	147	35	42	77	V.	Ditto.
13	Brookfield	25	19	44	13	13	26	V.	Closed 30th June.
14	Burwood	14	20	34	10	12	22	N.V.	Open the whole year.
15	Bishop's Bridge	23	24	47	14	17	31	N.V.	Ditto.
16	Bangalore	19	14	33	15	10	25	N.V.	Ditto.
17	Blaney	28	24	52	18	16	34	V.	Ditto.
18	Bishopsgate	119	89	208	79	56	135	N.V.	Ditto.
19	Bow Bow	18	6	24	9	3	12	N.V.	Opened 21st February; closed 31st October.
20	Botany Road	44	20	64	30	13	43	N.V.	Opened the whole year.
21	Burrendulla	21	11	32	14	10	24	N.V.	Opened 1st September.
22	Caroon	24	36	60	17	21	38	V.	Closed 30th September.
23	Camden	28	25	53	25	23	48	V.	Closed 30th September; re-opened 1st November.
24	Campsie	7	10	17	4	4	8	V.	Closed 31st March.
25	Clarence Town	45	55	100	35	38	73	V.	Open the whole year.
26	Cleveland	142	106	248	99	70	169	V.	Ditto.
27	Cuddeletown	44	29	73	29	21	50	V.	Ditto.
28	Cawdor	19	31	50	11	22	33	N.V.	Ditto.
29	Castlereagh	17	10	27	14	6	20	N.V.	Ditto.
30	Campbell's River	19	26	45	16	18	34	N.V.	Ditto.
31	Cowra	18	21	39	14	16	30	N.V.	Ditto.
32	Cobbity	18	16	34	11	9	20	N.V.	Ditto.
33	Cambewarra	23	25	48	17	19	36	V.	Opened 23rd June.
34	Cessnock	15	17	32	12	14	26	N.V.	Opened 1st July.
35	Dungog	35	46	81	20	26	46	V.	Open the whole year.
36	Dunmore	52	51	103	37	32	69	V.	Ditto.
37	Drayton	46	32	78	33	21	54	V.	Closed 30th November.
38	Dubbo	22	16	38	19	14	33	V.	Closed 30th May.
39	Dennis Island	14	13	27	11	11	22	N.V.	Open the whole year.
40	Eden	40	24	64	30	14	44	V.	Ditto.
41	Eling Forest	29	20	49	20	13	33	V.	Ditto.
42	Ellalong	16	22	38	10	13	23	N.V.	Closed 1st April; re-opened 1st July.
43	Evans Plains	25	22	47	19	16	35	V.	Opened 1st July.
44	Fort-street, Sydney	526	370	896	390	254	644	V.	Open the whole year.
45	Falbrook	18	8	26	14	7	21	V.	Ditto.
46	Four Mile Creek	18	17	35	14	11	25	V.	Ditto.
47	Fishery Creek	22	19	41	12	13	25	V.	Ditto.
48	Fairy Meadow	38	38	76	34	26	60	V.	Ditto.
49	Glen William	28	18	46	11	7	18	V.	Closed 31st March.
50	Gosforth	20	15	35	8	4	12	V.	Open the whole year.
51	Grafton	74	59	133	52	39	91	V.	Ditto.
52	Gundagai	26	22	48	19	16	35	V.	Ditto.
53	Gunning	26	19	45	19	15	34	N.V.	Ditto.
54	Goulburn	26	18	44	25	17	42	N.V.	Ditto.
55	Hinton	44	42	86	31	28	59	V.	Ditto.
56	Ions	36	34	70	22	19	41	V.	Ditto.
57	Ironbark	12	9	21	9	8	17	N.V.	Ditto.
58	Jamberoo	43	33	76	34	26	60	V.	Ditto.
59	Kirkeconnell	13	18	31	9	12	21	V.	Ditto.
60	Keen's Swamp	6	8	14	5	6	11	N.V.	Opened 1st September.
61	Lochinvar	48	33	81	29	21	50	N.V.	Closed 31st October.
62	Louisa Creek	36	37	73	24	28	52	V.	Open the whole year.
63	Long Reach	16	14	30	9	11	20	N.V.	Opened 23rd March.
64	M'Donald River	15	16	31	12	13	25	V.	Open the whole year.
65	Major's Creek	61	33	94	30	24	54	V.	Ditto.
66	Merriwa	24	23	47	19	18	37	V.	Ditto.
67	Meadow Flat	30	29	59	15	18	33	V.	Ditto.
68	Mudgee	121	103	224	110	84	194	V.	Ditto.
69	Murrurundi	32	24	56	21	19	34	V.	Ditto.
70	Manly	17	14	31	10	8	18	V.	Closed 31st July; re-opened 1st October.

APPENDIX A—continued.

No.	NAME OF SCHOOL.	No. OF SCHOLARS ON ROLL.			AVERAGE ATTENDANCE.			VISITED OR NON-VISITED.	REMARKS.
		M.	F.	Total.	M.	F.	Total.		
71	Mosquito Island	14	20	34	10	15	25	N.V.	Open the whole year.
72	Marshall Mount	28	45	73	22	32	54	V.	Opened May.
73	Mount Macquarie	14	22	36	10	17	27	N.V.	Open the whole year.
74	Morangaroo	11	18	22	8	13	21	N.V.	Ditto.
75	Molong	28	26	54	16	16	32	N.V.	Opened 1st May.
76	Merendee	15	17	32	12	13	25	N.V.	Opened 1st August.
77	Nelson's Plains	37	37	74	17	19	36	V.	Open the whole year.
78	Newcastle	110	66	176	82	53	135	N.V.	Ditto.
79	Orange	39	29	68	30	24	54	V.	Ditto.
80	Oswald	25	32	57	18	21	39	N.V.	Opened 16th June.
81	Ophir Road	15	18	33	9	11	20	N.V.	Opened 12th May.
82	Panbula	28	21	49	17	13	30	V.	Open the whole year.
83	Parading Ground	22	31	53	10	16	26	V.	Ditto.
84	Parramatta	44	45	89	34	37	71	N.V.	Ditto.
85	Paddington	129	79	208	86	50	136	V.	Ditto.
86	Peel	34	29	63	23	21	44	V.	Ditto.
87	Pennant Hills	25	27	52	19	19	38	V.	Ditto.
88	Pieton	24	26	50	17	21	38	V.	Ditto.
89	Port Macquarie	12	18	30	9	13	22	V.	Closed 31st August; re-opened 1st November.
90	Purfleet	15	19	34	9	12	21	V.	Closed 31st January; re-opened 1st April.
91	Pitt Town	72	70	142	58	55	113	N.V.	Open the whole year.
92	Pyrmont	38	44	82	25	28	53	N.V.	Ditto.
93	Redbank	25	17	42	11	10	21	V.	Ditto.
94	Rylstone	12	22	34	11	17	28	N.V.	Opened 9th April.
95	Raymond Terrace	40	38	78	25	18	43	N.V.	Open the whole year.
96	Seaham	35	32	67	15	19	34	V.	Ditto.
97	Singleton	56	41	97	44	32	76	V.	Ditto.
98	Smithfield	31	25	56	20	14	34	V.	Ditto.
99	Stanhope	15	29	44	6	16	22	V.	Ditto.
100	Sugarloaf	26	23	49	17	14	31	V.	Ditto.
101	South Head	13	14	27	9	9	18	N.V.	Ditto.
102	Shell Harbor	49	28	77	33	19	52	N.V.	Ditto.
103	Sedgefield	13	16	29	8	9	17	N.V.	Opened 1st May.
104	Tamworth	58	39	97	37	26	63	V.	Open the whole year.
105	Tonago	37	33	70	22	21	43	V.	Ditto.
106	Tilimbby	18	16	34	11	11	22	N.V.	Ditto.
107	Taralga	20	22	42	77	15	32	N.V.	Ditto.
108	Tarbo	13	16	29	12	14	26	N.V.	Ditto.
109	Tarebarroora	15	18	33	10	13	23	N.V.	Opened 14th March.
110	Turati	25	17	42	23	17	40	N.V.	Open the whole year.
111	Towrang	10	9	19	7	6	13	N.V.	Opened 1st February.
112	Tinonee	10	15	25	5	10	15	N.V.	Opened 1st October.
113	Violet Hill	21	27	48	15	18	33	V.	Opened 11th February.
114	Vacy	32	35	67	15	23	38	N.V.	Opened 1st September.
115	Warwick	45	33	78	32	27	59	V.	Closed 30th November.
116	William-st., Sydney	521	323	844	362	212	574	V.	Open the whole year.
117	Wollombi	54	61	114	38	39	77	V.	Ditto.
118	Wollongong	104	78	177	71	43	114	V.	Ditto.
119	Worragee	5	3	8	3	2	5	V.	Closed 31st March.
120	Wylie's Flat	23	21	44	8	6	14	N.V.	Closed 31st January.
121	Waratah	26	21	47	14	12	26	N.V.	Open the whole year.
122	Wattle Flat	24	24	48	16	14	30	V.	Ditto.
123	Westbrook	32	31	63	18	20	38	V.	Opened 10th February.
124	Walcha	23	25	48	20	21	41	V.	Opened 1st June.
125	Warkworth	17	24	41	8	18	26	N.V.	Opened 16th May.
126	Winburndale	17	21	38	11	14	25	N.V.	Opened 1st June.
127	Woola Woola	12	23	35	6	16	22	N.V.	Opened 1st August.
128	Windeyer	26	27	53	19	19	38	N.V.	Opened 12th November.
		5,064	4,312	9,376	3,517	2,913	6,430		

NATIONAL EDUCATION.

31

APPENDIX B.

RETURN shewing the number of Schools sought to be established by Local Patrons during 1859 at the places mentioned, together with a *precis* of what action has been taken by the Board in each case.

No.	NAME OF PLACE WHERE SCHOOL APPLIED FOR.	VESTED OR NON-VESTED.	REMARKS.
1	Aberglasslyn	V.	Opened in temporary premises—permanent buildings being erected.
2	Avondale	N. V.	Awaiting completion of arrangements.
3	Barraba	V.	" formal application.
4	Brundee	V.	" completion of arrangements.
5	Burrendulla	N. V.	Opened 1st September.
6	Balmuin	N. V.	Awaiting Inspector's Report.
7	Dalby	N. V.	Lapsed—now in the Colony of Queensland.
8	Evans Plains	V.	Opened in temporary premises—permanent buildings being erected.
9	German Station	N. V.	Lapsed—now in the Colony of Queensland.
10	Gledswood	V.	In abeyance for want of funds.
11	Kempsey, West	N. V.	Awaiting completion of arrangements.
12	Keen's Swamp	N. V.	Opened 1st September.
13	Long Reach	N. V.	" 23rd March.
14	Miller's Forest	N. V.	Existing means of education not proved to be insufficient.
15	Merendee	N. V.	Opened 1st August.
16	Myrtleville	V.	School premises in course of erection.
17	Marengo	N. V.	Awaiting formal application.
18	No. 1 Swamp	V.	" " "
19	Ophir Road	N. V.	Opened 12th May.
20	Oswald	N. V.	" 16th June.
21	Pyroe	N. V.	Awaiting completion of arrangements.
22	Strontian Park	N. V.	Opened 12th December.
23	Teagleberry	N. V.	Awaiting appointment of Teachers.
24	Tuena	N. V.	" completion of arrangements.
25	Tumut	N. V.	Opened 1st January.
26	Towrang	N. V.	" 1st February.
27	Tinonee	N. V.	" 1st October.
28	Vacy	N. V.	" 1st September.
29	Wollaloug	V.	Awaiting erection of school premises.
30	Warrall Creek	V.	Lapsed—now in the Colony of Queensland.
31	Winburndale	N. V.	Opened 1st June.
32	Woola Woola	N. V.	" 1st August.
33	Wallerawang	N. V.	Awaiting appointment of Teachers.

APPENDIX C.

RECEIPTS AND DISBURSEMENTS of the BOARD of NATIONAL EDUCATION, from 1st JANUARY to the 31st DECEMBER, 1859.

RECEIPTS.		AMOUNT.	DISBURSEMENTS.		AMOUNT.					
	£	s.	d.	£	s.	d.				
Vote, 1859.....	20,000	0	0							
Church and School Estate Fund	898	12	5							
				GENERAL MANAGEMENT.						
				Salaries.....	2,953	1	7			
				SUNDRIES.						
				Buildings and repairs.....	83	17	6			
				Travelling expenses.....	281	18	6			
				Books, printing, & stationery.....	146	16	9			
				Petty expenses, carriage and postage.....	70	10	2			
					543	2	11			
							3,536	7	6	
				SCHOOLS.						
				Salaries.....	14,136	7	5			
				SUNDRIES.						
				Buildings and repairs.....	5,355	0	0			
				Rent and furniture.....						
				Travelling expenses.....	125	4	4			
				Books and stationery.....	123	9	11			
				Petty expenses, fuel, lighting, labor, &c.....	63	4	0			
					5,666	18	3			
								19,893	5	8
Total Receipts	20,898	12	5	Total Disbursements	23,339	18	2			
Balance on 31st December, 1858	2,593	15	4	Balance on 31st December, 1859.....	52	14	7			
	£	23,392	7	£	23,392	7	9			

7 March, 1860.

W. C. WILLS,
Secretary.

[Annex

[Annex A.]

(No. 59-29.)

National Education Office,
Sydney, 31 January, 1860.

Sir,

I do myself the honor to submit for the consideration of the Board of National Education, the following proposals for modifying the existing arrangements for examining and classifying teachers in the Board's service.

Annex A.

2. In the first place, it seems very desirable that the qualifications necessary for each grade of classification should be defined, in order that teachers may possess a standard by which they may measure their attainments, and learn what will be expected from them when undergoing examination. I accordingly forward herewith a list of subjects, in which teachers should be examined for each classification, for the approval of the Board.

3. It is now usual in England not to award a student just leaving a Training College a higher certificate than Class III, however successfully he may have passed the examinations. This course has been rendered necessary by the exclusive devotion of the students to the mere acquisition of knowledge, and by the comparative neglect of the means of obtaining practical skill in teaching, in consequence of which a race of schoolmasters arose, who prided themselves, perhaps justly, upon the extent of their acquirements, but who were deficient in many of the more useful qualifications of a teacher. As a similar feeling has manifested itself in the Colony, and as some teachers seem to think they ought to be classified in accordance with the amount of their attainments simply, without reference to their actual skill in managing a school, I think that, as a rule, the highest classification awarded to a teacher on his first appointment should be Class III, Section A, the exceptions being in cases in which the teacher had been previously engaged in teaching, and proved himself to possess undoubted ability.

4. It has appeared to me that country teachers require a constant stimulus to make them study; that it is one of the consequences of their isolated position to form listless, apathetic habits of mind, which react upon their schools. I would therefore render it compulsory upon every teacher to undergo an examination every year—not necessarily with a view to a higher classification, but principally in order to maintain his previous knowledge, and prevent him from retrograding. From this ordeal teachers who had attained a certain rank—*e. g.*, Class II, Section A—might be exempted, leaving it to their own choice, as at present, whether they would offer themselves for re-examination. The arrangement now proposed is substantially the same as that acted upon in Ireland.

5. The annual examinations would be conducted by the Inspectors of the different districts, in some central and convenient spot; the questions, however, would be prepared by the Inspector and Superintendent, in order that a uniform relation to the common standard might be observed. A Board of Examiners should also be appointed, and, as it appears desirable that they should be directly responsible to the Board for the opinions they express, I submit that the Board should be composed of the Inspectors, and the Master of the Model School for the time being. The manner in which they should discharge the duty of revising examination papers would perhaps be better left to themselves to arrange.

Annex B.

6. In the event of the proposed appointment of an additional Inspector being carried out, I think it would be desirable to adopt a new form of teacher's certificate, of which I submit a copy. The most important difference between the proposed certificate and that now in use is the addition, in the former, of spaces in which the Inspector may enter his opinion of the state of the school at each annual inspection. This course has been attended with very satisfactory results in England, and has had the effect of causing teachers to work with great energy in school. Of course, certificates would not be actually issued to the teachers until they had been some time in charge of schools. In most cases it will be necessary that the certificates should be placed in the teacher's hands, in order that the Inspector may register his opinion at the time of examining the school; a copy of this opinion would be contained in the Inspector's report upon the school.

7. At the end of every three years, it would be desirable to revise the certificates. If it were then found, in the case of any teacher, that his school increased in numbers and efficiency, that the Inspector's opinion as expressed in his certificate was uniformly favorable, and that the local patrons reported well of his conduct, he might be considered as entitled to one grade of promotion. The promotion in such cases would be equivalent to a reward for patient, sustained, and skilful exertions in the actual work of the school, and would probably operate more beneficially upon the education of the children than any other course that could be adopted.

W. C. Wills, Esq.,
Secretary, Board of National Education.I have, &c.,
W. WILKINS.

[Annex B.]

[Per favor of the Local Patrons.]

(Circular No. 27.)

National Education Office,
Sydney, 1 March, 1859.

Sir,

In forwarding to you the enclosed Certificate of Merit, I have the honor, by direction of the Board of National Education, to acquaint you that they have adopted the following arrangements for the examination and classification of teachers in their service.

2. It is intended that every school shall be officially inspected and reported upon, at least, once in every year. You will observe that the certificate contains spaces in which the Inspector will enter his opinion as to the state of the school during three successive years. A copy of this opinion is included in the Inspector's Report.

3. At the end of the third year the teacher should report that his certificate is filled up. A revision of classification will then be made, and should it appear that during the previous period the school had increased in numbers and efficiency, that the Inspector's opinion was uniformly favorable, and that the local patrons had reported well of his conduct, he would then be entitled to one grade of promotion, without being required to undergo an examination. The promotion in such cases would be equivalent to a reward for patient, sustained, and skilful exertion in the actual work of the school.

4. With a view to prevent teachers in the country from contracting listless, apathetic habits of mind, which, from their isolated positions, they are liable to form, and which react injuriously upon their schools, it has been deemed expedient to require all teachers below a certain rank to undergo an annual examination. Success in this examination will not necessarily entitle a teacher to a higher classification, unless he has specially requested to be examined for that purpose; but the principal object will be to induce the teacher to maintain his previous knowledge, and to supply a stimulus to constant study. Teachers who have attained the rank of Class II, Section A, will be exempted from this ordeal, leaving it to their own choice, as at present, whether they would offer themselves for examination. Failure in the annual examination would be followed by a loss of classification, unless circumstances of a very favorable nature could be adduced in excuse.

5. In order to carry out these arrangements with the greatest possible precision, a Board of Examiners has been appointed, to whom has been confided the duty of revising all examination papers. To supply teachers with a standard by which they may measure their attainments and learn what will be

be expected of them when undergoing examination, the qualifications necessary for each grade of classification have been defined, and a "List of Subjects in which Teachers will be examined for each classification" is appended hereto, Annex A.

6. The Board have further decided that, with a view to encourage the practice of teaching Vocal Music in country schools, they will award a gratuity of five pounds yearly to any teacher who has given systematic instruction in this subject, and who can produce a class, consisting of not less than twenty children, capable of undergoing an examination in the first and second parts of Hullah's Manual. In addition to the gratuity to the teacher, a grant of Hullah's Large Sheets or Exercise Books will be made to the school. It is indispensable that none of the ordinary subjects of instruction be neglected on account of the teaching of music.

I have, &c.,
W. C. WILLS,
Secretary.

To Teacher of the National School at

LIST of Subjects in which Teachers will be examined for each classification.

To obtain a THIRD CLASS CERTIFICATE Teachers must be examined in

Grammar: including punctuation, paraphrasing, parsing, and analysis of Simple Sentences. *Text Books*: National School Grammar, M'Leod's Grammar, Morell's Analysis of Sentences.

Geography: general and descriptive. *Text Books*: Sullivan's Introduction to Geography, Hughes' (W.) General Geography.

Arithmetic: as far as Decimal Fractions. *Text Books*: National School Arithmetic, Colenso's Arithmetic.

Art of Teaching: including the organization, discipline, and instruction of schools. *Text Books*: Dawes' Suggestive Hints, the National School Books.

National School Books: the reading books from the First to the Third, inclusive.

Reading: from prose and poetry, from the Lesson Books.

Writing: specimens of copy-setting in text, round, and small hands.

FOR SECOND CLASS CERTIFICATE.

Grammar: including punctuation, paraphrasing, composition, parsing, derivation, and analysis of sentences. *Text Books*: Latham's English Grammar, Morell's Analysis of Sentences, Sullivan's Dictionary of Derivations.

Geography: physical and descriptive. *Text Books*: Hughes' (E.) Physical Geography, Hughes' (W.) Manual of Geography, Sullivan's Geography Generalized.

Arithmetic: as far as Cube Root and Duodecimals, and Elementary Mensuration. *Text Books*: Tate's Arithmetic, De Morgan's Arithmetic, Colenso's Arithmetic, M'Ganley's Arithmetic, Tate's Mensuration, Book-keeping and Key in the National School Series.

School Management: the organization, discipline, and instruction of schools in greater detail. *Text Books*: Dawes' Suggestive Hints, Dunn's Principles of Teaching, Young's Infant School Manual.

National School Books: the series of Reading Books, including the Girls' Reading Books.

Reading: prose and poetry from the Literary Class Book, or Biographical Sketches.

Writing: specimens of copy-setting in three hands, and of letter writing.

Algebra: as far as, and inclusive of, quadratic equations, but omitting Surds. *Text Book*: Colenso's Algebra, Part I.

Geometry: the First Book of Euclid's Elements. *Text Book*: Potts' Euclid.

Latin: Cæsar (De Bello Gallico), Grammar. *Text Book*

NOTE.—Latin and Algebra with Geometry are alternative subjects; if Latin be chosen, Algebra and Geometry will not be required, and vice versa.

FOR FIRST CLASS CERTIFICATE.

Grammar: punctuation, paraphrasing, parsing, analysis of sentences, composition, style, derivation, and prosody. *Text Books*: Latham's Grammar, Hunter's Grammar, Morell's Analysis of Sentences.

Geography: physical, political, and commercial, with popular astronomy, and mathematical geography. *Text Books*: Hughes' (W.) Manual of Geography, Hughes' (E.) Physical Geography, Sullivan's Geography Generalized, Tate's Popular Astronomy.

Arithmetic: The whole Theory and Practice. *Text Books*: Tate's Arithmetic, De Morgan's, Thomson's, Cornwell's.

National School Books: the whole of the reading series.

Reading: prose and poetry, Milton, Shakspeare, and other standard authors.

Writing: specimens of copy-setting, and letter writing.

ALTERNATIVE SUBJECTS.

One of which must be taken in addition to the foregoing.

Principles of Teaching: including a knowledge of the nature of the human mind. *Text Book*: Morell's Psychology.

English Language and Literature: a critical knowledge of the language, and a thorough acquaintance with its history down to the end of the last century, a good knowledge of the most eminent writers of each epoch. *Text Books*: Latham's English Language, Craik's Literature and Learning in England, Chambers' Cyclopædia of English Literature.

Logic: the Principles of, with Exercises. *Text Book*: Whateley's Logic.

Latin: ability to translate a Latin Author (to be specified by the Candidate), and answer questions on the Grammar, &c.

Greek: as above.

French: as above.

German: as above.

Algebra: all usually taught under this head. *Text Book*: Wood's Algebra by Lund.

Geometry: the first four books of Euclid's Elements, with problems. *Text Book*: Potts' Euclid.

Higher Mathematics: including Trigonometry.

Botany: with especial reference to Australia.

Zoology: with especial reference to Australia.

Chemistry: *Text Book*: Chambers' Chemistry, Johnston's Chemistry of Common Life.

Physics: Light, Heat, and Electricity, &c. *Text Book*: Lardner's Handbook of Natural Philosophy.

Drawing: from copies, landscapes and figures, composition.

Music: the Theory; singing or playing upon an instrument.

[Annex C.]

NATIONAL EDUCATION, NEW SOUTH WALES.

TEACHER'S CERTIFICATE OF MERIT.

CLASS . SECTION .

having been duly examined as to attainments in the subjects taught in National Schools, and his practical skill in teaching having been tested, the Commissioners of National Education hereby certify, that he is considered competent to conduct a National School; and he has been awarded a Certificate of Class Section .

In testimony whereof, the Commissioners have caused their corporate seal to be hereto affixed, this day of 18 .

Secretary.

. Great importance is attached by the Board to the ability shown by a teacher in the actual management of the school under charge. They have therefore provided that the Inspector appointed to visit the school, conducted by the possessor of this certificate, enter at the foot a brief account of the condition of the school during each of three succeeding years.

First Year's Inspection. day of 18 .

Inspector.

Second Year's Inspection. day of 18 .

Inspector.

Third Year's Inspection. day of 18 .

Inspector.

[Annex D.]

DETAILED Statement of the condition of National Schools inspected during 1859.

NOTE.—The remarks under 1 refer to the material state of the school; under 2 to its moral character; under 3 to the subjects and methods of instruction; and under 4 to the proficiency of the pupils.

I. METROPOLITAN DISTRICT.

NAME OF SCHOOL.	DATE.	NUMBER OF PUPILS PRESENT AT EXAMINATION.			REMARKS.
		Boys.	Girls.	TOTAL.	
Berkley (Vested.)	1859. 17 Nov....	30	15	45	<ol style="list-style-type: none"> 1. The school buildings are constructed of weatherboard; they are suitable and in good condition. There is a good playground with outbuildings. The supply of furniture, apparatus, and books is amply sufficient. The classification of the pupils is fairly skilful. The registers are properly kept. 2. The pupils are regular and punctual, clean, and in good order. The government of the school is mild, but firm. 3. Great improvement has been effected in the character of the instruction since the last inspection. The subjects are now judiciously selected, and considerable skill is exhibited in their treatment. 4. The proficiency of the pupils is, on the whole, satisfactory.
Berrima (Vested.)	4 Oct. ...	13	18	31	<ol style="list-style-type: none"> 1. The school buildings need repair; more suitable furniture and additional apparatus are required. This aspect of the school is not satisfactory. 2. The pupils are regular, clean, and orderly; the moral tone of the school is good. 3. Owing to a misapprehension, some subjects have been omitted from the course of instruction. The methods in use, though peculiar, are not inappropriate to the circumstances of the school. 4. Fair proficiency has been attained in all the subjects taught.

DETAILED Statement, &c.—continued.

NAME OF SCHOOL.	DATE.	NUMBER OF PUPILS PRESENT AT EXAMINATION.			REMARKS.
		Boys.	Girls.	TOTAL.	
Bishopsgate (Non-vested.)	1859. 4 Aug...	85	64	149	<ol style="list-style-type: none"> 1. The schoolroom is much too small, and there is no playground. The furniture is not of a very suitable description. Owing to the rapid increase in the number of pupils the supply of books is barely sufficient. 2. The pupils are tolerably regular, but not sufficiently punctual; they are clean, but not in good order. From the limited amount of space, and other circumstances over which the teacher has no control, he is unable to carry out thorough discipline. 3. The subjects of instruction are generally appropriate, and the methods employed are tolerably skilful. 4. In judging of the proficiency of the pupils, it is necessary to bear in mind the large proportion—three-fifths—below the age of eight years. All circumstances considered, the progress of the children is not unsatisfactory.
Botany Road (Non-vested.)	18 Aug...	32	13	44	<ol style="list-style-type: none"> 1. With the exception of unsuitable furniture, the material condition of this school may be regarded as very satisfactory. The classification and occupation of the pupils is badly arranged. 2. The pupils are tolerably clean and orderly. In every other particular, the moral tone of the school is low. 3. The instruction seems to be desultory and mechanical. 4. The attainments of the pupils are small, and they exhibit few signs of mental culture.
Burwood (Non-vested.)	8 June..	13	14	27	<ol style="list-style-type: none"> 1. The schoolroom is commodious and in good repair. The school is insufficiently provided with furniture and apparatus, though there is an ample supply of books. The classification of the pupils is not judicious. 2. The pupils are neither punctual nor regular in their attendance, but they are clean, orderly, and well conducted. 3. In the higher classes, the instruction is individual and intelligent; in the lower classes, mechanical. 4. On the whole, the pupils have made fair progress.
Cambowarra (Vested.)	21 Nov...	16	12	28	<ol style="list-style-type: none"> 1. On the whole, the material state of this school is highly satisfactory. 2. As far as could be observed on the day of examination—which was very wet—the pupils are tolerably punctual and regular, clean and orderly. 3. The instruction is tolerably suitable. 4. The actual proficiency of the pupils is small, though they have made fair progress, considering the short period, four months, during which they have attended school.
Camden (Vested.)	8 Sept..	55	40	95	<ol style="list-style-type: none"> 1. The schoolroom, furniture, apparatus, and books are in good condition, and suffice to meet present requirements. 2. The pupils are punctual and regular, clean and orderly, with the exception of the infants, who are somewhat restless. 3. The instruction is in general judicious, but wanting in vigour. 4. The attainments are moderate in extent, but the intelligence of the pupils has been cultivated with considerable success.

DETAILED Statement, &c.—continued.

NAME OF SCHOOL.	DATE.	NUMBER OF PUPILS PRESENT AT EXAMINATION.			REMARKS.
		Boys.	Girls.	TOTAL.	
Castlereagh (Non-vested.)	1859. 23 Aug...	18	9	27	<ol style="list-style-type: none"> 1. The schoolroom is suitable in form and size. The furniture is sufficient for present wants, and there is a fair supply of books. Additional apparatus is required. 2. The children are clean and in tolerable order, but irregular and unpunctual. 3. The instruction is neither skilful nor energetic. 4. Very little progress has been made in any subject, and the intelligence of the pupils has not been developed to any appreciable extent.
Cawdor (Non-vested.)	7 Oct. ...	13	22	35	<ol style="list-style-type: none"> 1. A good building and an abundant supply of furniture, apparatus, and books, leave little to be desired in respect of the material state of this school. 2. The moral tone is decidedly good, the pupils being punctual and regular in attendance, clean, and very orderly. 3. The ordinary branches are carefully taught, though the methods adopted are susceptible of improvement. 4. The proficiency of the pupils is, on the whole, very fair, and they display considerable intelligence.
Cleveland-street (Vested.)	5 & 6 Dec.	105	79	184	<ol style="list-style-type: none"> 1. The material state of this school is satisfactory in every particular. 2. Its moral character is good. 3. All the ordinary branches are taught, together with vocal music and outline drawing. The methods are judicious. 4. Fair progress has been made on the whole, and considerable success has been attained in developing the mental powers of the pupils.
Cobbity Paddock (Non-vested.)	9 Sept. ...	18	15	33	<ol style="list-style-type: none"> 1. This school is in a most unsatisfactory condition as regards material appliances. 2. The pupils are irregular and unpunctual, very disorderly, and not sufficiently clean. The master is quite unable to control them. The moral tone of the school is decidedly bad. 3. The ordinary subjects are nominally taught. The methods scarcely deserve to be so called. 4. The proficiency of the pupils is very small, and they appear utterly destitute of any power of thought.
Eling Forest (Vested.)	4 Oct. ...	24	12	36	<ol style="list-style-type: none"> 1. Considering the circumstances of the locality, the material state of the school, though defective in some particulars, cannot be regarded as unsatisfactory. 2. The pupils are tolerably regular and punctual, clean, and in very good order. The discipline of the school may now be regarded as excellent. 3. The master has fairly succeeded in adapting the methods in use in the Model School to his present circumstances, and his choice of subjects is judicious. 4. Very satisfactory progress has been made on the whole, and the intelligence of the pupils appears to have been assiduously cultivated.
Fairy Meadow (Vested.)	28 Nov...	34	30	64	<ol style="list-style-type: none"> 1. The school building is suitable, and there is a fair supply of furniture, apparatus, and books. 2. The pupils are tolerably regular and punctual; very clean, and in good order. The moral tone is good. 3. Vocal music and elementary drawing are added to the ordinary subjects. The instruction, with some undesirable peculiarities, is skilful. 4. Considering their ignorance when the school was opened, in December of last year, the progress of the pupils is satisfactory.

NATIONAL EDUCATION.

3

DETAILED Statement, &c.—continued.

NAME OF SCHOOL.	DATE.	NUMBER OF PUPILS PRESENT AT EXAMINATION.			REMARKS.
		Boys.	Girls.	TOTAL.	
Fort-street (Boys) .. (Vested.)	1889. December	261	....	....	<ol style="list-style-type: none"> 1. The schoolroom is an excellent one, and it is amply supplied with the materials necessary for teaching. 2. The pupils are regular in their attendance, clean, and in good order. 3. Besides the usual elementary branches, the pupils are instructed in vocal music and drawing; and the advanced classes learn algebra, geometry, and the elements of the Latin language. The methods of tuition are good. 4. The progress of the pupils is, generally speaking, highly satisfactory; and they exhibit considerable development of the mental powers.
Fort-street (Girls) .. (Vested.)	December	....	159	....	<ol style="list-style-type: none"> 1. The schoolroom, which is similar to that occupied by the boys, is equally good, and is fully provided with furniture, apparatus, and books. 2. The pupils are regular in their attendance, clean, and in fair order. 3. Vocal music and drawing are added to the usual branches. The methods employed are suitable, and exhibit a fair amount of skill. 4. Generally speaking, the proficiency of the pupils is satisfactory, and their mental powers fairly developed.
Fort-street (Infants) (Vested.)	December	142	103	245	<ol style="list-style-type: none"> 1. The schoolrooms are small and inconvenient. In other respects the material state of the school is good. 2. For an infant school, the regularity and punctuality of the pupils are fairly satisfactory; their cleanliness and order, good. 3. The subjects appropriate to infant schools are taught, and the methods are adapted to the ages and capacities of the pupils. 4. On the whole, the pupils have made satisfactory progress.
Jamberoo (Vested.)	November	37	25	62	<ol style="list-style-type: none"> 1. The school ground is not fenced in. In other respects the material state of the school is good. 2. The pupils are neither regular nor punctual; they are clean and in fair order. They exhibited a degree of bashfulness that I have not seen equalled in any other school. 3. The ordinary branches only are taught. The methods are too mechanical to be productive of useful results. 4. The proficiency of the pupils is decidedly small, and their mental powers are as yet undeveloped.
Manly (Vested.)	28 July ..	10	10	20	<ol style="list-style-type: none"> 1. The material state of this school is excellent in every respect. 2. The attendance of pupils is irregular. In other respects the moral character of the school is good. 3. At present the ordinary subjects only are taught. The methods are well adapted to the capacities of the pupils. 4. The progress of the pupils may be regarded as fair, when their backward condition on entering the school is taken into consideration.
Marshall Mount (Vested.)	25 Nov. ...	25	34	59	<ol style="list-style-type: none"> 1. There are in this place a good schoolroom, abundant supplies of excellent furniture, apparatus, and books. The material condition of the school may, therefore, be pronounced excellent. 2. The pupils are tolerably punctual and regular in their attendance, clean, and in very good order. But for some remains of the excessive bashfulness, the moral tone of the school might be considered as high.

DETAILED Statement, &c.—continued.

NAME OF SCHOOL.	DATE.	NUMBER OF PUPILS PRESENT AT EXAMINATION.			REMARKS.
		Boys.	Girls.	TOTAL.	
Marshall Mount (Continued.)	1859.	....	....	....	<ol style="list-style-type: none"> Vocal music has been taught in addition to the ordinary subjects. The methods employed are skilful. Considering the length of time the pupils have been under instruction, their progress is satisfactory, and the development of the intelligence fair.
Paddington (Vested.)	1 & 2 Dec.	87	50	137	<ol style="list-style-type: none"> The material state of this school is good; all the necessary appliances for teaching being provided. Its moral character is also good. All the ordinary branches are taught, together with vocal music, outline drawing, and algebra. The methods are judicious. Fair progress has been made on the whole, and considerable success has been attained in developing the mental powers of the pupils.
Parramatta (Vested.)	13 May ..	35	36	71	<ol style="list-style-type: none"> The schoolroom is too small, and the supply of furniture, apparatus, and books deficient. The pupils are irregular, not sufficiently clean, and not in good order. The moral tone is low. The ordinary branches only are taught. The methods are individual and mechanical in their character, and consequently unsuitable for class instruction. On the whole, very little progress has been made in any subject; and, with the exception of a few children in the highest class, the cultivation of the intelligence has not begun.
Pennant Hills (Vested.)	1 Sept..	10	23	33	<ol style="list-style-type: none"> The schoolroom requires repair. In other respects the material state of the school is fair. In moral character, the school ranks low, the pupils being irregular, and the boys disorderly and not sufficiently clean. There are special difficulties in this case which, to some extent, exonerate the teacher from blame. The ordinary subjects are taught. The methods are tolerably skilful, but the teaching lacks energy and spirit. The progress of the pupils is unsatisfactory, and the degree of mental cultivation attained very small.
Picton (Vested.)	6 Oct. ...	21	18	39	<ol style="list-style-type: none"> On the whole the material state of the school is good. Its moral character is unsatisfactory. It ranks low as regards the cleanliness of the pupils, and the order is less perfect than might be expected. The subjects of instruction do not fully accord with the requirements of the "Table of Minimum Attainments," and the methods employed are lifeless and mechanical. The actual proficiency of the pupils is very moderate, and their mental powers small.
Pymont (Non-vested.)	11 Aug ..	17	21	38	<ol style="list-style-type: none"> As this school is not sufficiently supplied with furniture and apparatus, its material state must be deemed unsatisfactory. The pupils are clean and orderly, but irregular and unpunctual. No regard is paid to the "Table of Minimum Attainments," in teaching the ordinary subjects; and the methods seem to be wholly individual and mechanical. The proficiency of the pupils is very moderate, and their mental cultivation very small.

DETAILED Statement, &c.—continued.

NAME OF SCHOOL.	DATE.	NUMBER OF PUPILS PRESENT AT EXAMINATION.			REMARKS.
		Boys.	Girls.	Total.	
Shell Harbour (Non-Vested.)	1859. 18 Nov...	33	18	51	<ol style="list-style-type: none"> 1. The material state of this school is not wholly satisfactory, additional furniture being much required. 2. Its moral character appears very promising, as the pupils are punctual, regular, tolerably clean, and orderly. 3. Music is added to the ordinary subjects. The methods are clear and judicious, though they bear too much of the individual character. 4. While the actual proficiency of the pupils is small, they have made satisfactory advances from their state of ignorance on entering the school, and their thinking powers have been well developed.
Smithfield (Vested.)	31 Aug...	25	18	43	<ol style="list-style-type: none"> 1. On the whole, the material state of the school is very satisfactory. 2. The pupils are irregular in their attendance, but tolerably clean and orderly. 3. The subjects of instruction do not fully accord with the requirements of the "Table of Minimum Attainments," and the methods are very mechanical in their character. 4. The proficiency of the pupils is very moderate, and they exhibit little evidence of mental cultivation.
South Head (Non-vested.)	3 Aug...	10	12	22	<ol style="list-style-type: none"> 1. On the whole, the material state of this school is very fair. 2. The pupils are unpunctual, but tolerably regular in their attendance, clean, and in moderately good order. 3. The subjects of instruction are appropriate, and accord with the requirements of the "Table of Minimum Attainments." The methods employed are chiefly individual, and are perhaps the best suited to a small school. 4. A fair amount of progress has been made, all circumstances considered, and there are some indications of cultivated intelligence on the part of the pupils.
Violet Hill..... (Vested.)	29 and 30 Nov. ...	21	21	42	<ol style="list-style-type: none"> 1. The schoolroom and its appointments are suitable, though there is some deficiency of apparatus. The material state of the school is not fully satisfactory. 2. The pupils are neither regular nor punctual. They appear to be well disposed, though greatly oppressed with bashfulness. A large proportion had never attended school previously to entering this. 3. Only the ordinary subjects have yet been introduced. The choice of lessons appears to be judicious, and the methods are characterized by considerable tact and skill. 4. The actual proficiency of the pupils is but moderate, though satisfactory, if allowance be made for their previous ignorance and the shortness of the period during which they have been under instruction.
Westbrook..... (Vested.)	7 Sept...	27	20	47	<ol style="list-style-type: none"> 1. The building arrangements are not quite completed, but when all the projected additions are supplied the material state of the school will be good. 2. The pupils are tolerably regular and punctual, clean, and in good order. The moral tone is promising. 3. Up to the present time, the subjects of instruction have been of a most elementary kind, in consequence of the extreme ignorance of the pupils when the school was established. The methods exhibit tolerable skill. 4. While the actual proficiency of the pupils is but very moderate, their progress from their original state of ignorance is considerable.

DETAILED Statement, &c.—continued.

NAME OF SCHOOL.	DATE.	NUMBER OF PUPILS PRESENT AT EXAMINATION.			REMARKS.
		Boys.	Girls.	TOTAL.	
William-street (Boys) (Vested.)	1859. 12 and 13 Dec.....	281	....	....	<ol style="list-style-type: none"> 1. With the exception of the flooring of the schoolroom, the material state of this school is excellent. 2. The pupils are regular in their attendance, clean, and in good order. 3. In addition to the ordinary branches vocal music and drawing are taught, and in the higher classes, mensuration and geometry. The methods of teaching are skilful. 4. On the whole, the progress of the pupils is very satisfactory, and the development of mental power is very considerable.
William-street (Girls) (Vested.)	8 & 9 Dec.	....	123	....	<ol style="list-style-type: none"> 1. The material state of this school is very good, with the exception of the flooring of the schoolrooms. 2. The pupils are tolerably regular, clean, and in good order. 3. Vocal music and drawing are added to the ordinary subjects. The methods of imparting instruction are fairly skilful. 4. Very fair progress has been made by the pupils, and their intelligence has been cultivated with tolerable success.
William-st. (Infants) (Vested.)	7 Dec. ..	108	106	214	<ol style="list-style-type: none"> 1. The flooring of one of the schoolrooms is unsuitable. In other respects the material state of the school is very good. 2. The pupils are tolerably regular and punctual; they are clean and in good order. 3. The subjects of instruction are those appropriate to infant schools, and the methods are adapted to the ages and capacities of the pupils. 4. Satisfactory progress has been made considering the tender age of the pupils.
Wollongong (Boys) (Vested)	16 Nov...	81	....	....	<ol style="list-style-type: none"> 1. A deficiency of school furniture is observable. In other respects the material state of the school may be regarded as good. 2. The pupils are regular and punctual; tolerably clean and orderly. 3. During the usual school hours the ordinary subjects are taught, and at other times Latin, French, and Geometry. Owing to the great number of pupils—for whom there is but one teacher—the methods of instruction are not always the best. 4. The actual proficiency of the pupils is but moderate, though as great as could be expected under the circumstances.
Wollongong (Girls) (Vested)	15 Nov...	....	59	....	<ol style="list-style-type: none"> 1. Additional desks and forms are required. In other respects the material state of the school is satisfactory. 2. The pupils are regular in their attendance and clean in their persons. Their conduct is susceptible of improvement. 3. The subjects taught agree with the provisions of the "Table of Minimum Attainments." The methods are not adapted with sufficient skill to the capacities of the pupils. 4. Notwithstanding the zeal and industry of the teacher, the proficiency of the pupils is but moderate, and the development of their mental powers small.

DETAILED Statement, &c.—continued.

2. NORTHERN DISTRICT.

NAME OF SCHOOL.	DATE.	NUMBER OF PUPILS PRESENT AT EXAMINATION.			REMARKS.
		Boys.	Girls.	TOTAL.	
Aberglasslyn..... (Non-vested.)	1859. 21 Mar...	11	20	31	<ol style="list-style-type: none"> 1. This school was first opened in March, 1859, and closed a few weeks afterwards, in consequence of the difficulty experienced in securing a suitable building in which to conduct the operations. 2. The pupils were tolerably regular in attendance, punctual, clean, and well conducted. 3. The instruction was judicious, but from the short period the school existed, the children had made little progress. The new vested school building is in course of erection.
Bendolba (Vested.)	6 July..	2	15	17	<ol style="list-style-type: none"> 1. This schoolhouse is substantially built, in good repair, and well enclosed; but no outbuildings have as yet been provided. The furniture and apparatus are sufficient for present use; but the books are deficient in quantity, and some need replacing. 2. The children are in general regular, but not punctual. They are clean, neat, and orderly. 3. The instruction is tolerably skilful, judicious, and promising. 4. In attainments the first class may be considered tolerable, the second fair, the sequel very fair. The mental capacity and general intelligence are tolerable.
Bishop's Bridgw (Non-vested.)	8 Aug...	13	19	32	<ol style="list-style-type: none"> 1. The school building is of a temporary and unsatisfactory character. It is too small, and in bad repair. The furniture is unsuitable, and barely sufficient. The apparatus also is scanty, and the classification defective. 2. The children are tolerably regular, but not punctual. They are neat and clean, but not orderly throughout. 3. The instruction is tolerable, but not sufficiently intellectual. 4. The attainments of the first class may be considered fair, of the second very fair. The mental capacity is moderate.
Black Creek (Non-vested.)	18 July..	24	9	33	<ol style="list-style-type: none"> 1. The building is unpromising in appearance, and altogether unsuitable. The furniture and apparatus are barely sufficient in quantity. The classification is defective. 2. The children are neither regular nor punctual in attendance. They are generally clean, but restless, noisy, and inattentive. The morale is far from satisfactory. 3. The instruction is obsolete and too mechanical. 4. The attainments are for the most part superficial, and the mental power very low.
Bolwarra (Vested.)	4 Aug...	12	14	26	<ol style="list-style-type: none"> 1. The schoolhouse being unsafe, the business is conducted in a building belonging to the proprietor of the estate. The furniture, apparatus, and books are sufficient and suitable. 2. The children are irregular, but punctual; they are tolerably clean, and behave with propriety. 3. The instruction is of a superior and rational character. 4. In the higher classes, the attainments are very fair; in the lower, fair; mental power, promising.

DETAILED Statement, &c.—continued.

NAME OF SCHOOL.	DATE.	NUMBER OF PUPILS PRESENT AT EXAMINATION.			REMARKS.
		Boys.	Girls.	TOTAL.	
Bow Bow Creek (Non-vested.)	1859. 7 June...	15	8	23	<ol style="list-style-type: none"> 1. The building is substantial and suitable. The furniture and apparatus are sufficient for present use. The books and registers are in good condition. 2. The children are in general punctual, but very irregular; they are clean, neat, and well conducted. 3. The instruction is upon the whole fair, though sometimes mechanical. 4. Considering the time the school has been in operation, the proficiency attained is fair; the mental capacity is low.
Brookfield (Vested.)	10 May...	14	12	26	<ol style="list-style-type: none"> 1. The building is substantial and suitable, but the fences are broken. The furniture, apparatus, and books are sufficient and suitable. 2. The pupils are irregular, but tolerably punctual; they are clean, neat, and well conducted. 3. The character of the instruction is upon the whole fair. 4. The attainments of the second and second classes are fair; of the first class tolerable. The children are animated and intelligent.
Chesapeake (Non-vested.)	3 Aug...	4	11	15	<ol style="list-style-type: none"> 1. The building, ground, furniture, and apparatus are altogether unsuitable or insufficient; this arrangement however is only temporary, until a proper schoolhouse can be erected. 2. The pupils are tolerably regular, but not punctual; they are cleanly in person, and properly attired. The order is fair. 3. The instruction is not intellectual. 4. Considering the time the school has been opened, the attainments may be regarded as fair; mental power is low.
Clinton Town (Vested.)	13 Dec...	31	36	67	<ol style="list-style-type: none"> 1. The building is a very good one, but in want of repairs. The furniture, apparatus, and books are sufficient in quantity and suitable. 2. The children are punctual and tolerably regular; they are clean, neat, and well conducted. 3. The instruction is very good and promises well. 4. The proficiency of the pupils is very fair throughout; mental power promising.
Candle Town (Vested.)	2 June...	35	22	57	<ol style="list-style-type: none"> 1. The building, situation, and enclosures are very good. The furniture and apparatus are sufficient. The books and registers are in good condition. 2. Generally speaking, the children are regular, punctual, and neatly attired. The order and attention are tolerable. 3. The instruction is judicious and suitable. 4. The attainments of the higher classes may be considered very fair; of the younger classes, fair; the mental power, tolerable.
Dungor (Vested.)	7 July...	25	28	53	<ol style="list-style-type: none"> 1. The building is old and unsuitable. There are neither enclosures nor outbuildings. The furniture and apparatus are sufficient and suitable. The books need replacing. 2. No ground of complaint exists as regards regularity, punctuality, or cleanliness in the children. The order is defective, the demeanour of the pupils being marked by impropriety. 3. The instruction would be better if blended with searching examination. 4. The attainments of the pupils are tolerable. The mental power is moderate.

DETAILED Statement, &c.—continued.

NAME OF SCHOOL.	DATE.	NUMBER OF PUPILS PRESENT AT EXAMINATION.			REMARKS.
		Boys.	Girls.	TOTAL.	
Dunmore (Vested.)	1879. 4 July	34	37	71	<ol style="list-style-type: none"> 1. The school building is growing old and needs some repairs. Otherwise the organization is in a satisfactory condition. 2. The children are tolerably regular and punctual. They are clean, neat, and orderly. 3. In general, the instruction is careful and judicious. 4. The attainments, attention, and mental power may be regarded as fair upon the whole. The pupils have improved in earnestness and application to work.
Ellabong (Non-vested.)	9 Aug.	13	21	34	<ol style="list-style-type: none"> 1. The building is favorably situated, but is too small. The furniture and books are sufficient and suitable. The apparatus is inefficient, and the classification defective. 2. The children are irregular, and not punctual in attendance. They are clean, neat, and orderly. The order is tolerable, and the attention low. 3. The instruction is fair. 4. The attainments and mental capacity are not high. The school has only been a few weeks under the care of the present teacher.
Falbrook (Vested.)	19 July	13	12	25	<ol style="list-style-type: none"> 1. The building is in good repair. The furniture is sufficient, but very costly and ill-arranged. The apparatus is scanty, but the books are suitable. 2. The children are not regular, but tolerably punctual. They are clean, neat, and attentive. 3. The instruction is creditable and judicious. 4. The attainments, upon the whole, very fair. Mental power fair.
Fishery Creek (Vested.)	18 Aug.	7	19	26	<ol style="list-style-type: none"> 1. The building is nicely finished and well suited for its purpose. The furniture is sufficient, and the apparatus incomplete. The books and registers are in a satisfactory state. 2. The children are not regular, but they are tolerably punctual. In respect of cleanliness, neatness, and orderly behavior, many of them are not all that could be desired or expected. 3. The instruction is of an intelligent and superior character. 4. The pupils have made good progress; they are animated, and display considerable intelligence.
Four Mile Creek (Vested.)	7 Dec.	14	9	23	<ol style="list-style-type: none"> 1. The building is in fair condition; but the fences are temporary and insufficient. The furniture and apparatus are sufficient for present wants, and in good condition. The books are barely sufficient. 2. The children are very irregular, and not very punctual. They are clean and well conducted. 3. On the whole the instruction may be regarded as fair. 4. The attainments of the higher class are fair—of the younger, tolerable. The mental capacity is moderate.
Gosforth (Vested.)	2 August	15	9	24	<ol style="list-style-type: none"> 1. The building is in good repair. The ground is only partially fenced. The furniture, apparatus, and books are sufficient and suitable. 2. The children are not generally regular, though tolerably punctual in attendance. They are clean and neat in person, but in several instances not well conducted. 3. The instruction is moderately skillful and judicious. 4. The proficiency attained is very fair: mental power tolerable.

DETAILED Statement, &c.—continued.

NAME OF SCHOOL.	DATE.	NUMBER OF PUPILS PRESENT AT EXAMINATION.			REMARKS.
		Boys.	Girls.	TOTAL.	
Grafton (Vested.)	1859. 26 Sept...	50	46	96	<ol style="list-style-type: none"> 1. The school building, furniture, apparatus, and books are in fair condition. 2. The children fluctuate exceedingly in their attendance. The cleanliness, order, attention, and general tone of the school are below the average. 3. The instruction is modern, and in some respects very good, but simultaneous methods are too much relied upon. 4. The consequence of this is, that it leads to enervation and mental indolence. When the pupils follow the teacher in suggestive interrogation they seem to do well; but when required to think and act for themselves, very little. It is due to the teacher to say that his aid is limited, considering the attendance.
Hinton (Vested.)	8 Nov. ..	33	32	65	<ol style="list-style-type: none"> 1. The school buildings and enclosures are in good condition. The furniture, apparatus, and books are sufficient, and in fair preservation. 2. The children are not regular, but generally punctual; they are clean in person, and neatly attired. The order is fair. 3. The instruction is judicious, and in general suited to the capacities of the pupils. 4. The proficiency attained by the upper classes is very fair; by the lower, fair. The mental power is promising—not high.
Iona (Vested.)	11 July..	24	23	47	<ol style="list-style-type: none"> 1. The building, furniture, apparatus, and books of this school are in a tolerably satisfactory state. 2. In general the children are regular, but not punctual; they are clean and decently attired, but restless, inattentive, and not obedient. 3. The instruction wants animation, earnestness, and precision. 4. The attainments are generally unsatisfactory, and the mental power is low.
Lochinvar (Non-vested.)	4 May ..	29	19	48	<ol style="list-style-type: none"> 1. The present school building is used temporarily; it is not suitable; the furniture also is unsuitable, and the apparatus insufficient. 2. The children are tolerably regular and punctual; with some exceptions they are cleanly and neat in person, but disposed to be restless and talkative in school. 3. The instruction is upon the whole good. 4. The attainments and general intelligence of the pupils are satisfactory.
M'Donald River (Vested.)	2 Nov...	10	13	23	<ol style="list-style-type: none"> 1. The furniture is not suitable; otherwise the condition of the building, grounds, apparatus, and books is satisfactory. 2. The children are tolerably regular and punctual; they are clean, neatly dressed, and behave with propriety. 3. In the book and desk lessons the instruction is fair; in the oral, moderate. 4. The attainments are in general fair; the mental power tolerable.
Merriwa (Vested.)	1 Dec. ..	18	17	35	<ol style="list-style-type: none"> 1. Upon the whole there is nothing to complain of in the material organization of this school. 2. The children are in general regular and punctual; they are cleanly in person, and behave with tolerable propriety. 3. The instruction is modern, and fairly adapted to the capacities of the pupils. 4. The reading may be regarded as very fair, the writing good, the arithmetic as fair, and the other subjects as tolerable. In sustained attention and mental activity the children rank low.

DETAILED Statement, &c.—continued.

NAME OF SCHOOL.	DATE.	NUMBER OF PUPILS PRESENT AT EXAMINATION.			REMARKS.
		Boys.	Girls.	TOTAL.	
Murrurundi (Vested.)	1859. 12 Sept..	28	19	47	<ol style="list-style-type: none"> 1. This building is not very suitable, and at present needs repair. The furniture, apparatus, and books are insufficient, and in some cases need renewal. 2. The children are irregular, but generally punctual, cleanly, and neat. The order is tolerable. 3. The instruction is conducted with care and earnestness, but inclined to be mechanical. 4. The proficiency attained may be regarded as fair, although the upper classes rise somewhat above this standard. In sustained attention and intellectual exertion the pupils do not rank high.
Mosquito Island (Vested.)	22 Aug..	10	12	22	<ol style="list-style-type: none"> 1. The building is too small, and not of a very suitable character. The furniture, apparatus, and books are sufficient in quantity, and in fair condition. 2. The children are generally regular and punctual. They are cleanly in person and dress. The order is fair. 3. The instruction is earnest and judicious. 4. Considering the short period the school has been in operation, the proficiency of the pupils may be considered as very fair, especially in reading, writing, and arithmetic.
Nelson's Plains (Vested.)	19 April..	12	22	34	<ol style="list-style-type: none"> 1. This building is of a plain but substantial character. The organization of the school may be regarded as satisfactory. 2. The children are very irregular, but tolerably punctual. They are clean, orderly, and attentive. 3. The character of the instruction is fair, but it wants vivacity. 4. The attainments are below the standard, and in general mechanical rather than intellectual.
Newcastle (Non-vested.)	17 Aug..	84	49	133	<ol style="list-style-type: none"> 1. The schoolroom is out of repair, and is destitute of playground, fencing, or outbuildings. The furniture and internal arrangement are defective. The apparatus and books are sufficient and suitable. 2. The children are irregular, but in general punctual. They are cleanly and well dressed, but inattentive; and in the lower classes restless. 3. In the higher classes the instruction is modern, and of a superior character; in the lower, fair. 4. The classification being defective and premature, the attainments are below the average and superficial. Too much has been attempted—the mental power is low.
Oswald (Non-vested.)	25 Aug..	23	30	53	<ol style="list-style-type: none"> 1. The building, furniture, apparatus, books, and registers are generally in good condition and suitable. 2. The children are at times irregular, but punctual, cleanly, and neat in person. 3. The instruction is earnest, and upon the whole fairly adapted to the minds of the pupils. 4. In reading, writing, and arithmetic, the attainments are very fair, but low in the other subjects. The mental power is moderate.

DETAILED Statement, &c.—continued.

NAME OF SCHOOL.	DATE.	NUMBER OF PUPILS PRESENT AT EXAMINATION.			REMARKS.
		Boys.	Girls.	Total.	
Pitt Town (Non-vested.)	1859. 16 Aug..	59	56	115	<ol style="list-style-type: none"> 1. The building is too confined for the attendance, and unclosed, but otherwise suitable. The furniture, apparatus, and books are sufficient and suitable. 2. The children are regular and punctual. The majority are clean and neatly clothed. The order is creditable, but admits of improvement. 3. The instruction may be characterized as earnest, attentive, and persevering. 4. In the higher classes the attainments are very fair; in the lower, fair. Considering the time the school has been in operation the proficiency is tolerably satisfactory.
Port Macquarie..... (Vested.)	17 June..	19	18	37	<ol style="list-style-type: none"> 1. The school-house, furniture, and apparatus are in fair condition. The classification is defective. 2. The pupils are irregular, and not punctual. They are generally neat and clean. The order is unsatisfactory. 3. The instruction is chiefly monitorial and simultaneous, good in itself when used with judgment, but here misapplied; searching examination is neglected. 4. The proficiency attained is moderate, if the pupils are allowed to answer suggestions.
Parading Ground.... (Vested.)	2 May..	6	19	25	<ol style="list-style-type: none"> 1. The building is suitable, and nearly new. The furniture and books are sufficient and suitable. The apparatus is scanty. 2. The children are neither regular nor punctual. They are clean, orderly, and attentive. 3. The instruction is earnest and persevering, but rather mechanical than intellectual. 4. The proficiency of the pupils in reading, writing, and arithmetic is very fair, but in the other subjects low. The mental power is moderate.
Purfleet..... (Vested.)	12 Oct. ..	15	18	33	<ol style="list-style-type: none"> 1. The building, furniture, school-ware, apparatus, and books are in fair condition. 2. The children are regular, punctual, cleanly in person, and neatly dressed. The demeanour of the pupils, and general tone of this school are very pleasing. 3. The instruction is judicious and earnest. 4. The attainments of the pupils and the mental power are upon the whole very gratifying.
Raymond Terrace.... (Non-vested.)	13 July..	31	37	68	<ol style="list-style-type: none"> 1. The buildings and grounds are fairly adapted for school purposes. The furniture, apparatus, and books are sufficient and suitable. 2. The pupils are tolerably regular and punctual. They are clean, neatly dressed, orderly, and attentive. 3. The instruction is of an intelligent and superior character. 4. The pupils are fully up to the required standard, and exhibit a very fair degree of proficiency. The mental power is good.
Redbank..... (Vested.)	13 Oct. ...	19	18	37	<ol style="list-style-type: none"> 1. The schoolhouse, furniture, apparatus, books, and registers are in good preservation, and well cared for. The classification is defective. 2. The children are irregular, but generally punctual. The majority are cleanly and decently attired, but they are not obedient, and the order generally is low.

DETAILED Statement, &c.—continued.

NAME OF SCHOOL.	DATE.	NUMBER OF PUPILS PRESENT AT EXAMINATION.			REMARKS.
		Boys.	Girls.	Total.	
Bedbank (continued).....	1853. .....	....	....	....	<ol style="list-style-type: none"> 3. The instruction may be described as earnest and persevering, but unintellectual. 4. The children read fluently, write tolerably, and work arithmetic mechanically. The other branches are low, excepting Scripture. In general the pupils are devoid of emulation and disinclined to mental exertion.
Statham (Vested).....	9 May..	13	14	27	<ol style="list-style-type: none"> 1. The school is in a bad state. (It is now in course of repair.) The furniture and apparatus are sufficient, but not in good condition. The classification is defective. 2. The children are irregular, but punctual. They are clean, but not neatly dressed, and the order is not good. 3. The instruction is able and skilful, but after examination is not properly carried out; and the impression produced is too often transitory. 4. The attainments and mental activity are low.
Stoughton (Non-vested).....	12 April..	11	12	23	<ol style="list-style-type: none"> 1. The inhabitants have not yet been able to provide a suitable school-house, and the operations are conducted in temporary premises. The furniture and books are sufficient; the apparatus scanty. 2. The children are irregular, but generally punctual. They are clean, orderly, and attentive. 3. The instruction is tolerably judicious and careful. 4. The proficiency attained is creditable, considering the time the school has been in operation.
Stoughton (Vested).....	20 July..	46	28	74	<ol style="list-style-type: none"> 1. The building is new and in good preservation. The furniture, apparatus, and books are sufficient in quantity, and in good condition. 2. The pupils are regular and punctual. They are clean, well dressed, and conduct themselves with much propriety. 3. The instruction is earnest, skilful, and judicious. 4. The proficiency attained is throughout satisfactory. The attention is very fair, and the mental power promising.
Stanhope (Vested).....	23 July..	8	10	18	<ol style="list-style-type: none"> 1. A blackboard is wanted to complete the apparatus. Beyond this I observed no important deficiency in the organization of this school. 2. The children are irregular, but generally punctual. They are clean, neat, and well conducted. 3. The instruction is tolerably skilful and judicious. 4. The attainments of the pupils are upon the average satisfactory, and the mental power tolerable.
Stoughton (Vested).....	27 Oct. ...	22	18	40	<ol style="list-style-type: none"> 1. This building is rather small, but in good repair. The furniture, apparatus, books, and registers are in a satisfactory state. 2. The children are generally regular and punctual; the majority are clean, orderly, and attentive. 3. The instruction may be regarded as earnest and judicious. 4. The proficiency attained is very fair; the mental power tolerable.

DETAILED Statement, &c.—continued.

NAME OF SCHOOL.	DATE.	NUMBER OF PUPILS PRESENT AT EXAMINATION.			REMARKS.
		Boys.	Girls.	Total	
Tamworth (Vested.)	1889. 15 Sept....	31	23	54	<ol style="list-style-type: none"> 1. The building needs repair. It is not enclosed. The furniture and apparatus are unsuitable and barely sufficient. 2. The children are tolerably regular and punctual. They are cleanly and neatly dressed; but the order in school and the demeanour generally are by no means satisfactory. 3. The instruction is defective. Simultaneous teaching is excessively used, and individual searching examination is neglected. 4. The proficiency attained is only tolerable. In attention, application, and in propriety of conduct, the children take a low rank.
Tilimby (Non-vested.)	18 May ..	12	11	23	<ol style="list-style-type: none"> 1. The building is out of repair; a blackboard also is required; otherwise the furniture and apparatus are sufficient and suitable. 2. The children are irregular, and not at all punctual. They are cleanly, but talkative and disorderly. 3. The instruction is individual, mechanical, and superficial. 4. The proficiency of the pupils is small, and the mental power low.
Tomago (Vested.)	3 May ..	14	19	33	<ol style="list-style-type: none"> 1. The buildings are in fair preservation. The furniture, apparatus, and books are nearly sufficient, and in good condition. 2. In general the children are regular, but not punctual. They are clean, neat, and well-behaved. 3. The character of the instruction is judicious and fair. 4. The attainments in reading and writing are fair, in arithmetic tolerable, and in the other subjects moderate.
Vacy (Non-vested.)	12 Dec. ..	7	9	16	<ol style="list-style-type: none"> 1. This building is new, substantial, and suitable. The furniture is rude and unsuitable. With the exception of a blackboard, not yet provided, the apparatus and books are sufficient. 2. The children are irregular, but punctual. They are cleanly in person, but their demeanour indicates an absence of salutary restraint. 3. The instruction may be characterized as tolerable, and tending to the mechanical more than to the intellectual. 4. The proficiency attained is, on the whole, fair; but half the pupils were absent. In attention, application, and mental effort they take a low rank.
Walcha (Vested.)	4 Oct....	18	21	39	<ol style="list-style-type: none"> 1. The building, enclosures, furniture, and apparatus are new and suitable. The books and registers are in a satisfactory condition. 2. Hitherto the children have been regular, punctual, and cleanly. The order is fair; the majority behave with propriety. 3. As a whole, the instruction is skilful and judicious. 4. Considering that the school has only been a few weeks in operation, the proficiency attained is creditable.
Waratah (Non-vested.)	22 Aug....	14	17	31	<ol style="list-style-type: none"> 1. The building is in good repair. The furniture is sufficient in quantity, but rude, and ill arranged. The apparatus is scanty. The registers were in an unsatisfactory state, and the classification defective. 2. The children are tolerably regular, but not punctual. They are cleanly and well dressed, but the order is indifferent. 3. The instruction is characterized by industry and moderate skill. 4. The proficiency attained is only tolerable; and the pupils are deficient in attention, and in mental effort.

DETAILED Statement, &c.—continued.

NAME OF SCHOOL.	DATE.	NUMBER OF PUPILS PRESENT AT EXAMINATION.			REMARKS.
		Boys.	Girls.	TOTAL.	
Warkworth (Non-vested.)	1859. 23 Nov...	8	21	29	<ol style="list-style-type: none"> 1. The present building is used temporarily. It is too small. The furniture, apparatus, and books are sufficient, and in good condition. 2. The children are in general regular and punctual. They are cleanly, neat, and well conducted. 3. The instruction is careful and judicious. 4. The attainments are, upon the average, very fair. The pupils are animated and intelligent.
Wollombi (Vested.)	11 Aug...	52	49	101	<ol style="list-style-type: none"> 1. The buildings, enclosures, furniture, apparatus, and books are in good condition, suitable, and sufficient. 2. The children of this school are distinguished by regularity and punctuality. They are clean, well conducted, and attentive. 3. The instruction generally is very good. 4. The proficiency attained is extremely creditable to the teachers, but especially so in the higher classes. The mental vigour is very fair.
Woola Woola..... (Non-vested.)	7 June..	8	14	22	<ol style="list-style-type: none"> 1. The building is rude, but substantially constructed. It is not finished. The furniture and apparatus are sufficient for present use. The registers are in bad condition, the books abused, and the classification defective. 2. The children are irregular, but punctual, neat, and clean. The order is only tolerable. 3. The instruction is moderately skilful, and tends to the superficial. 4. The attainments of the pupils are low: they are mentally sluggish and inattentive.

3. WESTERN DISTRICT.

Bathurst..... (Non-vested.)	2 Aug...	43	18	61	<ol style="list-style-type: none"> 1. The schoolroom is too small, otherwise its material state is very fair. 2. The pupils are clean, tolerably punctual, reasonably regular, but not in very good order. The moral character of the school is, however, improved. 3. Every effort has been made to carry out the subjects to the extent required by the "Table of Minimum Attainments." An improvement has taken place in the methods of teaching. 4. The proficiency of the pupils is satisfactory in a tolerable degree. A steady progress has been made during the year.
Blancy (Vested.)	20 Sept..	23	23	46	<ol style="list-style-type: none"> 1. The premises are too small, otherwise the school is very well organized. 2. If the pupils were more regular in their attendance, the moral character of the school would be very good. 3. The ordinary subjects, with singing, are taught. The subjects accord with the "Table of Minimum Attainments." The methods of instruction are tolerable; those employed in the instruction of the junior classes, and in the teaching of arithmetic, are not sufficiently intellectual. 4. Considering the low proficiency of the pupils in 1858, the progress made this year is very fair.

DETAILED Statement, &c.—continued.

NAME OF SCHOOL.	DATE.	NUMBER OF PUPILS PRESENT AT EXAMINATION.			REMARKS.
		Boys.	Girls.	TOTAL.	
Dowenfels (Vested.)	1889. 24 June..	30	30	60	<ol style="list-style-type: none"> 1. The school requires to be enlarged. Its present dimensions render the preservation of good order almost impossible. 2. The moral character of the school is fair, considering the disadvantages under which the teacher labours. 3. The ordinary subjects, with Latin, are taught. A fair proportion of time and attention is given to each subject. With the exception of arithmetic, in which the instruction is too mechanical, the methods are fair, characterized by intelligence and experience. 4. The pupils had not in the first instance been judiciously classified, consequently their proficiency appeared to a disadvantage. Improvements under this head have since been effected.
Campbell's River (Non-vested.)	9 Aug...	14	20	34	<ol style="list-style-type: none"> 1. Improvements have been effected during the year in the dimensions, appliances, and general accommodation of the school. Its material state is now tolerable. 2. The moral character of the school is tolerably good. 3. The pupils have not been in every case made thoroughly acquainted with one subject before they proceed to another. The methods of instruction are as skilful as can be expected from an untrained teacher. 4. The proficiency of the pupils in the first class was small, but the second class may be considered fair.
Oaroor (Vested.)	22 Sept..	15	24	39	<ol style="list-style-type: none"> 1. There is an excellent schoolroom, well furnished and provided with all the appliances. Its material state is very good. 2. In most respects its moral character is good. 3. A fair proportion of time and attention was devoted to each subject taught. Singing and mental arithmetic have been successfully introduced. The teacher is acquainted with some good methods. His style of teaching, however, is not always calculated to produce the required results. 4. The proficiency of the higher classes was fair, that of the junior pupils scarcely tolerable.
Oowra (Non-vested.)	26 Sept..	13	14	27	<ol style="list-style-type: none"> 1. The material state of the school is scarcely medium. It is, however, fairly organized, considering the remoteness of the locality. 2. The moral character of the school is very pleasing. The pupils are very clean, very modest, and, what is more striking, of an age considerably beyond the average. 3. The ordinary subjects, with music, drawing, and French, have been introduced. The subjects are appropriate, and accord with the "Table of Minimum Attainments." The methods of instruction are generally of a character calculated to form the minds and to cultivate the understandings of the pupils. 4. The proficiency of the pupils is, on the whole, very fair.

DETAILED Statement, &c.—continued.

NAME OF SCHOOL.	DATE.	NUMBER OF PUPILS PRESENT AT EXAMINATION.			REMARKS.
		Boys.	Girls.	TOTAL.	
Dennis Island (Non-vested.)	1859. 28 Nov...	8	14	22	<ol style="list-style-type: none"> 1. The schoolroom is comfortable, neatly kept, and tolerably furnished. Its material state is fair. 2. The pupils were very clean and very orderly. Their manners and demeanour are modest and well regulated. The moral character of the school is very good. 3. The ordinary subjects, with singing, are taught. The subjects are appropriate, and accord, in general, with the "Table of Minimum Attainments." The methods of teaching are too mechanical. Little has been done to rouse and develop the intellectual faculties of the pupils. 4. The proficiency of the junior classes was fair; that of the higher classes, tolerable.
Dubbo..... (Vested.)	22 March.	11	14	25	<ol style="list-style-type: none"> 1. The school, which is new, is very deficient in furniture and apparatus. The walls require plastering. 2. The pupils were tolerably clean, but disorderly and very irregular. The moral character of the school was below the average. 3. The subjects were very elementary, and did not accord with the "Table of Minimum Attainments." The methods of instruction were too mechanical, and generally unsuited to the ages and capacities of the pupils. 4. Writing was the only subject in which any proficiency was perceptible.
Evans Plains (Vested.)	16 Sept..	19	15	34	<ol style="list-style-type: none"> 1. The school building, which is a temporary one, is in very bad repair. The furniture and apparatus are sufficient, and in good condition. A new school has since been erected. 2. The pupils were clean and orderly, tolerably punctual, and reasonably regular. The moral character of the school is fair. 3. A fair proportion of time is devoted to each subject, as is shown by the "Time Table," which appears to be strictly acted upon. The teacher's methods are tolerable for an inexperienced teacher. 4. Fair progress has been made by the pupils, considering the short time the school has been in operation.
Ironbark..... (Non-vested.)	25 Mar...	11	5	16	<ol style="list-style-type: none"> 1. The building is unsuitable, and the furniture and apparatus are insufficient. Everything in, and around, the school is kept remarkably clean. 2. The pupils are very irregular in attendance, otherwise the moral tone of the school is pleasing. 3. The subjects are very elementary, and do not accord with the "Table of Minimum Attainments." The methods of instruction are very mechanical. 4. The writing was good, otherwise the proficiency of the pupils was very small.
Keen's Swamp (Non-vested.)	17 Dec...	5	5	10	<ol style="list-style-type: none"> 1. The material state of the school is in many respects indifferent. Its organization is very defective. 2. The school is only in its infancy. The pupils are very irregular. The whole moral tone of the school is, at present, unsatisfactory. 3. The subjects of instruction have been hitherto confined to the mere elements of reading, writing, and arithmetic. The methods of instruction are, in general, too mechanical. They partake too much of the cramming system. 4. The proficiency of the pupils is very small. The school is only a short time in operation.

DETAILED Statement, &c.—continued.

NAME OF SCHOOL.	DATE.	NUMBER OF PUPILS PRESENT AT EXAMINATION.			REMARKS.
		Boys.	Girls.	TOTAL.	
Kirkconnell (Vested.)	1889. 9 Aug...	15	18	33	<ol style="list-style-type: none"> 1. There is an excellent schoolroom, well furnished. The organization is good. 2. The pupils were clean, but disorderly. Their manners and demeanour have not been properly regulated. The moral character of the school is not fair. 3. The subjects are very elementary, and do not accord with the "Table of Minimum Attainments." The methods of instruction were unsatisfactory, not calculated to produce the required results. 4. The proficiency of the pupils was very small. Very little progress has been made since the opening of the school.
Louisa Creek (Vested.)	5 July ..	17	36	53	<ol style="list-style-type: none"> 1. The school has undergone considerable repairs during the year; its material state is, however, scarcely tolerable. 2. The pupils are clean, in good order, but not very punctual. The moral character of the school is fair. 3. Every reasonable effort has been made to carry out the course of instruction, in each branch taught, to the extent required by the "Table of Minimum Attainments." The methods of instruction, though characterized by considerable intelligence, are yet wanting in experience; they are, however, improved. 4. Considering the short time the school has been open under the present teacher the proficiency made by the pupils is satisfactory.
Meadow Flat (Vested.)	23 June..	16	22	38	<ol style="list-style-type: none"> 1. A blackboard and easel are much wanted. The land is not fenced. In all other respects the school is well organized. 2. If the pupils were more regular, the moral character of the school would be good. 3. The pupils have been advanced to the highest subjects too early. The methods of instruction are too mechanical. Little has been done to raise and develop the intellectual faculties of the pupils. 4. The pupils having been injudiciously classed, their proficiency appeared to a disadvantage.
Molong (Non-vested.)	17 Aug...	24	17	41	<ol style="list-style-type: none"> 1. The building is in good repair, but not properly furnished. A blackboard and easel are important deficiencies. 2. The pupils are extremely bashful, otherwise the school's moral character is fair. 3. The subjects taught were not appropriate; they do not accord with the "Table of Minimum Attainments." There is too much of the individual system adopted. The methods of instruction are not at all skilful. 4. The proficiency of the pupils was unsatisfactory. The school has only been a short time in operation.
Morangaroo (Non-vested.)	27 June..	9	14	23	<ol style="list-style-type: none"> 1. There is a great scarcity of apparatus, otherwise the school is fairly organized. 2. The moral character of the school is fair. 3. The subjects are not appropriate—the course of instruction being below that laid down in the "Table of Minimum Attainments." The methods of instruction are very mechanical—generally devoid of system. 4. The proficiency of the pupils is small.

DETAILED Statement, &c.—continued.

NAME OF SCHOOL.	DATE.	NUMBER OF PUPILS PRESENT AT EXAMINATION.			REMARKS.
		Boys.	Girls.	TOTAL.	
Mount Macquarie.... (Non-vested.)	1859. 23 Sept...	6	12	18	<ol style="list-style-type: none"> 1. The schoolhouse is in bad repair, and the furniture and apparatus are insufficient in quantity and unsuitable. The material state of the school is indifferent. 2. The moral character of the school is scarcely tolerable. 3. The ordinary subjects only have been introduced; they are appropriate. The methods are very mechanical. They partake too much of the cramming system. 4. The general answering of the pupils was tolerable.
Mudgee (Boys)..... (Vested.)	21 July..	59	....	59	<ol style="list-style-type: none"> 1. This is an excellent schoolroom, abundantly supplied with furniture and apparatus of the most approved kind. This is the best organized school in the district, for which it serves as a model. 2. I have seldom observed discipline carried to greater perfection. The moral tone of the school is of a high character. 3. Latin, singing, the elements of mathematics, and the ordinary subjects are taught. The subjects are appropriate, and in general accord with the "Table of Minimum Attainments." The methods of instruction are calculated to please, and are, on the whole, worthy of imitation. 4. The school has improved during the year. The proficiency of the pupils is now very respectable.
Mudgee (Girls)..... (Vested.)	14 April .	....	42	42	<ol style="list-style-type: none"> 1. This school is held in the upper story of the building. It is in excellent repair, and well organized in every respect. 2. The moral character is fair. 3. The ordinary subjects, with singing and the elements of French, are taught. The classification was too high, and the subjects, therefore, not exactly appropriate. The methods of instruction are, on the whole, very fair. Considerable skill and judgment have been displayed in the inculcation of knowledge. 4. The proficiency of the pupils is not entirely satisfactory.
Mudgee (Infants).... (Vested.)	21 July..	22	26	48	<ol style="list-style-type: none"> 1. The room in which this school is held is tolerably suitable, and well furnished with all the necessary appliances. The organization is skilful. 2. The impressions formed in this school are likely to prove of lasting benefit. The order, cleanliness, and general discipline are very good. Its moral tone is particularly pleasing. 3. The mere elements of reading, writing, and arithmetic only have been introduced. Lessons upon natural history and common objects also form daily subjects. The methods of instruction are skilful. 4. A fair proficiency has been made for the time.
Ophir Road	13 July..	4	9	13	<ol style="list-style-type: none"> 1. The school building is in good repair. There is a large supply of unsuitable furniture, and the apparatus is deficient. The organization of the school is defective. 2. The pupils are clean, tolerably punctual, in fair order, but irregular. The moral character of the school is tolerable. 3. The ordinary subjects only are taught. The course of instruction is not regulated by a "Time Table." The style of teaching partakes too much of the individual system. The teacher is acquainted with few good methods. 4. The proficiency of the pupils is unsatisfactory; the school has only been a short time in operation.

DETAILED Statement, &c.—continued.

NAME OF SCHOOL.	DATE.	NUMBERS OF PUPILS PRESENT AT EXAMINATION.			REMARKS.
		Boys.	Girls.	Total.	
Orange (Vested.)	1859. 9 Dec...	27	20	47	<ol style="list-style-type: none"> 1. The school building is in bad repair; the main schoolroom requires to be enlarged. The organization of this school is altogether defective. 2. The moral character of the school is unsatisfactory. 3. Only the ordinary subjects are taught in the school; the course of instruction is below the average. The methods of instruction are too mechanical, and are not calculated to rouse and develop the intellectual faculties of the pupils. 4. The proficiency of the pupils is unsatisfactory, except in a few cases; the attainments of the pupils have never anything like progressed in a corresponding ratio to that given down in the "Table of Minimum Attainments."
Peel..... (Vested.)	26 July...	32	23	55	<ol style="list-style-type: none"> 1. The building is in very good repair; the number of desks is insufficient for the accommodation of the pupils; a more suitable blackboard and an easel are also required. In all other respects the school is well organized. 2. The pupils are tolerably punctual, reasonably regular, clean, and in fair order. The moral character of the school is fair. 3. The ordinary subjects, with geometry, book-keeping, and algebra, are taught; there is an improvement under this head as regards quantity and quality. The methods are often too mechanical, not characterized by that amount of tact, energy, and intelligence one would expect to see displayed by a well trained teacher. 4. The proficiency of the higher classes was very fair; that of the junior classes very small.
Rylstone..... (Non-vested.)	9 Dec...	10	17	27	<ol style="list-style-type: none"> 1. The school is in tolerable repair, and is, on the whole, fairly organized; a master's dwelling is much required. 2. The general air, aspect, and spirit of the school are pleasing. The pupils have been brought under wholesome moral restraint. 3. Only the ordinary subjects, in their elements, have been taught; a fair proportion of time and attention is devoted to each subject. The methods of instruction are not sufficiently interesting; the teacher has, however, some experience in teaching. 4. A fair progress has been made since the re-opening of the school.
Tambarora..... (Non-vested.)	6 July...	7	4	11	<ol style="list-style-type: none"> 1. The school is in good repair for the kind. The furniture and apparatus are insufficient in quantity, and unsuitable. The organization of the school is at present defective. 2. Cleanliness and order are good, but the manners and demeanour of the pupils do not seem to have been properly regulated. The moral tone of the school is tolerable. 3. Only the mere elements of reading, writing, and arithmetic have, as yet, been introduced. The subjects are, however, appropriate. The teacher is unacquainted with the improved methods adopted in good National Schools. He is, however, studious, and anxious to become an efficient teacher. 4. The proficiency of the pupils is at present very small.

DETAILED Statement, &c.—continued.

NAME OF SCHOOL.	DATE.	NUMBER OF PUPILS PRESENT AT EXAMINATION.			REMARKS.
		Boys.	Girls.	TOTAL.	
Winburndale (Non-vested.)	1859. 18 Nov...	9	12	21	<ol style="list-style-type: none"> 1. The material state of the school is tolerable for the locality. The erection of new school premises is much wanted in the district. 2. The pupils are very irregular at certain seasons, and extremely bashful. In other respects the moral tone of the school is tolerable. 3. Only the mere rudiments of reading, writing, and arithmetic have been introduced. The subjects are very elementary. The teacher had no previous experience in teaching. His methods are very indifferent. 4. The proficiency of the pupils is very small. The school has been only a short time in operation.
Wattle Flat (Vested.)	27 July ..	12	16	28	<ol style="list-style-type: none"> 1. The schoolhouse requires shingling. The building is in bad repair. The organization is defective. 2. The moral tone of the school is very fair. 3. Only the ordinary subjects are taught. They are appropriate, and accord with "Table of Minimum Attainments." The methods of instruction are characterized by experience and intelligence. 4. The proficiency of the pupils is very satisfactory for the time the school has been in operation.
4. SOUTHERN DISTRICT.					
Albury (Vested.)	18 Oct. ...	50	55	105	<ol style="list-style-type: none"> 1. The material state of the school is indifferent. The premises are in every way inadequate to the growing requirements of the school. 2. The pupils are clean, and in fair order; the moral character of the school is good. 3. The subjects taught are appropriate, and accord, on the whole, with the "Table of Minimum Attainments." The methods employed in teaching the higher branches of knowledge are worthy of commendation. 4. The proficiency of the pupils of the third and fourth classes was very good, that of the junior classes tolerable.
Bangalore (Non-vested.)	23 Sept...	12	9	21	<ol style="list-style-type: none"> 1. A rude building, scantily furnished, and almost destitute of apparatus, constitutes the material appliances for instruction. 2. All circumstances considered, the moral character of the school is surprisingly good. 3. Owing to the want of apparatus, no subjects have hitherto been taught but reading, writing, and arithmetic, with the merest rudiments of grammar. From the same cause the teacher's methods have necessarily been to a large extent individual and mechanical. 4. The relative progress of the pupils since the teacher took charge has been considerable, though their actual proficiency is small.
Braidwood (Boys) .. (Vested.)	26 Sept...	31	..	31	<ol style="list-style-type: none"> 1. The material appliances of the school are sufficient, with the exception of books. 2. The pupils are orderly, but irregular and unpunctual in their attendance. 3. None but the ordinary subjects are taught. The methods are generally judicious and effective. 4. Owing to their irregularity, much less progress has been made by the pupils than might have been expected.

DETAILED Statement, &c.—continued.

NAME OF SCHOOL.	DATE.	NUMBER OF PUPILS PRESENT AT EXAMINATION.			REMARKS.
		Boys.	Girls.	TOTAL.	
Braidwood (Girls) .. (Vested.)	27 Sept. . .	..	40	40	<ol style="list-style-type: none"> 1. On the whole, the material state of the school is not satisfactory, and the organization is not skilfully managed. 2. The pupils are cleanly, but unpunctual, irregular, and disorderly. 3. The requirements of the "Table of Minimum Attainments" have not been observed as regards the subjects of instruction, and the methods employed are purely mechanical. 4. The actual proficiency of the pupils is but indifferent, though the teacher seems to be zealous and industrious.
Eden..... (Vested.)	16 Nov. . .	29	13	42	<ol style="list-style-type: none"> 1. The material state of the school, though in most respects satisfactory, is not fully complete, more desks and forms being required. 2. The pupils are tolerably regular and punctual, clean, but not orderly. 3. The prescribed subjects are not fully taught except in the third class. the methods, with some defects, are tolerably skilful. 4. The attainments of the pupils are below the required standard. This may partly be accounted for by the fact that the children had received little or no previous instruction when this school was established.
Goulburn..... (Non-vested.)	19 Sept. . .	25	20	45	<ol style="list-style-type: none"> 1. There are many deficiencies in the material state of this school, especially as regards furniture and apparatus. 2. The pupils are punctual and regular, clean, and in moderately good order. 3. Only the ordinary subjects are taught. The methods are chiefly individual. 4. Moderate progress has been made by the pupils.
Ganning..... (Non-vested.)	29 Oct. . .	18	16	34	<ol style="list-style-type: none"> 1. The school building is not in good repair, and the furniture and apparatus are not suitable. 2. The pupils are tolerably punctual, but not very regular. On the whole the moral character of the school may be considered fair. 3. Latin, with the ordinary subjects, is taught. The subjects do not, in every case, accord with the "Table of Minimum Attainments." The methods of instruction are not sufficiently intellectual. They are, however, of a character calculated to give satisfaction to the majority of parents. 4. Tolerable proficiency has been made in all the branches taught. The writing was good.
Gundagai..... (Vested.)	12 Oct. . .	13	15	28	<ol style="list-style-type: none"> 1. The school is a large weatherboard building, shingled and plastered. The furniture and apparatus are insufficient. In all other respects the school is well organized. 2. Considering the many obstacles with which the teacher has had to contend, the moral character of the school is particularly pleasing. 3. The subjects of instruction have been well chosen. The pupils are made to thoroughly understand one lesson before they proceed to another. The methods of instruction are generally of a character calculated to produce satisfactory results. 4. Fair progress has been made during the year. The proficiency of the pupils is on the whole fair.

NATIONAL EDUCATION.

57

DETAILED Statement, &c.—continued.

NAME OF SCHOOL.	DATE.	NUMBER OF PUPILS PRESENT AT EXAMINATION.			REMARKS.
		Boys.	Girls.	TOTAL.	
Long Reach..... (Vested.)	1859. 1 Nov...	10	11	21	<ol style="list-style-type: none"> 1. A comfortable, fairly organized school, considering the locality in which it is situated. 2. The pupils are very clean, but not well disciplined. Their manner and demeanour are modest; but, owing to the bashfulness which prevails, I cannot say they have been properly regulated. The moral character of the school is tolerable. 3. Only the ordinary subjects have been taught. They are very elementary, but yet appropriate. The methods of instruction are too mechanical. 4. The attainments of the pupils are small. A fair progress has, however, been made during the short time the school has been in operation.
Major's Creek..... (Vested.)	29 Sept...	25	24	49	<ol style="list-style-type: none"> 1. Fencing and outbuildings are required for the playground, and additional furniture for the school-room. The material state of the school is not satisfactory. 2. The pupils are irregular in their attendance, and the boys are not sufficiently clean. The order is tolerably good. 3. Grammar and geography have not hitherto been taught. The methods of instruction are not very skilful. 4. The proficiency of the pupils is very moderate.
Panbula..... (Vested.)	{ 14 & 15 } Nov..	21	16	37	<ol style="list-style-type: none"> 1. The material state is not satisfactory. The building is too small, and insufficiently supplied with books and apparatus. 2. The pupils are irregular and unpunctual in attendance, slovenly in person and dress, and not in very good order. 3. The subjects taught do not accord with the requirements of the "Table of Minimum Attainments." The methods are deficient in energy and skill. 4. The proficiency of the pupils is small, being below the standard in every subject.
Taralga..... (Non-vested.)	8 Nov...	18	13	31	<ol style="list-style-type: none"> 1. The school building is unsuitable for school purposes. The organization is in general defective. 2. The moral character of this school is very fair. I was particularly struck with the pleasing manners and mild demeanour of the pupils of this school. 3. Only the ordinary subjects have been introduced. Writing and needlework have been well taught. The methods of instruction are too mechanical—not characterized by experience or sufficient intelligence. 4. The proficiency of the higher classes was fair; that of the lower classes indifferent.
Tarlo..... (Non-vested.)	20 Sept..	13	19	32	<ol style="list-style-type: none"> 1. The material state of the school may be considered fair for the locality, though there are some deficiencies. 2. The pupils are regular, punctual, clean, and orderly. But for their excessive timidity, I should regard the moral tone as good. 3. The rudimentary portions of all the ordinary subjects have been taught. The methods are chiefly individual, and of a rather mechanical character. 4. While the actual proficiency of the pupils is small, their progress, considering their ignorance at starting, is not unsatisfactory.

DETAILED Statement, &c.—*continued.*

NAME OF SCHOOL.	DATE.	NUMBER OF PUPILS PRESENT AT EXAMINATION.			REMARKS.
		Boys.	Girls.	TOTAL.	
Towrang (Non-vested.)	1859. 22 Sept..	7	5	12	<ol style="list-style-type: none"> 1. The material state of the school is good. 2. Its moral character is equally satisfactory, except as regards regularity of attendance. 3. Fair skill is shewn in the management of the school, which, however, is very small.
Tumut (Non-vested.)	24 Oct. ...	16	14	30	<ol style="list-style-type: none"> 1. The school building is in good repair, but does not suffice for the accommodation of the pupils. The organization is defective. New school premises are much wanted. 2. The pupils are very clean, very regular, and in fair order. Their manners and demeanour are very pleasing. The moral character of the school is good. 3. Arithmetic and writing have not been made to form subjects for the first class. In all other respects the subjects are appropriate. The methods of instruction partake too much of the cramming system, and they are otherwise faulty. 4. Proficiency of second class fair, except in grammar and geography; that of the first class indifferent. The school has been only a short time in operation.

1861.

NEW SOUTH WALES.

DENOMINATIONAL SCHOOL BOARD.

(REPORT FOR 1859.)

Presented to both Houses of Parliament, by Command.

REPORT OF THE DENOMINATIONAL SCHOOL BOARD FOR THE YEAR 1859.

THE very voluminous statement forwarded by the Denominational School Board to the Government, in reply to certain queries contained in Mr. Plunkett's motion relative to School Statistics, which statement was submitted to the Legislature during the Session of 1859, forms so complete a detailed report upon Denominational Schools, that the Board feel it to be unnecessary to recapitulate the large amount of information therein contained.

The separation of the new Colony of Queensland from New South Wales has slightly affected the number of schools under the Board—the following schools having, from this cause, been withdrawn from their control, viz. :—

CHURCH OF ENGLAND.

North Brisbane,
South Do.,
Drayton Swamp,
Fortitude Valley,
Ipswich,
Maryborough.

ROMAN CATHOLIC.

North Brisbane,
Fortitude Valley,
Ipswich,
Maryborough.

These schools ceased to be in connection with the Board on the 30th of November, 1859. It has therefore been necessary to draw out the usual tabular form, hereto appended, in a different manner from that hitherto adopted; the numbers of schools and children in attendance are given up to the 30th of November only, and an additional table shews the number of schools withdrawn in December.

It will be observed, upon reference to this table, that a striking change has taken place during the year 1859 in respect of the number of children attending Denominational Schools, and also of the amount of support afforded by parents and guardians. By comparing the table given in the Report of the Board for the year 1858, with that now furnished, we have—

YEAR.	CHILDREN ON THE ROLLS.	AVERAGE ATTENDANCE.	VOLUNTARY SUPPORT.
1858	16,082	11,332	£ s. d. 11,210 11 0
1859	15,147	11,268	13,976 11 7
	935	64	2,766 0 7

By which it appears, that although the number of children on the rolls is diminished, the average attendance is improved by about four per cent., and the amount of voluntary contributions very much increased, the vote for the two years having been the same.

The gradual increase in the proportion paid by the parents towards the education of their children, which is plainly shewn upon reference to the Reports of the Board for the past eight years, is a source of much satisfaction.

GEORGE ALLEN.
P. FAUCETT.
JOHN DUNSMURE.
ALEXR. GORDON.

FINANCE STATEMENT.

1859 ACCOUNT.

DENOMINATIONAL SCHOOL BOARD IN ACCOUNT WITH THE COLONIAL TREASURER.

Dr.				Cr.	
1860.	£ s. d.	1860.	SCHOOLS.	£ s. d.	£ s. d.
Sept. 30 ..	To Vote for Denominational Schools for the Year 1859.....	20,000 0 0	Sept. 30 ..	By Teachers' Salaries for 1859.....	15,991 1 9
"	Church and School Estate Revenue for 1858 available for 1859	808 12 5	" ..	Travelling Expenses of Inspector and Teachers	233 3 3
			" ..	Salary of Inspector of Church of England Schools	300 0 0
	BALANCES, 30TH SEPTEMBER, 1860.		" ..	Stationery and Stamps for the various Model Schools..	29 15 10
	1859 ACCOUNT.		" ..	Books, Apparatus, Printing, and Expenses of Book Depôt	708 14 6
	On account of Vote for 1859	£2,085 3 4	" ..	Librarian's Salary	100 0 0
	On account of Church and Schools Account..	141 8 3			
		<u>£2,229 11 7</u>		BOARD EXPENSES.	17,362 15 4
			" ..	By Secretary's Salary	400 0 0
			" ..	Accountant and Copyist	36 0 0
			" ..	Office Keeper	20 0 0
			" ..	Office Rent	70 0 0
			" ..	Petty Cash, Stamps, &c.	26 1 4
				CHURCH AND SCHOOLS REVENUE.	552 1 4
			" ..	By Grants in aid of Building and Repairing School Houses	664 4 2
			" ..	Balance	2,229 11 7
		£ 20,808 12 5			£ 20,808 12 5

E. E.

C. E. ROBINSON,
Secretary.

DENOMINATIONAL SCHOOLS.

RETURNS CONNECTED WITH DENOMINATIONAL SCHOOLS FOR THE YEAR 1859.

Number of Schools.	DENOMINATION.	Number of Children on the Books, November 30th, 1859.			Average Number of Children for each School.			Average Daily Attendance during 1859.	SUPPORT FROM GOVERNMENT.			Fees paid by Parents to Teachers in 1859.	Total Cost of Children's Education in 1859.	Proportion paid by Government for each Child in 1859.	Proportion paid by Parents for each Child in 1859.	Average Cost of each Child's Education in 1859.																			
		Boys.	Girls.	Totals.	Boys.	Girls.	Totals.	Totals.	Vote for 1859.																										
									Salaries.	Books, &c.	Totals.																								
120	Church of England..	4,480	3,403	7,883	37	28	65	3,712	£ 9,128	s. 0	d. 6	£ 1,014	s. 0	d. 0	£ 10,139	s. 3	d. 6	£ 7,783	s. 9	d. 10	£ 17,922	s. 13	d. 4	£ 1	s. 3	d. 11	£ 0	s. 19	d. 10	£ 2	s. 5	d. 9			
15	Presbyterian	616	475	1,091	41	32	73	852	1,779	3	6	198	0	0	1,977	3	6	1,105	12	9	3,082	16	3	1	16	3	1	0	3	2	16	6			
11	Wesleyan	415	269	684	38	24	62	553	980	12	6	109	0	0	1,089	12	6	833	15	6	1,923	18	0	1	11	10	1	1	5	2	16	3			
81	Roman Catholic	2,921	2,618	5,539	36	32	68	4,151	5,575	0	6	619	0	0	6,194	0	6	4,253	13	6	10,447	14	0	1	2	4	0	15	4	1	17	8			
..	Board Expenses ....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	600	0	0	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
227	TOTALS	8,382	6,765	15,147	.....	.....	.....	11,268	17,460	0	0	1,940	0	0	20,000	0	0	13,976	11	7	33,976	11	7	.....	.....	.....	.....	.....	.....	.....	.....	.....
		QUEENSLAND:			CHILDREN ON THE BOOKS, NOVEMBER 30TH, 1859.																														
		Number of Schools.																																	
			6	Church of England			250			195			445																						
			4	Roman Catholic			196			160			356																						
		10	TOTALS			446			355			801																							

} Withdrawn in December, 1859.

Sydney, 30 September, 1860.

C. E. ROBINSON,
Secretary.

1861.

Legislative Assembly.

NEW SOUTH WALES.

SCHOOLS IN NEW SOUTH WALES.

STATISTICS OF SCHOOLS

IN

NEW SOUTH WALES.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

6 *March*, 1861.

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER
PHILLIP-STREET.

1861.

[*Price*, 4d.]

115—A

SCHEDULE.

	PAGE.
Secretary Denominational School Board to the Colonial Secretary, forwarding additional School Returns. 11 February, 1861	5

1861.

FURTHER RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 24 November, 1858,—
 “ That there be laid upon the Table of this House, a (tabulated)
 “ Return from all Schools in New South Wales, wholly or partly
 “ maintained by Public Funds, of—

- “ (1.) Name of locality where the School is situate.
 “ (2.) The materials of which such School is constructed,—whether chiefly of stone, of brick, of wood, or of metal; and the present condition of the building, and whether it needs repairs, enlargement, or other improvement.
 “ (3.) The number of superficial square feet contained in the area of the schoolhouse or building.
 “ (4.) The number of superficial square yards or of square feet contained in the ground or land adjoining the School for the use of the pupils.
 “ (5.) The description and present condition of the water-closets provided for the use of the pupils.
 “ (6.) The number of superficial square feet, and of cubic feet, contained in each room appropriated for teaching.
 “ (7.) The average number of pupils usually assembled in each of such rooms.
 “ (8.) The provision which is made for the ventilation of such rooms.
 “ (9.) The annual average number on the books, and the average number attending the School; distinguishing the males from the females where the School is attended by both sexes.
 “ (10.) The maximum and minimum age of the pupils (of males and of females) in the School.
 “ (11.) The number of classes into which the School is divided, the average number in each class, and the maximum and minimum age in each class.
 “ (12.) The number of hours during each day the pupils attend the School, stating the hour of commencing and the hour of terminating the School duties, with the times of intervening cessation of study, and how such intervals are employed.
 “ (13.) The number of holidays and half-holidays in each week, and the number of vacations, the duration of each, and the period of the year when such vacations occur.
 “ (14.) The total number of days appropriated to School studies during the year.
 “ (15.) The average length of the period during which pupils, from the time of their first entrance to the time of their finally leaving School, remain there.
 “ (16.) The number of children between the ages of 5 and 15 years in the district or locality where the School is situate, who do *not* usually attend there.
 “ (17.) The weekly, quarterly, half-yearly, or annual sum charged to each pupil for instruction; the annual charge for books; and the *total* annual charge for each pupil.
 “ (18.) The annual amount of School fees received from the pupils of the School during the twelve months ending the 30th September, 1858; the appropriation of such fees; the amount received from other (specifying from what) sources towards the support of such School; the total amount received from *all* sources towards the support of such School during the above-mentioned period.
 “ (19.) Dividing the last-mentioned total by the average number of the pupils actually attending the School during the period above-mentioned, give a statement of the average annual total cost of the education of each pupil.
 “ (20.) A detailed enumeration of the several subjects of instruction given to each class, and the precise portion of time allotted to each of such subjects in each day throughout the week.
 “ (21.) A list of the titles of all books used in each of the several classes in the School; the present condition of the books now in use; whether other kinds of books are needed; and whether the number of those at present in use is adequate to the wants of the School.
 “ (22.) A descriptive list of all prints, diagrams, maps, instruments, and other School apparatus used in the School, their present condition, and whether any, and if so, what others are needed.
 “ (23.) An account of the system of correction employed in the School to preserve discipline, and an account of any written or other instructions to the teachers from any Board of Education, Official Visitors, Inspectors, or Managers of the School on the subject.

“ (24.)

- “(24.) How often during the year, and by whom are the pupils of the School examined with reference to their progress, and whether any prizes or other rewards of merit are given periodically in the School, and if any of what description, and how often distributed.
- “(25.) By whom is the School officially visited or inspected? How often during the year, and what length of time is occupied by the Inspector or Visitor in the performance of this duty? If any report on the state of the School exists, furnish a copy of it, adding thereto any remarks on such report, and the present condition of the School, as the Teacher (master or mistress) may be prepared to offer.
- “(26.) Name of Head Teacher.
- “(27.) Names of Assistant Teachers, Pupil Teachers, or Monitors attached to each School.
- “(28.) Birthplace of each of the above.
- “(29.) Age of ditto.
- “(30.) Date of appointment to present office.
- “(31.) Whether or not trained as a Teacher.
- “(32.) If trained, at what institution? For how long a period? Possessing what class of certificate of competency?
- “(33.) If *not* trained as a Teacher: What experience in teaching previous to undertaking present appointment? What occupation or business before adopting that of a Teacher.
- “(34.) Annual or other periodical amount of salary of Head Teacher, of Assistant Teachers, of Pupil Teachers, and of Monitors.
- “(35.) Fees, allowances, and emoluments, *exclusive of salary*.
- “(36.) Total annual income of Teacher or Teachers derived from School.
- “(37.) What religious or moral instruction is given? How often? By whom? If visited by any Clergyman or Minister of Religion, state the name and denomination to which he belongs. Give a list of the titles of the books used in the School for such purpose.”

(*Mr. Plunkett.*)

DENOMINATIONAL SCHOOLS IN NEW SOUTH WALES.

SECRETARY TO DENOMINATIONAL SCHOOL BOARD to COLONIAL SECRETARY.

*Denominational School Board Office,
Sydney, 11 February, 1861.*

SIR,

Referring to the Denominational School Board's letter, dated August 10, 1860, upon the subject of Returns to an Order of the Legislative Assembly, upon a motion by Mr. Plunkett, I have now the honor, by direction of the Board, to forward the accompanying additional returns which have been received since the date of that letter.

I have, &c.,

C. E. ROBINSON.

APPIN.—(MIXED.)

- 1.—St. Bede's Roman Catholic School, Appin, in connection with the Roman Catholic Church, Appin.
- 2.—The schoolhouse is weatherboard; the inside walls and ceiling lath and plaster; in good repair, and large enough for the present use.
- 3.—It consists of one room containing 384 square feet superficial in the area.
- 4.—Four acres of ground for recreation.
- 5.—Two weatherboard water-closets, separate from each other and in good order, one for girls and one for boys.
- 6.—One schoolroom for both sexes, containing 4,608 cubic feet, and 384 superficial square feet in the area.
- 7.—The annual average assemblance is 35.
- 8.—The ventilation consists of five windows and one door, containing 48 superficial square feet.
- 9.—The annual average number on the books, 52; the annual average boys in attendance, 15; ditto girls, 20.
- 10.—The ages of the boys, from 4 years to 15 years; ditto, girls, 3 to 14 years.
- 11.—Four classes of boys; four ditto girls. Six boys in the first class, ages from 13 to 15; nine boys in the second class, ages from 6 to 13; four boys in the third class, ages from 7 to 14; seven boys in the fourth class, ages from 4 to 7. Six girls in the first class, ages from 11 to 13; eight girls in the second class, ages from 6 to 12; five girls in the third class, ages from 6 to 8; five girls in the fourth class, ages from 3 to 5.
- 12.—The school opens at 9 a.m., and closes at 3 p.m.; from 12 till $\frac{1}{4}$ past 1 for prayers, dinner, and recreation.
- 13.—Every Saturday a whole holiday. The vacations on the 24th of June, or thereabouts, and at Christmas; there are fourteen days or thereabouts at each vacation, according to the day of the week the 24th June or Christmas Day may fall upon.
- 14.—240 days teaching in the year.
- 15.—The average time the children remain at the school is seven years.
- 16.—Absent during harvest season thirteen boys, ages 6 to 14; ditto nine girls, ages 6 to 12.
- 17.—The fees, in cases where the children's parents are labourers, 4d. per week; in other cases 7s. per quarter. There is no charge for school books, but the principle is bad, the children do not take care of them so well when allowed them free; they should pay *cost* price for them. The total cost of each pupil, including the Government salary and fees, averaged the year ending 30th September, 1858, £1 18s. 5 $\frac{1}{2}$ d. for each child, having at that period an annual average of 52 children on the roll.
- 18.—The children's fees for the twelve months ending 30th September, 1858, amounted to £29 19s. 5d.; the fees are for the teacher's own use; there are no emoluments from any other source. The total amount from all sources being, with the Government salary of £70, amounted to £99 19s. 5d.
- 19.—The number of pupils in actual attendance during the year ending 30th September, 1858, were 27, making the annual charge for each pupil £3 14s.
- 20.—Subjects taught:—Boys, first class: Reading, writing, spelling, arithmetic, grammar, geography, history, and catechism of the Roman Catholic faith. Second class: Reading, writing, spelling, arithmetic, grammar, geography, and catechism. Third class: Reading, writing on slates, spelling, tables, and catechism. Fourth class: Reading from tablets, and prayers. The Protestant children are not taught the catechism. The girls' classes are the same as the boys', with the addition of needlework. The duties of the boys and girls are as follows:—Morning, boys and girls—Reading, $\frac{3}{4}$ hour; writing, $\frac{1}{4}$ hour; spelling, $\frac{1}{2}$ hour; geography

geography and grammar, every alternate day, 1 hour; catechism, $\frac{1}{2}$ hour. Boys, afternoon—Arithmetic and tables, 1 hour; history or reading, $\frac{3}{4}$ hour. Girls, afternoon—Arithmetic and tables, 1 hour; needlework and history, every alternate day, $\frac{3}{4}$ hour. One hour and a quarter for prayers, dinner, and recreation.

21.—List of books used in the school:—Tablets, first reading book, sequel to ditto, second reading book, third ditto, fourth ditto, grammar, geography, and arithmetic—by the Christian Brothers. History of the Bible, ditto of the Church—Reeves. Roman Catholic catechism of the Christian doctrine, Roman Catholic historical catechism of the Bible—by approval of His Grace the Archbishop. The books in tolerable good order, but not a sufficient supply. The kind of books now in use are adequate for the use of the children in their present stage of knowledge.

22.—The maps in the school consist of 2 of The World, 2 of Australia, 1 of the British Isles, and 1 of the Holy Land. New maps are wanted of the whole of the Australian Colonies, 1 for the British Isles, and 1 for the Holy Land. Astronomical and musical diagrams would be a great advantage.

23.—The mode of correction adopted:—Principally the system of reasoning with the children as to the great benefits they will gain hereafter by attention to their studies has been tried by me since holding this appointment, which, in most instances, has been successful, although attended with much difficulty. But I am of opinion that it could not be carried out in a large school. Remarks of Visitors:—

“8 August, 1859.—Visited unexpectedly; the roll was called over, 2 girls absent and 6 boys. The girls and boys in attendance very orderly. Half-past 11 o'clock.—ED. M'ENCROE, M. L. Board, North Sydney.”

“29 August, 1859.—Visited the school and found the children orderly, clean, and attentive to their studies.—J. P. ROCHE, R. Catholic Priest, Campbelltown.”

“29 August, 1859.—I have to repeat the same.—P. D. O'FARRELL, R. Catholic Priest, Liverpool.”

“12 December, 1859.—The small attendance of the boys and girls this day is accounted for by the Teacher as caused by it being harvest time.—ED. M'ENCROE, M. L. Board, North Sydney.”

“23 April, 1860.—I consider the remuneration received by the Teacher as school fees and the allowance from Government insufficient, especially as he has to pay rent for his residence. His remuneration at present being not more than at the rate of £100 the year. It ought to be £150 at least.—ED. M'ENCROE, M. L. Board, North Sydney.”

24.—There are funds to the amount of £5 for prizes to be distributed about Christmas. The last examination, September 6, 1858, by the Revs. J. P. Roche and D. M. Guinn.

25.—There are no official visitors or inspectors. For remarks of voluntary visitors see Answer 23. The children are very good scholars considering the great disadvantage they labour under by being called away every harvest season.

26.—Teacher, Joseph Salamé.

27.—Voluntary governess and assistant teacher, the wife and daughter of Joseph Salamé.

28.—London, England, their birthplace.

29.—Master, 40; governess, 42; daughter, 13.

30.—Appointed 1st May, 1859.

31.—Six weeks probation at St. Benedict's Roman Catholic Model School, Sydney.

32.—Have not been trained as a teacher. For experience see Answer 31. My certificate I could not wait for in consequence of leaving Sydney in a hurry for Appin, but I can have it upon application.

33.—No experience in teaching since I was a youth (at which period I acted as monitor), previous to coming to this country. In England I was carrying on the business of a hat manufacturer, at 251, Regent-street, London.

34.—The annual salary from the Government is £70, for the master only. The present services of the master's wife and daughter are voluntary.

35.—Annual fees, £30.

36.—Total income from the school, £100 the year.

37.—Instructions are given in the Roman Catholic faith every Sunday afternoon, and at different periods of the week whenever considered necessary by the Priest. The school is visited daily by the Rev. Father Maher, Roman Catholic Priest of St. Bede's Church, Appin. The books used for religious instructions—Roman Catholic catechism of the Christian doctrine, ditto Bible history.

CASTLEREAGH-STREET SOUTH, SYDNEY.

1.—Castlereagh-street South, Sydney.

2.—The house is built of brick, and is in good repair.

3.—Superficial square feet, 1,440.

4.—Superficial square yards, 700.

5.—The closets are in good repair.

6.—One room, superficial square feet 378; second room, 567.

7.—The average number assembled in both rooms, 93.

8.—The room is well ventilated, having four windows.

9.—Annual average on the roll, 1,400; annual average attending—boys, 285; girls, 850.

- 10.—From 3 years to 15 years of age.
 11.—Six classes; average number in class, 15.
 12.—Six hours; from 9 o'clock till 4; one hour recreation.
 13.—Eight holidays during the year; fortnight vacation at Christmas, and one week at Easter.
 14.—Number of days, 237.
 15.—Four years.
 16.—
 17.—The weekly sum charged varies from 3d. to 1s.; books supplied by the Board not charged for.
 18.—Annual amount of school fees received from pupils, £54 16s.; Government salary, £96 5s.
 19.—Average annual total cost of each pupil, 2s. 8d.
 20.—One half-hour is the time allotted for each of the undermentioned subjects of instruction.
 21.—Books used by the 1st class—the Christian doctrine, historical and catechism of perseverance, grammar, geography, Carpenter's spelling assistant, English history, Reeve's history of the Bible. 2nd division—Christian doctrine, grammar, geography, Young's spelling assistant, history of the Bible, and 4th class reading books. 3rd division—Christian doctrine, grammar and geography, repeated aloud in the class by teacher, Mavor's spelling, and 3rd class reading books. For the use of the junior classes—first books, sequels and tablets; the latter, as also grammar and geography, not a sufficient supply; writing, each morning for an hour; arithmetic and needlework, every alternate evening.
 22.—There are four maps—Europe, Asia, Africa, and Australia; they are in good condition.
 23.—Did not receive any instructions on this subject.
 24.—Twice during the year, by two or more of the clergymen; several times prizes were given by the Rev. Dean O'Connell, and always by the teacher; not any others received.
 25.—By the Very Rev. Archdeacon M'Encroe and Dean O'Connell, often during the year. The following is a copy of the report of the above clergymen:—
 "The examination of this school was quite satisfactory. The care and attention bestowed on the children was exemplified by the correct answering of the children in their several classes.—J. M'ENCROE."
 "I have this day examined the first class of this school. I have been most pleased with the children's answers, which prove that much care has been taken by the good mistress of the school. The clean appearance and orderly conduct of the whole school was most satisfactory.—D. V. M. O'CONNELL."
 26.—Anne Cosgrove.
 27.—Miss Cosgrove and Miss P. Cosgrove.
 28.—Birthplace of head teacher, County Carlow, Ireland; assistant teachers, Sydney.
 29.—Head teacher aged 46; assistant teachers, 15 and 19.
 30.—25 years, Denominational teacher.
 31.—Not trained as teacher.
 32.—
 33.—
 34.—Annual salary, £96 5s.
 35.—Parents and guardians fees, £54 16s.
 36.—£151 1s.
 37.—The school is visited weekly by the Sisters of Charity from the "House of the Good Shepherd."

DOORAL.—(MIXED.)

- 1.—Dooral, District Parramatta.
 2.—Wood; condition, *bad*; repairs much needed.
 3.—216 feet.
 4.—4,840 square yards.
 5.—Weatherboard and shingled; condition, *bad*.
 6.—216 feet square—2,160 cubic.
 7.—20.
 8.—Three windows.
 9.—On the book, 20 boys, 13 girls; 20 boys, 13 girls.
 10.—Boys—maximum, 14 years; minimum, 4 years. Girls—maximum, 15 years; minimum, 5 years.
 11.—Three: 1st class 8, 15 to 9 years; 2nd class 6, 10 to 6 years; 3rd class 6, 7 to 4 years.
 12.—Six: 9 a.m. to 3 p.m.; 12 (noon) to 1 p.m., refreshment and play.
 13.—One whole day, Saturday; three; one week at Easter, one week June, two weeks at Christmas.
 14.—240.
 15.—3 years.
 16.—30.
 17.—6d. per week; quarterly, 6s. 6d.; no charge for books; annual charge, £1 6s.
 18.—£23 7s. 6d.; housekeeping; Denominational School Board, £61 5s.; no amount received from any other source; £84 12s. 6d.

19.—£2 11s. 3³/₄d.

20.—1st class:—Monday and Wednesday: 9 to 9-15, prayers and singing; 9-15 to 10, spelling and meaning of words; 10 to 10-30, writing copies; 10-30 to 11, tables and mental arithmetic; 11 to 12, arithmetic. Afternoon—1 to 1-30, grammar; 1-30 to 2, reading 4th books; 2 to 2-35, writing from dictation; 2-35 to 3, prayers and singing. Thursday: 9 to 9-15, prayers and singing; 9-15 to 10, writing copies; 10 to 10-30, grammar; 10-30 to 11, geography; 11 to 12, reading history of England, arithmetic. Afternoon—1 to 1-30, writing from dictation; 1-30 to 2, grammar; 2 to 2-35, writing exercises; 2-35 to 3, prayers and singing. Tuesday and Friday: 9 to 9-15, prayers and singing; 9-15 to 10, spelling and meaning of words; 10 to 10-30, geography; 10-30 to 11, faith and duty; 11 to 11-30, reading Holy Scripture; 11-30 to 12, arithmetic. Afternoon—1 to 1-30, grammar; 1-30 to 2, writing copies; 2 to 2-35, arithmetic; 2-35 to 3, prayers and singing.

2nd class:—Monday and Wednesday: 9 to 9-15, prayers and singing; 9-15 to 10, writing copies on slates; 10 to 10-30, geography; 10-30 to 11, tables; 11 to 11-30, reading 2nd books; 11-30 to 12, arithmetic. Afternoon—1 to 1-30, writing copies; 1-30 to 2, spelling; 2 to 2-35, writing on slates; 2-35 to 3, prayers and singing. Thursday: 9 to 9-15, prayers and singing; 9-15 to 10, geography; 10 to 10-30, reading 2nd books and spelling; 10-30 to 11, writing copies on slates; 11 to 11-30 arithmetic; 11-30 to 12, arithmetic. Afternoon—1 to 1-30, spelling and meaning of words; 1-30 to 2, reading 3rd books; 2 to 2-35, grammar; 2-35 to 3, prayers and singing. Tuesday and Friday: 9 to 9-15, prayers and singing; 9-15 to 10, spelling and meaning of words; 10 to 10-30, catechism (Church of England); 10-30 to 11, reading Holy Scripture; 11 to 11-30, writing on slates; 11-30 to 12, arithmetic. Afternoon—1 to 1-30, spelling; 1-30 to 2, grammar; 2 to 2-35, reading 3rd books; 2-35 to 3, prayers and singing. 3rd class:—Monday: Morning—prayers and singing, alphabet cards. Afternoon—tables, prayers and singing. Wednesday and Thursday: Morning—prayers and singing, spelling, reading 1st books. Afternoon—reading 1st books, spelling, prayers and singing. Tuesday and Friday: Morning—prayers and singing, reading parables and spelling, catechism (Church of England); alphabet cards, and spelling. Afternoon—tables, reading 1st books, spelling and tables, prayers and singing.

21.—1st class: Holy Bible, New Testament, faith and duty, history of England, 3rd and 4th books reading lessons, published by the S. P. C. K.; Lennie's grammar, elements of geography, Ingram's arithmetic, arithmetical tables. 2nd class: 2nd and 3rd books reading lessons, New Testament, catechism (Church of England), elements of geography, elements English grammar, Ingram's arithmetic tables. 3rd class: 1st book reading lessons, parables, catechism (Church of England), arithmetical tables.

22.—Map of The World, map of Australia, map of Palestine; no others required.

23.—Beating with a cane or quince rod; no instructions from any Board, &c.

24.—No examination or prizes of any kind during the year.

25.—Not visited or inspected officially during the year; no report that I am aware of in existence.

26.—George Mawbey.

27.—None.

28.—Birthplace of teacher: Bennett-street, Blackfriars, County Surrey, England.

29.—51 years.

30.—November 13th, 1849.

31.—Not trained.

32.—

33.—No experience in teaching previously; writing clerk.

34.—£61 5s.

35.—£23 7s. 6d.

36.—£84 12s. 6d.

37.—Reading Holy Scriptures, learning Church of England catechism, faith and duty, and collects, Tuesdays and Fridays in each week; the teacher; not visited during the year; no books kept for such a purpose.

BRISBANE WATER.—(MIXED.)

1.—Kincumber, Brisbane Water.

2.—Principally of wood; good condition; large enough.

3.—294 superficial square feet.

4.—The children have the use of the land belonging to the Church, *pro. tem.*

5.—Slabbed water-closets, zinc-covered; bad condition.

6.—294 superficial square feet; 2,646 cubic feet; only 1 room.

7.—12 boys; 12 girls.

8.—2 windows; 2 doors.

9.—15 boys; 14 girls. 12 boys; 12 girls.

10.—Maximum of boys, 14; minimum of boys, 5. Maximum of girls, 14; minimum of girls, 2.

11.—4 classes; average in each class, 6; maximum in 4th class, 14 years; minimum in 4th class, 10 years. Maximum in 3rd class, 12; minimum in 3rd class, 10 years. Maximum in 2nd class, 10 years; minimum in 2nd class, 7 years. Maximum in 1st class, 7 years; minimum in 1st class, 2 years.

12.—7 hours; school opens at 9, closes at 4; 2 hours for dinner and play.

13.—2 holidays in each week; 2 vacations in the year; fortnight at Christmas and fortnight at Easter.

- 14.—231 school days.
- 15.—6 years.
- 16.—8.
- 17.—6s 6d. per quarter; total annual charge for each pupil, £1 5s.
- 18.—£30, towards the support of the teacher; £60 from Government. Total, £90.
- 19.—£3 15s.
- 20.—4th class—Spiritual instruction, from $9\frac{1}{2}$ to 10; from 10 to $10\frac{1}{2}$, spelling and reading; from $10\frac{1}{2}$ to 11, history; from 11 to $11\frac{1}{2}$, geography; from $11\frac{1}{2}$ to 12, grammar; from 2 to $2\frac{1}{2}$, writing; from $2\frac{1}{2}$ to $3\frac{1}{2}$, arithmetic; from $3\frac{1}{2}$ to 4, spiritual instruction and prayers. 3rd class—Christian doctrine and spiritual instruction, from $9\frac{1}{2}$ to 10; from 10 to $10\frac{1}{2}$, spelling and reading, and explanation of ditto; from $10\frac{1}{2}$ to 11, writing on slates; from 11 to 12, ciphering; from 2 to 3, writing and dictation; from 3 to 4, preparation of reading lessons and reading, with an interval for prayers. 2nd class—Catechism and spiritual instruction, from $9\frac{1}{2}$ to $10\frac{1}{2}$; spelling, reading, and explanation of lessons, from $10\frac{1}{2}$ to $11\frac{1}{2}$; from $11\frac{1}{2}$ to 12, prayers. 1st class—from $9\frac{1}{2}$ to $10\frac{1}{2}$, catechism and spiritual instruction; from $10\frac{1}{2}$ to 11, children's tables; from 11 to $11\frac{1}{2}$, spelling and reading on tablets; the same throughout the week.
- 21.—4th class—Christian Brothers' geography, grammar, Carpenter's spelling, Reeve's history of the Bible. 3rd class—Christian Brothers' grammar and 3rd reading book, Christian doctrine, Carpenter's spelling. 2nd class—Christian doctrine, spelling tablets, reading book by Christian Brothers. 1st class—Christian doctrine, spelling tablets, reading book by Christian Brothers; sufficient at present.
- 22.—Maps of The World, Australia, Ireland; good condition; map of Asia wanted.
- 23.—Double lessons; absence from play; corporal punishment occasionally.
- 24.—No examination since Mr. O'Brien came.
- 25.—None since Mr. O'Brien came.
- 26.—Daniel William O'Brien.
- 27.—Assisted sometimes by his wife.
- 28.—Birthplace of teacher, Limerick, Ireland.
- 29.—Age of ditto, 30 years.
- 30.—Appointed 1st August, 1860.
- 31.—Not trained.
- 32.—
- 33.—Clerk in Board of Works, Ireland; private tutor; charge of various schools at Melbourne and Sydney previous to coming here; teacher at Double Bay, Sydney.
- 34.—£60 per annum; £30 from parents.
- 35.—
- 36.—Total annual income, £90.
- 37.—Christian doctrine; taught by the teacher.

MORUYA.

- 1.—Moruya, Broulee District.
- 2.—Hardwood; none.
- 3.—About 1,000 square feet, being 50 by 20 feet.
- 4.—About 252 square yards.
- 5.—Two good water-closets, each 4 feet 6 inches square.
- 6.—One room 880 square feet, being 44 by 20 feet.
- 7.—40 at present.
- 8.—Eight windows.
- 9.—Boys, on the books, 349; girls, 357. In attendance—boys, 211; girls, 224.
- 10.—Boys, from 15 to 5 years; girls, about the same.
- 11.—4 classes, 9 in each class; arranged by acquirement.
- 12.—7 hours daily; from 9 to 4 o'clock; 1 hour for dinner.
- 13.—Saturday in each week; one vacation at Christmas time each year for two weeks.
- 14.—About 237 days.
- 15.—About 2 years.
- 16.—About 50 of such ages.
- 17.—Quarterly, from 10s. to 4s.; books at store prices; about 30s. for such as are able to pay.
- 18.—Expended for the necessaries of life; school fees only, £30.
- 19.—Average number, 20; annual cost, about 30s.
- 20.—Subjects of instruction and time regulated by time table as nearly as possible.
- 21.—Books used in each of the classes as furnished by the Board.
- 22.—Maps of The World, Ireland, and Australia are used.
- 23.—The system of correction as mild as possible; no instructions received on the subject.
- 24.—Pupils examined frequently by the Rev. Chairman and the Members of the Local Board; prizes at Christmas.
- 25.—By none but the above-named gentlemen. The Rev. Chairman of the Local Board visited 34 times officially; the Members of the Local School Board, viz.:—Messrs. Edmund Kirby, 4 times; Lewis F. Ward, 4 times; John M'Keon, 5 times; and James Staunton, 4 times, officially. The remarks, with dates, which speak favourably of the school, &c., can be furnished, if required, by the Board.

- 26.—Thomas Ignatius Hyland.
- 27.—Assistant teacher, Martha H. Hyland.
- 28.—Teacher, Ireland; assistant, Australia.
- 29.—Teacher, 52 years; assistant, 10 years.
- 30.—Month of August, 1856.
- 31.—Trained as a teacher.
- 32.—Roman Catholic Model School, Sydney; certificate left at Sydney.
- 33.—I have had experience in teaching 5 years in Ireland and 5 in Australia.
- 34.—Head teacher, £60 since 1st September, 1860—previously £52 10s.
- 35.—School fees only, about £30.
- 36.—At present, about £92.
- 37.—Daily, by the teachers, and frequently by the Rev. Patrick Birch, Roman Catholic Clergyman; books used in the school for such purpose as directed by the Catholic Board, Sydney.

NEWCASTLE.—(MIXED.)

- 1.—Newcastle.
- 2.—Wooden building; in good repair.
- 3.—About 720 square feet.
- 4.—About 40 porches.
- 5.—Water-closets in good repair.
- 6.—One room, superficies as in No. 3, walls 12 feet high, with open roof.
- 7.—50 pupils.
- 8.—Ventilation by open windows.
- 9.—Annual average number on the books, 70; attending the school, 50—32 males, 18 females.
- 10.—From 14 to 4 years of age.
- 11.—4 classes: 1st class, 18 pupils—ages from 14 to 8; 2nd class, 14 pupils—ages from 10 to 7; 3rd class, 10 pupils—ages from 8 to 6; 4th class, 8 pupils—ages from 7 to 4.
- 12.—Pupils attend the school 6 hours, from 9 to 4 p.m., with one hour's cessation for dinner and recreation.
- 13.—One holiday each week; 2 vacations of a week each at Christmas and Easter.
- 14.—Appropriated to school duties, 247 days.
- 15.—I find it impossible to answer this question.
- 16.—About 20 Catholic children not attending school.
- 17.—6d. per week for each pupil.
- 18.—Not being appointed to this school until the 1st October, 1859, I am unable to answer this question.
- 19.—
- 20.—First class:—history, reading, writing, grammar, geography, arithmetic, Christian doctrine, singing. Second class:—reading, writing, simple rules in arithmetic, grammar, geography, Christian doctrine, singing. Third class:—learning to read, writing on slates, Christian doctrine, singing, pence and multiplication tables. Fourth class:—alphabet, learning to read, spelling, tables, Christian doctrine, singing. From 9 to 9½, preparation of lessons; from 9½ to 9¾, the morning prayers; from 9¾ to 10½, catechism and spiritual instruction; from 10½ to 11½, spelling, reading, history, and explanation of lessons; from 11½ to 12, writing and rehearsing lessons; 12, the Angelus; from 12¼ to 12¾, reading and spelling; from 12¾ to 1, singing; from 1 to 2, luncheon and recreation; from 2 to 3, arithmetic; from 3 to 3¾, grammar and geography; from 3¾ to 4, prayers for night, singing, with the Litany of the Blessed Virgin. Needlework every alternate afternoon.
- 21.—The course of instruction comprised in the Christian Brothers' school-books is the one established in this school. Books in bad condition, and an adequate supply of new books much wanted.
- 22.—Two maps in good condition. Prints, diagrams, and other school apparatus, much needed.
- 23.—Verbal admonition; and, when circumstances require the enforcement of discipline, a slight correction with the cane.
- 24.—Examination twice a year, by the visiting clergyman, who gives a school feast occasionally to the children, in recognition of their progress.
- 25.—Rev. Mr. Luckie visits the school once each fortnight.
- 26.—Martin Cannon.
- 27.—Mrs. Cannon.
- 28.—Mayo, Ireland. Inverness, Scotland.
- 29.—Ages, 26 and 24 years.
- 30.—1st October, 1859.
- 31.—Trained.
- 32.—Model School, Sydney, for three months.
- 33.—
- 34.—Annual salary, £60.
- 35.—School fees and emoluments, £50.
- 36.—Annual income of teacher, £110.
- 37.—Religious instruction given in the school twice each day, by the teacher; and the school children are instructed in the Christian doctrine by the Rev. Father Luckie, of the Roman Catholic Church, for one hour each time that he visits the school. Religious books of instruction, as follows:—Holy Bible, Christian doctrine, Fleury's historical catechism, Reeve's histories of the Church and Bible, &c., &c.

ST. LEONARD'S, NORTH SHORE.

- 1.—St. Leonard's, North Shore.
- 2, 3, 4, 5, 6, 7, 8.—The school is held in the chapel; there is unlimited play-ground; two water-closets have been lately built for the pupils.
- 9.—The average for 9 months ending 31st October (the time the school is under my charge) is, on the roll book, 17 males and 16 females; average attendance for same time is 10 males and 13 females.
- 10.—Maximum age of males, 16 years; females, 14 years; minimum age both sexes, 4 years.
- 11.—The school is divided into 4 classes; the average number in each class 6; ages from 12 to 4 years.
- 12.—6 hours: school opens at 9 o'clock a.m., and closes at 4 p.m.; 1 hour's recreation is given from 1 to 2 o'clock.
- 13.—1 holiday (Saturday) in each week, one week's vacation at Easter.
- 14.—187 for 9 months ending 31st October, 1860.
- 15.—No pupils have left this school since their entrance.
- 16.—About 4 belonging to the Roman Catholic Denomination.
- 17.—From 6d. to 1s 6d. per week.
- 18.—School fees for 9 months, £22 5s. 1d.; gratuities, £3 10s.
- 19.—Average total cost of education of each pupil for 9 months, £1 2s. 4d.
- 20.—Preparation of tasks:—lessons and reading, 2½ hours; writing, ¾ hour; Christian doctrine, ¾ hour; arithmetic, 1 hour; grammar and geography, 1 hour.
- 21.—First, sequel to second, second, and third books; some books are much needed, particularly sequels and second books, the present stock of which is nearly worn out.
- 22.—2 maps, a map of The World, and a map of Australia; globes, and a map of Europe are very requisite.
- 23.—Corporal punishment is resorted to when moral influence has not the desired effect.
- 24.—Four examinations during the past 9 months; prizes in the form of books and medals were given on each occasion.
- 25.—By Mr. Inspector Wiles once, and by other gentlemen on three occasions; copies of the reports made by these visitors I send herewith. The present condition of the school is satisfactory; the attendance of the children is now very regular; the number have increased during the past two months from 35 to 42.
 "I visited and examined the children attending this school to-day, and was much pleased with their answering in the Christian doctrine. They also read very well, and their spelling was good; they had but a slight knowledge of grammar.—J. H. J. WILES. 1 March, 1860."
 "Visited St. Leonard's C. School, and am happy to state that the children attending were remarkably correct in answering in the several departments of education.—P. BIRMINGHAM. 6 May, 1860."
 "I have visited St. Leonard's Catholic School, and examined the children in geography and grammar, in which I found them very smart; and in the Christian doctrine very well instructed indeed.—THOS. H. O'NEILL. 26 September, 1860."
 "Visited the School of St. Leonard's on the 11th of October, and was much pleased with the answering of the children in the Christian doctrine, geography, and grammar; their appearance was neat; they seemed happy and pleased. The master seems to possess their confidence and to have considerable influence over them; I am sure he is zealous and efficient in the discharge of his duty.—J. FORREST, D.D."
 "We are happy in being able to concur in the remarks of the Very Revd. Dr. Forrest.—P. NEWMAN, M. A. CORISH."
- 26, 27, 28.—Cork, Ireland.
- 29.—23 years.
- 30.—29th January, 1860.
- 31.—Was under training a short time, but declined the office of teacher.
- 32.—Nil.
- 33.—Writing clerk, and book-keeper in Cork Butter Weigh-house.
- 34.—Annual salary, £60.
- 35.—Fees, &c., for 9 months, £25 15s. 1d.; my fees for the last 3 months have amounted to as much as I received for the first 6 months.
- 36.—About £110 per annum.
- 37.—Instruction in the Christian doctrine, ¾ hour each day by the teacher, and by the local clergyman, the Very Revd. Dr. Powell, who frequently visits the school; the catechism of the Christian doctrine, and the historical catechism.

SUTTON FOREST.

- 1.—Sutton Forest.
- 2.—All wood except the chimney, which is stone; good.
- 3.—238 feet.
- 4.—4,840 yards.
- 5.—One, in good condition.
- 6.—238 superficial square feet, and the cubic feet therein is 1,666.
- 7.—Total average, boys and girls, 29.
- 8.—Those usual in a dwelling-house, viz., one door, two windows, and a chimney.

- 9.—39; daily, 29; boys, 14; girls, 15.
- 10.—Boys, from 15 to 4; girls, from 16 to 4.
- 11.—Five: the four last are the draft classes. First class, from 16 to 9; average number, 7. Second class, from 11 to 8; average number, 6. Third class, from 15 to 8; average number, 5. Fourth class, from 13 to 7; average number, 4. Fifth class, from 7 to 4; average number in attendance, 7.
- 12.—Six hours, viz., from 9 to 4, with an interval of one hour, which is allowed for luncheon, cricket, and gymnastics.
- 13.—No holidays, except those appointed by the Church. Two vacations, viz., at Christmas and Easter; duration of first, 11 days; the second, 9 days—in all 20.
- 14.—248.
- 15.—Three years.
- 16.—16 who do not usually attend here or elsewhere.
- 17.—Average quarterly charge, 6s. 6d.; no charge for books.
- 18.—£51 12s. 6d., total.
- 19.—Average annual total cost of each pupil, £2 11s. 7d.
- 20.—The distribution of school time, and the several subjects of instruction given to each class, are in accordance with the time table.
- 21.—First class—Historical catechism, by the Abbe Fleury; Carpenter's spelling book, Christian Brothers' third book, geography, grammar, and arithmetic. Second class—Christian doctrine, school expositor, second book of reading lessons, arithmetic, grammar, and geography. Third class—Christian doctrine, and sequel to first book. Fourth class—first book. Fifth class—tablets. Books insufficient.
- 22.—Map of The World on Mercator's projection, condition good. Wanted, the map of the Globe, two hemispheres; map of Australia, map of New South Wales, map of the British Isles, and the map of the Holy Land.
- 23.—Moral persuasion, loss of place in their class, a bad mark in the roll-book, or schoolroom to lunch in. No instructions from any Board, inspector, or manager.
- 24.—The Rev. P. Magennis visits the school monthly, and the other members of the Local Board twice a year. Rewards of merit are periodically given; they are books and pictures, and distributed once a year.
- 25.—By the Rev. P. Magennis, Mr. A. G. Marley, Mr. J. Larkin, Mr. J. A. Gold, Mr. T. Ryan, and Mr. J. Morris. Time occupied in examination, four hours and a half. Report:—"We, the undersigned, have examined the scholars attending the Catholic school, Sutton Forest, and bear testimony of the progress of the pupils, and the efficiency of Mr. Treanor, the teacher of the school. We also give testimony of the proficiency of the female pupils in plain and fancy needlework under the anxious superintendence of Mrs. Treanor." Signed by the Rev. Chairman and the gentlemen above-named.
- 26.—Michael Charles Treanor. No pupil teachers.
- 27.—Margaret Maria Treanor. No monitors attached to the school.
- 28.—M. C. Treanor's birthplace, Magherafelt, county of Londonderry, Ireland. Mrs. Treanor's birthplace, Edinburgh, Scotland.
- 29.—M. C. Treanor's age, 43; Mrs. Treanor, 42.
- 30.—January, 1859.
- 31.—Trained for an inspector, which office is similar.
- 32.—Royal College of Belfast. The time I was under instruction and training was seven years; received a diploma of the first class, English department.
- 33.—Experience in teaching: Seven years head teacher of the mercantile academy and Catholic Sunday school, Royal Borough of Rutherglen, by Glasgow, Scotland; average at the academy over two hundred, and the attendance at the Sunday school more than five hundred; two years and two months at Catholic school, Wollongong; two years and two months at Catholic school, Gosford, Brisbane Water; four years and three months at Catholic school, Penrith; one year and eleven months at Hartley. Colonial experience, ten years and six months; home experience, seven years; in all seventeen years and six months.
- 34.—£45 14s. 4d., exclusive of Government salary; assistant receives no fees nor salary, and it is well known that she is competent to discharge the duties of head mistress in any female seminary.
- 35.—None.
- 36.—£98 4s. 4d.
- 37.—Roman Catholic instruction daily, M. C. Treanor; visited by the Rev. P. Magennis, Roman Catholic M.A. Books used: Christian doctrine by His Grace the Most Rev. J. B. Polding, Archbishop of Sydney; Fleury's historical catechism, poor man's catechism, catechism of the Council of Trent, Hornihol's commandments and sacraments, Gobnet's instructions for youth, memoirs of Missionary Priest, temporal and eternal, Reeve's history of the Bible, and Reeve's history of the Church.

WATERLOO ESTATE.

- 1.—Waterloo Estate.
- 2.—Principally wood.
- 3.—Area of school house, 500 square feet.
- 4.—Area of playground adjoining the school, about 2,400 square feet.
- 5.—There is one water-closet, with convenience for two children, and in fair condition.
- 6.—Being a temporary school, there is but one room, and its superficial measurement is 500 square feet; its mean height is 8 feet; multiplying the former by the latter brings a total of 4,000 cubic feet.
- 7.—The number of pupils usually attendant in the school are 54.
- 8.—The room is ventilated by raising the windows. There are four windows and two doors.
- 9.—Having been but twelve months in the school, I can merely state the number on the roll for that time, which is 35 boys and 20 girls. The average daily attendance was—boys, 25; girls, 15.
- 10.—The maximum age of boys, 13 years; girls, 12 years; the minimum age of boys, 5 years; girls, 4 years.
- 11.—Number of classes, male and female, 7 each; the average number of boys in each class, are 5; average number of girls in each class are 3.
- 12.—The pupils attend six hours each day, and commence duties at 9-30, and terminate at 4; 15 minutes respite, and an hour for lunch.
- 13.—There's been four holidays this year; one on the 26th January, one on the 21st of March, one on the 24th of May, and one on the 1st of November, and fortnight's vacation at Christmas.
- 14.—From the 1st of September, 1859, to 1st September, 1860, the number of days appropriated to school studies were 242.
- 15.—Say perhaps five years.
- 16.—Don't know the exact number of children, but, as near as I can ascertain, there are about 30.
- 17.—To answer this question, I'll divide the pupils in 4 classes. There are 9 paying 1s., 18 paying 9d., 36 paying 6d., and 3 paying 3d. The pupils provide their own books, with the exception of those provided by the Board. The annual charge to each pupil paying 1s. per week amounts to £2 10s. per annum; those paying 9d. per week, £1 17s. 6d.; those paying 6d., £1 5s.; those paying 3d., 12s. 6d.
- 18.—The amount of school fees received during the twelve months ending 30th September, 1860, was £52 16s. 11d. The above fees were appropriated to support of teacher. The above is all that has been received at the above school (with the exception of Government salary, which is £60 per annum), for the year ending 30th September, 1860.
- 19.—The average annual total cost of each pupil, for education, amounts to £1 6s. 5½d.
- 20.—Instruction given to 1st and 2nd classes are Christian doctrine, historical catechism, spelling, reading, writing, arithmetic, grammar, and geography; 3rd and 4th classes, Christian doctrine, spelling, reading, writing, tables, and arithmetic; 5th and 6th classes, Christian doctrine, spelling, reading on tablets, writing, and tables; 7th class, Christian doctrine and alphabet. The time occupied in each of the above is as follows:—Christian doctrine and spiritual instruction, 1 hour; spelling and reading, each class 2 hours; writing and arithmetic, 1 hour 30 minutes; grammar and geography, 1 hour; remainder of time occupied in singing and prayers.
- 21.—Titles of books used in 1st class are—Christian doctrine, historical catechism, Carpenter's spelling assistant, Christian Brothers' reading catechism of perseverance, arithmetic, grammar, geography; 1st class, girls, same as above; 2nd class, boys, Christian doctrine, spelling assistant, Carpenter's third book reading lessons, Christian Brothers' arithmetic, grammar for beginners; 2nd class girls, same as above; 3rd class boys, Christian doctrine, catechism, spelling, universal spelling book, reading, second book reading lessons, Christian Brothers, tables and arithmetic, and writing on slates; 3rd class girls, same as above; 4th class boys, Christian doctrine, catechism, spelling, Mavor's spelling book, reading in sequel to first book of reading lessons—Christian Brothers', writing on slates, and tables; 4th class, girls, same as above; 5th and 6th classes learn Christian doctrine, catechism, spelling in first book of reading lessons—Christian Brothers', reading from tablets; girls, same as above; 7th class, Christian doctrine, catechism, and alphabet.
- 22.—There are in the school 12 tablet cards, 1 map of The World, 1 map of Australia, 54 Hullah's large sheets of music, 4 desks, and 7 forms.
- 23.—In cases in which remonstrance is not effective, the ordinary means of slapping the hand is applied.
- 24.—The children have not been examined since I took charge of the school, but I have distributed prizes to the deserving, and they were good moral works.
- 25.—The school has been visited a number of times by the Inspector of Schools.
- 26.—Teacher's name, Valentine Ellery.
- 27.—There are no pupil teachers or monitors.
- 28.—Birthplace of teacher, Manchester, England.
- 29.—Aged 29 years.
- 30.—Appointed teacher of above school on the 1st September, 1859.
- 31.—Was not trained as a teacher.
- 32.—
- 33.—Was a teacher nine years in the St. Chad's Sunday School, and clerk in a wholesale warehouse in Manchester, and manager of same.
- 34.—Salary of teacher, £60 per annum.

- 35.—School fees, £52 16s. 11d.
 36.—Total amount of income, £112 16s. 11d.
 37.—Religious instruction is given each day by teacher. The Rev. M. A. Corish, Roman Catholic priest, has visited the school four times, and given instruction each time. The books used by teacher are Gobnet's instructions to youth, the lives of the saints, Christian doctrine, and historical catechism.

WEST DAPTO.

- 1.—West Dapto.
 2.—Of wood, in a good state of repair.
 3.—About 432 feet.
 4.—A large field.
 5.—New separate water-closets are being built to replace the others.
 6.—One room.—See query No. 3.
 7.—An average of about 36 daily.
 8.—Well ventilated by doors and windows.
 9.—Average on the books, 40; males and females pretty nearly divided.
 10.—Maximum, 14 years; minimum, 5 years.
 11.—Number of classes, 4; some classes number 12, some less.
 12.—Studies commence at 9 A.M., terminate at 4¼ P.M.; recreation, 1¼ hour.
 13.—One holiday, Saturday; vacations, one week at Christmas and one at Easter.
 14.—Uncertain to state the exact number.
 15.—Period almost uncertain.
 16.—Cannot say, but believe there are not many.
 17.—Weekly charge about 7d.; no charge for books.
 18.—Cannot say, but thinks about £35; Government, £52 10s.
 19.—Average annual cost of each pupil if in regular attendance, about £1 10s.
 20.—In English spelling, reading, writing, arithmetic, grammar, geography, and history.
 21.—The series of books used in the schools conducted by the Christian Brothers.
 22.—Maps of the World and Australia; map of Europe required.
 23.—Scarcely any corporal punishment resorted to; additional studies imposed for infractions.
 24.—Frequent; books, prints, &c.
 25.—By the Chairman of the Board; very frequently.
 26.—Luke M'Guinn.
 27.—Susan M'Guinn.
 28.—Ireland.
 29.—Luke M'Guinn, 37 years; Susan M'Guinn, 29 years.
 30.—May, 1860.
 31.—Not formally trained, but approved of by competent parties.
 32.—See query No. 31.
 33.—Many years experience in collegiate seminaries.
 34.—£52 10s.
 35.—About £35.
 36.—£87 10s.
 37.—Catechism, Fleury's historical catechism. Other religious instructions frequently given by the Revd. W. X. Johnson, Roman Catholic pastor of the district.

1861.

NEW SOUTH WALES.

UNIVERSITY OF SYDNEY.

(REPORT FOR 1860.)

Presented to both Houses of Parliament, by Command.

*REPORT of the University of Sydney, for the Year ended the 31st of December, 1860.**University of Sydney,
16 April, 1861.*

1. The Senate of the University of Sydney, in accordance with the provisions of the 22nd clause of the Act of Incorporation, 14 Vic., No. 31, have the honor to submit, for the information of the Governor and Executive Council, the following Report of their Proceedings during the year 1860.

2. Twenty-two Students were admitted to Matriculation in the University, after having passed the preliminary examination.

3. Eight Students who had completed the University course, extending over a period of three years, and had passed the statutory examination, were admitted to the Degree of Bachelor of Arts.

4. The Degree of Master of Arts was conferred on one member of the University who had obtained, previously, the Degree of Bachelor of Arts, and had complied with the requirements of the By-laws.

5. In the competition for Scholarships, the successful candidates were:—

BARKER SCHOLARSHIP (*for Mathematical Science*):—

Cecil Bedford Stephen.

DEAS THOMSON SCHOLARSHIP (*for Physical Science*):—

Cecil Bedford Stephen.

GENERAL UNIVERSITY SCHOLARSHIPS (*for general proficiency*):—

Third year:— Cecil Bedford Stephen.

First year:— { Samuel Walker Griffith.

{ Charles Stuart Mein.

{ Charles Edward Robertson Murray.

The SALTING EXHIBITION (devoted to a Student proceeding from the Sydney Grammar School to the University) was awarded to Charles Stuart Mein.

6. Vacancies were caused in the Senate by the resignation of Mr. Alfred Denison and Mr. James Macarthur on the occasion of their departure for Europe. Mr. William Charles Wentworth was elected to fill the seat vacated by Mr. Denison, and Sir William Macarthur was elected to the other seat.

7. The Senate have much pleasure in recording a further instance of the munificence of the Provost, Sir Charles Nicholson, to whose personal exertions and liberality the University already owes so much, viz., the donation of his large and valuable collection of Etruscan, Greek, Roman, and Egyptian Antiquities. The means of establishing a Museum having been thus secured, the Senate, with a view to render the objects contained in it accessible to all members of the community and to enable the Professors to avail themselves of their aid in the illustration of the classical lectures, prepared three rooms in the southern end of the building for their reception. Mr. Edward Reeve has been appointed Curator of the Museum, and a catalogue of the antiquities is in course of preparation.

8. The Senate are unable to report much progress in the building during the past year. The completion of the battlements of the tower has been deferred, the money reserved for that purpose being required for the Museum. The building, however, has been rendered in all respects proof against the weather.

9. With a view to enable persons who may have taken the Degree of Bachelor of Arts, or an equivalent first Degree in Arts in any University of the United Kingdom, or in Melbourne, to proceed to the higher Degree of Master of Arts in this University, the Senate, by virtue of the powers vested in them by the 13th clause of the Act of Incorporation, have passed a By-law to enable them to confer that Degree, after examination, under certain conditions. This By-law, a copy of which is appended to this Report, has been approved of by the Governor and Executive Council.

10. A By-law to enable the Senate to confer the Degree of Doctor of Medicine, after examination, under circumstances similar to the foregoing, has also received the assent of the Governor General. (A copy of this By-law is appended.)

11. A further By-law has been passed, repealing the By-law relating to Matriculation, in so far as the time of payment of the fee is concerned. Hitherto a candidate for Matriculation was required to pay a fee of two pounds previously to admission to examination. The payment of the fee under this By-law is deferred until after the examination and approval of the candidate by the examiners. Inasmuch as, at the present time, the examination for Scholarships of the first year is coincident with that for Matriculation, persons whose hopes of securing an University education depend upon the successful issue of their examination, are, in case of failure, exempt from any pecuniary loss. (A copy of this By-law is appended.)

12. Leave of absence for one year has been granted to Professor Smith, to enable him to proceed to Europe. In addition to considerations of health, the desirability of a visit to the principal laboratories of Europe, and of personal intercourse with their eminent conductors; and, further, the opportunity presented for purchasing apparatus for the Chemical Department of the University, induced the Senate to concede that leave. Provision for the fulfilment of the duties of the Chemical Classes has been made by the appointment of Mr. Charles Watt, as to whose ability to perform the work entrusted to him, the Senate have received ample assurance.

13. An account of the Receipts and Expenditure of the University, during the past year, is appended.

The foregoing Report was adopted at a meeting of the Senate held on the 15th February, 1861, and ordered to be transmitted to the Honorable the Colonial Secretary, for presentation to the Governor and Executive Council and the Parliament, in pursuance of the 22nd section of the Act of Incorporation, 14 Vict., No. 31.

HUGH KENNEDY,
Registrar.

APPENDIX I.

BY-LAW.

The Senate shall have power to admit to examination for the Degree of Master of Arts any person who shall have obtained at least two years previously the Degree of Bachelor of Arts, or equivalent first Degree in Arts, in any of the undermentioned Universities, namely:—Oxford, Cambridge, London, Durham, Dublin, Queen's University of Ireland, Edinburgh, Glasgow, Aberdeen, Saint Andrews, Melbourne. Every candidate for admission under this By-law must make application in writing to the Registrar, and supply satisfactory evidence of his qualification as aforesaid, and that he is a person of good fame and character, and upon the approval of his application, shall pay to the Registrar a fee of two pounds for the entry of his name in the University Books, in addition to the fee for his Degree, as prescribed by the By-laws in respect to those who have taken their first Degree in the University of Sydney.

APPENDIX II.

BY-LAW.

The Senate shall have power to admit to examination for the Degree of Doctor of Medicine any person who shall have obtained, at least two years previously, the Degree of Bachelor of Medicine at any University of the United Kingdom, or at the University of Melbourne, and who shall also have obtained the Degree of Bachelor of Arts, or an equivalent first Degree in Arts, at any of the said Universities. Every candidate for admission under this By-law must make application in writing to the Registrar, and supply satisfactory evidence of his qualification as aforesaid, and that he is a person of good fame and character, and upon the approval of his application, he shall pay to the Registrar a fee of two pounds for the entry of his name in the University Books, in addition to the prescribed fee for his Degree. Before the granting of the Degree, every passed candidate will be required to furnish evidence of his having completed his twenty-third year.

APPENDIX III.

BY-LAW.

I. The undercited By-laws passed by the Senate, on the 10th December, 1855, and approved by the Governor and Executive Council on the 30th January, 1856, are hereby repealed.

MATRICULATION.

1. Candidates for Matriculation must make application before the commencement of Lent Term, to the Registrar, who will enter the name of each applicant upon the payment of a fee of two pounds.

4. If the Candidate fail to pass his examination, the fee shall not be returned to him, but he shall be admissible to any future examination for Matriculation without the payment of an additional fee.

7. All students who shall receive a *testamur* of having passed the Matriculation Examination shall be admitted by the Senate as Members of the University.

II. Candidates for Matriculation must make application to the Registrar before the commencement of Lent Term.

III. All students who shall receive a *testamur* of having passed the Matriculation Examination, and shall have paid a fee of two pounds to the Registrar, shall be admitted by the Senate as Members of the University.

ACCOUNT of the RECEIPTS and EXPENDITURE of the UNIVERSITY OF SYDNEY, from 1st January to 31st December, 1860.

RECEIPTS.		EXPENDITURE.	
ENDOWMENT FUND.		ENDOWMENT FUND.	
	£ s. d.		£ s. d.
Received amount of Endowment from Government, under Act of Incorporation ..	5,000 0 0	Paid for Salaries, Charges for Printing, Stationery, and Sundry Expenses ..	4,120 17 8
.. from the Government, towards repair of the bank on the Parramatta Road, forming the N.E. boundary of the University grounds, damaged by rain ..	150 0 0	.. Furniture	115 18 0
.. from S. K. Salting, Esquire, as an increase to the capital sum of the "Salting Exhibition."	62 10 0	.. Petty Cash	20 0 0
.. Fees from Students, after paying Professors their share	217 4 6	.. University Scholarships	150 0 0
.. Interest on Investments in Government Debentures, on account of Scholarships under Private Foundations.. .. .	184 10 1	.. Scholarships under Private Foundations	136 5 0
.. Pasturage	80 0 0	.. Balance of amount due on purchase of Landed Property for the "Deas Thomson" Scholarship	755 0 0
.. from sale of £1,000 in Government Debentures, on account of the "Deas Thomson" Scholarship, less brokerage	990 0 0	.. for Fencing and Repairs of above Property, less rent received	60 5 8
.. for ten Debentures of £100 each, representing the capital of the "Barker" Scholarship, due by effluxion of time, and paid off by the Government	1,000 0 0	.. for three Government Debentures, of £100 each, being partial re-investment of £1,000 held in cash, on account of the "Barker" Scholarship.	300 0 0
Balance in Commercial Bank, 31st December, 1859	415 13 5	.. Fencing, levelling, and laying out Grounds, and construction of Bridge	626 6 9
		.. Fittings and expenses connected with the University Museum.	595 0 0
TOTAL RECEIPTS, ENDOWMENT FUND.. .. .	£8,099 18 0	TOTAL EXPENDITURE, ENDOWMENT FUND	£ 6,880 13 1
BUILDING FUND.		BUILDING FUND.	
Balance in Commercial Bank, 31st December, 1859, say—		Paid for Building purposes during the year	2,815 17 1
.. On Deposit at Interest	£2,000 0 0	Balance on hand at this date:—	
.. Building Fund current account	229 0 1	.. In Commercial Bank on "Building Fund" account.. .. .	£ 13 3 0
	2,229 0 1	.. On "General" account.. .. .	*1,219 4 11
Received for Interest on above Deposit.. .. .	100 0 0		1,232 7 11
TOTAL RECEIPTS, BUILDING FUND ACCOUNT.. .. .	£ 2,329 0 1	GRAND TOTAL	£ 10,428 18 1
GRAND TOTAL.. .. .	£ 10,428 18 1		

* This balance consists exclusively of "Scholarship" funds, held for special purposes.

Sydney, 31st December, 1860.

Audited 2nd April, 1861.

HUGH KENNEDY, Registrar.

GEOFFREY EAGAR, Auditor.

1861.

Legislative Assembly.

NEW SOUTH WALES.

SYDNEY GRAMMAR SCHOOL.

(REPORT FOR 1860.)

*Ordered by the Legislative Assembly to be Printed, 10 May, 1861.**Sydney Grammar School,
7 May, 1861.*

SIR,

By direction of the Trustees of the Sydney Grammar School I have the honor transmit to you a report of their proceedings, and of the progress of the School during the year 1860, to be laid before His Excellency the Administrator of the Government and the Honorable the Executive Council, in accordance with the provisions of the Act of Incorporation.

2. Since the date of their last report the Trustees have not found it necessary to make any further regulations for the government and discipline of the School.

3. At the meeting held on the 3rd January Sir Charles Nicholson was re-appointed Chairman for the year.

4. The Trustees are sorry to report that the number of pupils has decreased during the past year, as shewn by the annexed Table: for this decrease the Trustees are unable to assign any special cause. According to the report, hereto appended, of the gentlemen who acted as Examiners—"The result of the examination not only displays a great improvement in the knowledge and style of writing out since the last yearly examinations, but would certainly, in our opinion, reflect credit upon the best schools in the Mother Country."

5. In consequence of the diminution of the number of pupils, the Trustees have found it necessary to dispense with the services of two of the Assistant Masters, Mr. Stuart Hawthorne and Mr. John Kinloch.

6. The Writing Master, Mr. John Mills, resigned during the year, and his place has been filled up by the appointment of Mr. C. J. Nelson.

7. At a meeting of the Trustees, held on the 1st May, John Hay, Esq., was elected in the room of George M'Leay, Esq., resigned; and on the 5th November, R. A. A. Morehead, Esq., was elected in the room of Edward Cox, Esq., resigned.

8. In the month of January a letter was received from the Registrar of the University, informing the Trustees that a sum of money having been presented by Mr. L. K. Salting for the encouragement of learning in the University, the Senate had passed the following Resolution, viz. :—

"That Mr. Salting's benefaction be applied to the foundation of an Exhibition for the maintenance of an Undergraduate in the Faculty of Arts, to be called 'the Salting Exhibition.'

"That the Exhibition be presented by the Senate, upon the recommendation of the Trustees of the Sydney Grammar School, to a pupil of that school proceeding to the University after the Christmas vacation.

"That the Exhibition be tenable for three years, upon such conditions as the Senate shall determine.

"That the Exhibition confer no Academic rank, and that the Exhibitioner be not precluded from competing for the ordinary or special Scholarships."

In consequence of this communication, upon the recommendation of the Head Master and the Examiners, the Trustees nominated Mr. Charles Mein to "the Salting Exhibition."

I have, &c.,

W. H. CATLETT,
Secretary.

APPENDIX.

REPORT OF EXAMINERS IN CLASSICS AND MATHEMATICS.

Sydney Grammar School,
14 December, 1860.

Although we have not officiated as regular Examiners, we have looked over papers of the 3rd, 4th, 5th, and 6th Forms of the Sydney Grammar School, in the Classical and Mathematical departments.

The inspection of those papers has given us a very high degree of gratification.

The result of the examination not only displays a great improvement in the knowledge and style of writing out since the last yearly examinations, but would certainly, in our opinion, reflect credit upon the best schools in the Mother Country.

There can be no question about the character of the instruction imparted to the pupils of the School, nor of their aptitude and willingness to avail themselves of their advantages. The earnest appreciation by the boys themselves of the education which they receive has exceeded our anticipations.

A few years experience will, we are sure, convince the citizens generally, that such an education is not only useful for refinement and cultivation of the intellect and imagination, but is an admirable preparation for the ordinary business of life.

JOHN WOOLLEY, D.C.L.,

Professor of Classics and Logic in the University of Sydney.

M. B. PELL, B.A.,

Professor of Mathematics and Natural Philosophy in the University of Sydney.

RETURN of the RECEIPTS and DISBURSEMENTS of the SYDNEY GRAMMAR SCHOOL during the Year 1860.

RECEIPTS.			AMOUNT.			DISBURSEMENTS.			AMOUNT.		
	£	s. d.	£	s. d.		£	s. d.	£	s. d.		
To Endowment	1,500	0 0			By Balance due to the Commercial Bank on 31st December, 1859..			301	3 4		
„ School fees from Pupils	2,322	0 0			„ Deposit Account	600	0 0				
„ Receipts from the sale of School Books..	93	10 6			„ Purchase of School Books	36	18 2				
„ Deposit Account	1,050	0 0			„ Salaries	2,657	18 4				
„ Trustees of National School—Moiety of the partition Fence.....	11	2 6	4,976	13 0	„ Capitation Fees to Masters	1,165	10 0				
					„ Allowance to Janitor..	12	0 0				
					„ Furniture, Black Board	13	15 0				
					„ Repairs, &c., to Building	53	5 0				
					„ Printing, Stationery, and Prizes	240	16 8				
					„ Engraving School Arms, Seal, &c.	18	14 0				
Amount overdrawn at the Commercial Bank on the 31st December, 1860.....			156	0 11	„ Other Expenses.....	24	11 10				
					„ Interest charged by the Commercial Bank on overdrawn Account ..	8	1 1	4,831	10 7		
			£5,132	13 11				£5,132	13 11		

W. H. CATLETT,
Secretary.

RETURN of the SYDNEY GRAMMAR SCHOOL for the Year 1860.

OFFICE.	NAME.	SALARIES.	ALLOWANCES.	FEEs FROM SCHOLARS.	TOTAL.	AVERAGE NO. OF SCHOLARS.	REMARKS.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.		
Head Master	Wm. John Stephens ..	500 0 0	.....	388 10 0	888 10 0	1st Quarter, 156.	
Mathematical Master	Edward Pratt	400 0 0	.....	244 5 0	644 5 0		
Foundation Master	Edwin Whitfeld	300 0 0	.....	244 5 0	544 5 0		
Assistant Classical Master	Walter Heaven	375 0 0	.....	.....	375 0 0	2nd Quarter, 150.	
Do. do. do.	E. Blackmore	375 0 0	.....	.....	375 0 0		
Do. do. do.	Stewart Hawthorne ^a ..	150 0 0	.....	.....	150 0 0		^a Left on 30th June.
Assistant Mathematical Master	John Kinloch ^b	150 0 0	.....	.....	150 0 0		^b Left on 30th June.
Writing Master, and Secretary to School ..	John Mills ^b	231 5 0	.....	.....	231 5 0	3rd Quarter, 139.	^b Left on 5th October.
Writing Master	J. C. Nelson ^c	22 10 0	.....	.....	22 10 0		^c Appointed 22nd October.
French Master	P. A. Dutruc .....	.....	.....	144 5 0	144 5 0	4th Quarter, 132.	
Drawing Master	Saml. Chas. Brees ..	.....	.....	144 5 0	144 5 0		
Secretary and Accountant to Trustees	W. H. Catlett	50 0 0	.....	.....	50 0 0		
Janitor	T. Warman ^b	8 6 8	.....	.....	8 6 8		^b Left 15th January.
Janitor	Edward Newman ^c	95 16 8	12 0 0	.....	107 16 8	Average for year, 144.	^c Appointed 15th January.
		£ 2,657 18 4	12 0 0	1,165 10 0	3,835 8 4		

1861.

Legislative Assembly.

NEW SOUTH WALES.

CHARITABLE AND EDUCATIONAL INSTITUTIONS.

(WITHIN THE CITY OF SYDNEY AND COUNTY OF CUMBERLAND.)

Ordered by the Legislative Assembly to be Printed, 9 May, 1861.

FURTHER RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 24 April, 1860, That there be laid upon the Table of this House,—

“ Information connected with Charitable and Educational
 “ Institutions, wholly or in part maintained by Public Funds,
 “ within the City of Sydney and County of Cumberland—being
 “ Return from the ‘Parramatta Hospital.’ ”

(Dr. Lang.)

SCHEDULE.

NO.	PAGE.
1. The Honorary Secretary to the Committee of the Parramatta Hospital to the Colonial Secretary, furnishing information respecting that Institution	2

CHARITABLE AND EDUCATIONAL INSTITUTIONS.

SECRETARY TO COMMITTEE OF PARRAMATTA HOSPITAL to COLONIAL SECRETARY.

Parramatta Hospital,
Parramatta, 1861.

SIR,

With reference to your several letters, requesting certain information respecting the above Institution, I have the honor, at the request of the Committee, to state that it is impossible to supply the information required.

The Hospital is conducted according to the provisions of the Act of Council, 11 Victoria, No. 59, 1847, and 13 Victoria, No. 20, 1849.

1. The officers are elected annually, as provided by the above Acts. I enclose the last report, which contains the names of the officers for the current year.

2. The only paid office-bearers are Mr. and Mrs. Thomas Burnside, who were appointed Master and Matron August 31st, 1859, their joint salary is £50; they also receive a like sum as Master and Matron of the Benevolent Society held in the same building; their only other allowances are board and residence.

3. It is, I presume, unnecessary to say more than that meetings of the Committee are held monthly—three forming a quorum; it would be an endless, and I should think, quite useless, trouble, to say nothing of its being extremely inquisitorial, to hunt up the numbers of attendances of the gentlemen who so kindly perform these gratuitous duties.

4. During the last five years I believe there has been no instance of postponement "in consequence of non-attendance of a quorum"; the annual meeting was once adjourned, there not being ten contributors present. (*Vide* Act of 1847, sec. 8.)

5. There are no data from which to supply detailed accounts; they have been made up annually and published with the report. (*Vide* report sent.)

The Institution receives three hundred pounds by annual vote of Parliament, the subscribers contributing an equal sum. The Treasurer has been frequently changed, and there are no existing detailed accounts besides such of the pay sheets as may be procurable; these are regularly audited, *with much care and precision*, at each monthly meeting.

I have, &c.,

CHAS. BETHEL LYONS,
Honorary Secretary.

[Enclosure.]

REPORT of the Parramatta District Hospital, from the 1st of January to the 31st of December, 1860.

Your Committee are very happy in being enabled to state that the anticipations mentioned in the report for the year 1859, that "the materials for a good report for the year 1860 were in some measure ready at hand," has been abundantly realized.

It appears that 106 patients have been admitted into the Hospital during the past year, and the sum of £325 14s. 3d. has been expended in their sustenance and medical treatment. The total receipts have been £576 2s., which—after payment of £2 due to the Treasurer at the end of the last year, together with the expenses of the year, £325 14s. 3d.—leaves a balance of £248 7s. 9d. in the Treasurer's hands.

Your Committee feel bound to acknowledge that this prosperous state of their affairs is in a great measure owing to the untiring zeal and exertions of your Treasurer, Mr. Purchase.

It appears that there is no guttering under the roof of the building, and the drainage is also quite insufficient. Your Committee would, therefore, recommend that part of the above balance be applied to the reparation of these defects; for if this be not speedily done, the spacious and useful verandahs will be destroyed, and the foundation of the building greatly weakened, which will cause the necessity of a much larger outlay; in fact, the buildings generally are being greatly injured for want of proper guttering, draining, and other repairs.

Your Committee also acknowledge the continued zeal and attention of Mr. and Mrs. Burnside to their respective duties as Master and Matron of the Institution.

Parramatta District Hospital in account with Mr. John Purchase, Treasurer.

Dr.		Cr.	
	£ s. d.	£ s. d.	
1859. Dec. 31st, Due to Treasurer	2 0 0	Received by Subscriptions and Hospital attendance, to 31st Dec., 1860	260 0 0
1860. January Disbursements	24 15 8	Received from Benevolent Committee for Repairs of Building	18 15 3
" February "	22 6 3	Interest	40 0 0
" March "	24 18 3	Received from Government to 30th June	132 4 0
" April "	25 4 2	Received from Government to 30th September	125 2 9
" May "	26 3 9		
" June "	39 5 4		
" July "	27 11 1		
" August "	30 19 1		
" September "	27 14 8		
" October "	25 19 1		
" November "	24 7 8		
" December "	26 9 3		
Balance	248 7 9		
	£576 2 0		£576 2 0

Annual

CHARITABLE AND EDUCATIONAL INSTITUTIONS.

3

Annual Return of Sick treated in the Parramatta District Hospital, from 1st Jan. to 31 Dec., 1860.

DISEASES.	Remaining 1 Jan., 1860.	Admitted.	Total.	Discharged.	Died.	Remaining 31 Dec., 1860.
Abscesses	8	8	8	..	..
Amputations	3	3	2	1	..
Burns	3	3	3	..	..
Consumptions	3	3	..	3	..
Contusions	13	13	12	1	..
Debility	2	2	..	2	..
Delirium Tremens	1	1	1	..	..
Dislocations	1	1	1	..	..
Dysentery	5	5	4	1	..
Epilepsy	1	1	..	1	..
Fevers	2	2	2	..	..
Erysipelas	1	1	1	..	..
Fractures, Simple	6	6	5	..	1
" Compound	2	2	2	..	..
Inflammation of the Bladder	2	2	1	1	..
" Bronchia	1	4	5	4	1	..
" Eyes	1	1	1	..	..
" Kidneys	1	1	..	..	1
" Liver	1	..	1	1	..	..
" Lungs	1	1	..	1	..
" Pleura	1	1	..	..	1
Influenza	7	7	6	1	..
Meazles	1	1	1	..	..
Palsy	1	1	1	..	..
Rheumatism	4	4	4	..	..
Stricture	1	1	1	..	..
Rupture	1	1	1	..	..
Ulcers	21	21	19	..	2
Veneral	5	5	5	..	..
Wounds	1	1	1	..	..
Mental Delusion	1	1	1	..	..
TOTAL	2	104	106	88	13	5

WALTER BROWN, M.D.
G. HOGARTH PRINGLE, M.D.

Parramatta, 5 December, 1860.

MONTHLY COMMITTEE MEETING.

Present:—R. L. King, Vice-President, Mr. Hooper, Mr. Mason, the Treasurer.

Dr. Bassett requested the Vice-President to state that he would be absent for one month, and that Dr. Pringle would act for him in his absence.

Master's salary	£	s.	d.
Green's, wardman, salary	4	3	4
Croddist, nurse	1	14	9
Jours, cook	1	11	0
Granger	1	12	0
Rutter	2	18	1
M'Pherson	1	15	3
Dare	3	14	8
Harper	0	6	3
Allen	0	17	3
Aspinwall	0	8	6
Williams	0	8	6
Rouling	0	8	0
Willis' coffin	3	0	11
Mason	0	18	6
	0	10	8
	£24	7	8

Visiting Committee, for December, Messrs. Rev. R. F. Gore, Parker, and Williams.

Sydney: Thomas Richards, Government Printer.—1861.

[Price, 1d.]

1861.

Legislative Assembly.

NEW SOUTH WALES.

CHURCH AND SCHOOL LANDS BILL.

(MEMBERS OF THE CHURCH OF ENGLAND.)

Ordered by the Legislative Assembly to be Printed, 12 February, 1861.

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

The Petition of the undersigned Members of the United Church of England and Ireland in this Colony,—

RESPECTFULLY SHEWETH:—

That your Petitioners have learned with deep concern that a Bill has been introduced into your Honorable House having for its object to declare the lands which were granted to the late Church and School Corporation Waste Lands of the Crown.

That the Bill proceeds upon the assumption that certain doubts exist regarding the tenure of these lands by the Crown, but your Petitioners submit that no such doubts exist upon the subject as bring the case within any precedent for passing a Bill of the nature of that now before your Honorable House.

That, when the late Church and School Corporation was dissolved, the lands which had been granted to that Corporation reverted to and became vested in the Crown, as Trustee, in the words of the Charter, "to be held, applied, and disposed of in such manner as to the Crown should appear most conducive to the maintenance and promotion of religion and the education of the youth in this Colony." And that the revenues derived from these lands have ever since been and are now so applied by the Executive Government.

That your Petitioners regard the measure now proposed for the adoption of your Honorable House as calculated to impair public confidence in the tenure of all grants which may have been made by the Crown, especially those for religious and educational uses.

That your Petitioners are deeply interested in the continuance of the present application of the said revenues, inasmuch as several of the clergy receive portions of their stipends from this source, and it also supplies the only fund available for the building and repair of Denominational Schools.

Your Petitioners therefore humbly pray that, having regard to the rights of your Petitioners and the reasons above stated, your Honorable House will be pleased to withhold your assent from the aforesaid Bill.

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

[Here follow 213 Signatures.]

1861.

Legislative Assembly.

NEW SOUTH WALES.

CHURCH AND SCHOOL LANDS BILL.

(PETITION OF BISHOP OF SYDNEY.)

Ordered by the Legislative Assembly to be Printed, 14 February, 1861.

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

The Petition of the Right Reverend Frederic Barker, D.D., Bishop of Sydney,—

SHEWETH :—

That your Petitioner has heard with pain and regret that a Bill is now before your Honorable House, the object of which is to declare the Church and School Lands to be Waste Lands of the Crown, and to administer them under the ordinary Crown Lands Act or Regulations.

That these lands were originally granted by the Crown for the exclusive use of the Church of England, at the time and in the manner in which very large portions of the Colony were granted both to private individuals and to public bodies, and that the right of the Crown to make such grants is indisputable.

That, in the year One thousand eight hundred and twenty-six, a Corporation was created by Royal Letters Patent for the management of the lands in question.

That the Letters Patent contained a clause empowering the Crown to dissolve the Corporation, but with the proviso, that in the event of such dissolution the lands should revert to the Crown, "to be held and applied and disposed of in such manner as should appear most conducive to the maintenance and promotion of religion and the education of the youth of the Colony."

That, in the year One thousand eight hundred and thirty-three, the Corporation was dissolved, and the lands held by it reverted to the Crown, under the XXXVIth Clause of the Charter.

That, when a question arose as to the future distribution of the revenues, directions were given by the Secretary of State, acting on behalf of the Crown, that the appropriation which is now in force should be adopted, being in conformity with the terms of the above-named clause in the original Grant.

That, in the correspondence upon this subject, no question even arose as to the Crown being a Trustee, and that, in fact, since the dissolution of the Corporation, the Crown has never ceased to act as a Trustee.

That the power of the Crown to act as Trustee is recognized by the most eminent lawyers at Home, and in this Colony.

That as these lands did not absolutely and unconditionally revert to the Crown at the dissolution of the Corporation, but were only held in trust and administered for the purposes named in the original Charter, they did not then become Waste Lands of the Crown.

That at the passing of the Constitution Act they could not be ceded by the Crown as Waste Lands, since they were not Waste Lands, and the Crown had not the absolute and unconditional disposal of them, but only held them in trust.

SEEING THEREFORE,—

That the validity of the original Grant has never been questioned by any high legal authority ;

That the Trust has ever been administered in conformity with, and not in derogation of the original Grant ;

That the religious body of which your Petitioner is a member, and of whose interests he is a guardian, has for nearly thirty years enjoyed the benefit of a participation in the revenues of these lands ;

That a grievous injustice would be inflicted upon that body by the alienation of these lands from the purposes for which they were originally granted by the Crown ;

That the proposed Bill would not only injuriously affect the Members of the Church of England, but also others, and would be calculated to shake the public confidence in the equity of the proceedings of your Honorable House ;—

Your Petitioner humbly prays, that he may be heard by Counsel against the said Bill, and,—

That your Honorable House will be pleased to refuse your assent to the proposed Bill. And your Petitioner, as in duty bound, will ever pray, &c.

F. SYDNEY.

1861.

Legislative Assembly.

NEW SOUTH WALES.

CHURCH AND SCHOOL LANDS BILL.

(ROMAN CATHOLIC ARCHBISHOP AND CLERGY OF NEW SOUTH WALES.)

Ordered by the Legislative Assembly to be Printed, 19 February, 1861.

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

The Petition of the undersigned, the Archbishop, the Vicars-General, Deans, and other Clergy of the Roman Catholic Church, now assembled in Sydney,—

HUMBLY SHEWETH:—

That your Petitioners, with great surprise and dismay, have seen that a Bill has been introduced into your Honorable House, to declare that the Lands hitherto known by the name of the Church and School Lands are to be deemed as Waste Lands of the Crown.

That your Petitioners, with their co-religionists throughout the entire Colony, have been informed by their predecessors, and believe, that the said Lands were to be held by the Crown, and to be applied and disposed of in such manner as should appear to be most conducive to the maintenance and promotion of religion and of the education of the youth of this Colony.

That your Petitioners earnestly entreat your Honorable House to grant such delay as may suffice to procure an adequate expression of the opinion of the Catholic body, and of the other religious bodies throughout the country, whose dearest interests are, with theirs, equally involved.

That, inasmuch therefore as your Honorable House would desire to come to a just and legal decision, upon a question of such vital importance to the whole community,—

Your Petitioners humbly pray that the said measure may not be passed into Law; and that your Petitioners, by Counsel learned in the Law, may be heard at the Bar of your Honorable House in support of their vested interests, and in opposition to the said Bill.

And your Petitioners will ever pray.

Dated at Sydney, this eleventh day of }
February, in the year of our Lord, one }
thousand eight hundred and sixty-one. }

[Here follow 8 Signatures.]

1861.

Legislative Assembly.

NEW SOUTH WALES.

CHURCH AND SCHOOL LANDS BILL.

(MEMBERS OF DENOMINATIONAL SCHOOL BOARD IN NEW SOUTH WALES.)

Ordered by the Legislative Assembly to be Printed, 20 February, 1861.

The Honorable the Members of the Legislative Assembly of New South Wales.

The Petition of the undersigned, being the Members of the Denominational School Board in New South Wales,—

HUMBLY SHEWETH :—

1st.—That your Petitioners have observed that a Bill has been introduced into your Honorable Assembly, the object of which is to declare the lands which were granted to the Church and School Corporation as Waste Lands of the Colony.

2nd.—That your Petitioners would respectfully remark, that to pass such Bill would be at variance with the thirty-sixth clause of the Charter of the said Corporation, which provides that, upon the dissolution of the said Corporation, all the Lands which may be granted to the same shall revert to the Crown, to be held and disposed of towards the promotion of religion and education in the Colony.

3rd.—That since the dissolution of the Church and School Corporation, a portion of the annual revenue derivable from the said Church and School Estates has been, by Her Majesty's command, appropriated for the benefit of the Denominational Schools in the said Colony.

4th.—That the Denominational School Board (of which your Petitioners are at present the Members) has, since 1848, disbursed the funds thus placed in its charge in aid of the erection and repairs of School Buildings, under regulations which provide for the sums granted being largely supplemented by the recipients of the same.

5th.—That besides the amount thus receivable from the Church and School Revenue, your Petitioners have no other resource whatever at their disposal towards this most necessary object of assisting in repairing and building School-houses, and that the passing of the said Bill will deprive the Board of this means.

6th.—That, under the foregoing circumstances, your Petitioners humbly pray your Honorable House not to pass a measure fraught with such serious consequences to the Denominational Schools in New South Wales.

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

[Here follow 4 Signatures.]

1871-1872

1871-1872

1861.

Legislative Assembly.
NEW SOUTH WALES.

CHURCH AND SCHOOL CORPORATION.

(CORRESPONDENCE (1831—1849) RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 19 February, 1861.

No. 1.

(No. 81.)

EXTRACT of a Despatch from Lieut. General Darling to Viscount Goderich; dated Government House, 28th September, 1831.

I have the honor to acknowledge the receipt of your Lordship's Despatch, dated the 14th of February last, transmitting His Majesty's Instructions for the sale of the Crown Lands.

I now do myself the honor to transmit for your Lordship's information, the enclosed Extract of the Minutes of Proceedings of the Council on that part of His Majesty's Instructions and your Lordship's Despatch of the 14th of February last, No. 21, which relate to the dissolution of the Clergy and School Corporation. The Attorney General having expressed some doubt as to the sufficiency of the instrument received to effect the object, the question was referred to the three Judges; and I beg to refer your Lordship to their Report, which will be found in the Appendix to the Minute of Council.

In consequence of the opinion of the Judges it was deemed expedient to delay acting on that part of the Instructions which relates to the dissolution of the Corporation until His Majesty's intention on this subject should be better understood.

Though, under this circumstance, I have abstained from disturbing the arrangements which had been made in the case of the lands already transferred to the Corporation, I have directed the Surveyor General to throw open, to persons desirous of purchasing, the lands which had been reserved for the Church and School Corporation.

[Enclosure in No. 1.]

New South Wales.

Proceedings of the Executive Council relative to the Dissolution of the Clergy and School Corporation, 1st to 23rd August, 1831.

Extract from Minute No. 41, of the Proceedings of the Executive Council, on the 1st August, 1831.

Present: His Excellency the Governor, The Venerable the Archdeacon, The Honorable the Colonial Secretary, The Honorable Colonel Lindesay.

His Excellency the Governor referred the Council to that part of the King's Instructions in which His Majesty revokes and finally annuls the additional Instructions of 17th July, 1825, and also the additional Instructions of 19th June, 1830, and all Acts, Deeds, Matters and Things done under and in pursuance of the said additional Instructions, or either of them, and commands His Excellency to affix the Public Seal of the Colony to Letters Patent to be passed in His Majesty's name for revoking the Letters Patent establishing the Corporation of the Trustees of the Clergy and School Lands, and for further revoking the appointment of Commissioners for managing the said Corporation; and His Excellency laid before the Council the Draft of the Letters Patent prepared by the Attorney General in pursuance of those instructions.

The Venerable the Archdeacon submitted certain observations relative to the form which he considered necessary to be observed for dissolving the Corporation.

The Council having maturely considered the subject, recommended that the opinion of their Honors the Judges of the Supreme Court should be taken on the following points, viz. —

Whether the form for putting an end to, and dissolving the Corporation of Trustees of Clergy and School Lands in New South Wales, must indispensably be that which is pointed out in the Letters Patent establishing the same? And, if not, whether additional Instructions from His Majesty, revoking and annulling the Instructions of His late Majesty, under which the said Letters Patent were issued, would be sufficient for that purpose, and for resuming the lands granted to the Corporation in as full and ample a manner as if such Letters Patent had never been issued?

Extract

Extract from Minute No. 46, dated 23rd August, 1831.

Present, as before.

In reference to the proceedings on the 1st instant, His Excellency the Governor laid before the Council, a letter from their Honors the Judges of the Supreme Court, conveying their opinion on the questions recommended to be addressed to them, relative to the form to be observed for putting an end to and dissolving the "Corporation of Trustees of Clergy and School Lands." The Judges having stated that, as there is a distinct mode pointed out by the Charter for dissolving the Corporation, in legal strictness the power of dissolving and putting an end to the Corporation can be duly exercised only by force of an "Order to be issued by His Majesty, with the advice of the Privy Council," and as the additional Instructions under the Sign Manual are not founded upon such an Order, the Council consider that under this opinion of the Judges, the Instructions of His Majesty cannot be carried into effect.

(True Extracts.)

E. DEAS THOMSON, Clk. Col.

[Enclosure to Minute No 41, 1831, of the Proceedings of the Executive Council.]

Observations of the Venerable the Archdeacon.

Upon comparing the terms of the Charter of the Corporation with the additional Instructions submitted by His Excellency to the Council, a question arises whether the course proposed to be adopted in dissolving and putting an end to the Corporation be not at variance with the form appointed by His late Majesty's Instructions, and with the reservations contained in the Charter itself.

By Section 36 of that instrument, His Majesty is pleased to will and ordain, that "it shall and may be lawful for Him, His Heirs and Successors, by an order issued for that purpose, with the advice of His or Their Privy Council, to dissolve and put an end to the said Corporation."

The whole tenor of the following (or 37th) Section seems to shew, that the "Order" here declared to be requisite for dissolving and putting an end to the Corporation, is an instrument distinct from Instructions under the Royal Sign Manual for the issue of Letters Patent. The effect of these appears designedly to have been limited to revoking, altering, or varying any of the provisions, declarations, conditions or regulations contained in the Letters Patent by which the Corporation was established, and in their place and stead instituting other rules, orders, and provisions for the better conduct of the affairs of the said Corporation, or for better regulating the constitution thereof, or otherwise in respect of the matters aforesaid, or any of them.

The terms here employed evidently recognize the body corporate as still subsisting, and it is to be inferred, as still intended to exist, notwithstanding the issue of such Letters Patent, inasmuch as their purpose and effect is stated to be to provide for "better conducting its affairs," and "for better regulating its Constitution."

I submit, therefore, that the 37th Section cannot be made the groundwork of an instrument for dissolving and putting an end to the Corporation. To effect this purpose reference must be had to the 36th Section, which provides a form of proceeding for that purpose, and directs the disposal which shall thereupon ensue of the lands now vested in the Corporation.

Such lands, it is declared, shall, upon the termination of the present Trust, "revert to and become absolutely vested in His Majesty, subject to all mortgages and contracts for the sale thereof lawfully made by the said Corporation, to be held, applied, and disposed of, in such manner as to His Majesty, His Heirs and Successors, shall appear most conducive to the maintenance and promotion of religion and the education of youth in the Colony."

I submit, therefore, in the second place, that such a reservation having been made by His late Majesty, the grantor of these lands, as to the manner in which they shall be held and disposed of in the event of resumption, this provision should be expressly included and set forth in the Instrument dissolving the Corporation. I conceive it to be not reconcilable with that reservation to say—as proposed in the draft of Letters Patent now before the Council—that the lands granted to the Corporation shall become vested in His Majesty in as full and ample a manner as if the said recited Letters Patent (establishing the Trust) had never been issued, anything therein contained to the contrary thereof in anywise notwithstanding; and it must be a subject of very great deliberation whether such lands can ever be applied otherwise than to the promotion of religion and the education of youth in the Colony.

W. G. BROUGHTON, M.E.C.

1 August, 1831.

[Enclosure to Minute No. 46, 1831, of the Proceedings of the Executive Council.]

Copy of a letter from their Honors the Judges of the Supreme Court to His Excellency the Governor.
Sydney, 8 August, 1831.

Sir,

We have to acknowledge the honor of receiving your letter of the 2nd instant, together with an extract of additional Instructions received from His Majesty by your Excellency, under date 30th January, 1830, with reference to the Corporation of Trustees of Clergy and School Lands in this Colony, requesting our opinion whether the form for putting an end to and dissolving the Corporation must indispensably be that which is pointed out in the Letters Patent of the 9th of March, 1826, establishing the same; and if not, whether the accompanying additional Instructions, revoking and annulling the Instructions of His late Majesty, under which the said Letters Patent were issued, are sufficient for that purpose, and for resuming the Lands granted to the Corporation in as full and ample a manner as if such Letters Patent had never been issued.

Upon the first point we are of opinion that, although His Majesty may, in pursuance of the power reserved to the Crown, revoke the whole of the provisions of the Charter, by Instructions under the Sign Manual, and thus reduce the Corporation to a nonentity in effect, yet, as this power is coupled with that of establishing other provisions in their stead, and as there is a distinct mode pointed out by the Charter of dissolving the Corporation, in legal strictness the power of dissolving and putting an end to the Corporation can be duly exercised only by force of an "Order to be issued by His Majesty for that purpose with the Advice of the Privy Council;" and as we do not collect from your Excellency's letter to us, that the last clause in the extract transmitted for our perusal from additional Instructions to your Excellency under the Sign Manual, dated 30th January 1831, is founded upon an Order issued by His Majesty "with the Advice of the Privy Council," it would seem that the Instructions for dissolving and putting an end to the Corporation are not conformable to the manner in which the power reserved to the Crown is required to be exercised by the express terms in the original Letters Patent establishing the Corporation.

Upon

Upon the second point referred to us we are of opinion, that upon the dissolution of the Corporation the lands granted to them for the purposes of the Trust created by the Charter will not revert to the Crown in as full and ample a manner as if the Letters Patent establishing such Corporation had not been issued; but that by the terms of the thirty-sixth section of the Charter all such lands will continue liable to the trusts therein particularly mentioned; and if it be intended to dispose of such Lands in any other manner, we presume that it will be necessary to resort to Parliament, or to an Act of the Local Legislature. We would take occasion to observe, that by a Local Ordinance of your Excellency in Council, passed in 1826 (No. 4, Sec. 2.), the Lands therein mentioned are vested in the Trustees of the Clergy and School Lands and their Successors for ever; and it will require another Act to enable the Crown to resume such lands, or to alter the Trusts for which they were so vested.

We have, &c.,
 (Signed) FRANCIS FORBES, Chief Justice.
 JOHN STEPHEN, Justice.
 JAMES DOWLING, Justice.

(True Copies.)
 E. DEAS THOMSON, Clk. Col.

No. 2.

SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR R. BOURKE, K.C.B.

(No. 82.)

Downing-street,
30 November, 1835.

No. 16,
 Lord Glenelg
 to
 Sir R. Bourke,
 30th Nov. 1835.

SIR,

In my Despatch of this date (No. 81), on the subject of religious instruction and education in New South Wales, I have abstained from any specific allusion to the management or to the application of the rents and proceeds of the lands formerly held by the Church and School Corporation, which was dissolved by the Order in Council of February, 1833, thinking it preferable to advert to this topic in a separate Despatch. By that Order in Council those lands became vested in the Crown, to be disposed of by His Majesty, His Heirs and Successors, in such manner as shall appear most conducive to the maintenance and promotion of religion and education of youth in the Colony. In your Despatch of the 1st October, 1833 (No. 77), you have transmitted a memorandum from the Archdeacon of New South Wales regarding the management of these lands, with a minute written by yourself on each specific proposal of the Archdeacon. From that paper I infer that a difference of opinion existed between yourself and the Archdeacon as to the construction of the Order in Council as it respects the appropriation of the lands in question. It appears that the Archdeacon contended that the lands were applicable to the maintenance and promotion of religion and education exclusively in connection with the Church of England in the Colony, while, on the other hand, you insisted on the absence of any such limitation, and on a more liberal and comprehensive construction. After a careful consideration of the terms of the Order in Council, I have not been able to discover anything to warrant the view taken of their meaning by the Archdeacon; and I am clearly of opinion, that it is open to the Government to consider in what way the produce of these lands may be rendered most conducive to the maintenance and promotion of religion and education of youth in the Colony, without reference to any particular Church. In my Despatch of this date (No. 81), I have proceeded on this principle; and I have considered the proceeds of these lands as part of those general funds which will be applicable to the plan of religious instruction and education sanctioned in that Despatch. At the same time I am willing to accede to your suggestion, that the proceeds of these lands should, in the first instance, be applied towards the maintenance of the two Orphan Schools, if, on further reflection, you deem such an appropriation to be expedient.

The question of management is, to a certain degree, connected with that of appropriation. As the latter is not to be exclusive, so neither should the former be placed exclusively under the control of persons of any one religious persuasion; nor could I sanction any scheme which placed the management of those lands in the hands of a body resembling the former Corporation. I am far from intending to cast the slightest reflection on the Members of that Corporation; I have no doubt that individually they discharged the trust reposed in them with zeal and fidelity; but experience has amply proved that a body so constituted is not well adapted for the office which devolved upon it. I am disposed to prefer the appointment, according to your suggestions, of a responsible agent, acting under the authority of the Executive Government, and giving adequate security for the due performance of the duty intrusted to him.

In your Despatch of the 11th March, 1834 (No. 25), you reported, that the arrangement for the management of these lands recommended in your Despatch of the 1st October, 1833, had been provisionally carried into effect, and that you had no reason to suppose that the Government would find any difficulty in the future superintendence of them, in the manner and on the principle which you had suggested. As the result of your experience of this new system, since that period, will have enabled you to form a correct judgment of its efficiency, I do not feel it necessary to give any further directions upon this point, until I shall have heard again from you on this subject. I feel it, however, necessary to recall your attention to what appears to have been the intention of my predecessors in directing the dissolution of the Church and School Corporation.

When Sir George Murray, in his Despatch of the 25th of May, 1829, to Lieutenant-General Darling, first announced that the Corporation was to be dissolved, he informed the Governor, that as soon as that measure should have been carried into effect, it would be desirable that he should proceed to dispose by sale of such portion of the lands set apart for
 the

the use of the Clergy and Schools of the Colony as it should be prudent to part with at once, and which he might conceive would meet with the readiest purchasers, letting on lease such portions of the remainder as could be advantageously disposed of in that manner. But looking forward to the enhanced value which such lands would in a few years attain, as well as to the future necessities of the Colony in regard to its establishments for Religion and Education, General Darling was directed not to sell more than one-fourth of these lands without further instructions. Lord Ripon, in a subsequent Despatch of the 14th February, 1831, to General Darling, evidently contemplated the sale of the whole of these lands; but I do not find that any express instructions has ever been given for the sale of more than one-fourth of the whole. It is, probably, for this reason, that in the scheme of management which you have submitted for the consideration of His Majesty's Government, you do not appear to contemplate a sale of the lands, but propose a system of leasing, selling only the flocks and herds formerly maintained upon them. I see no sufficient ground for adopting a different rule as to these lands from that which now applies to the disposal of all other lands in the Colony. The sale of the whole of these lands, subject of course to any existing leases, in the same manner and on the same terms as the sale of other lands is conducted, appears to me preferable to the creation of any new leases. Unless, therefore, any reason occurs to you which, in your judgment, would render such a course inexpedient (and which you will communicate to me), you will sell the reserved lands, as opportunities offer for an advantageous disposal of them in this mode. The proceeds of such sales will be paid over to the Colonial Treasurer in the same manner, and carried to a similar account as the rents of the lands under lease; and if any larger sum should be realized than may be required from time to time for the immediate purpose for which the proceeds are applicable, the surplus should be invested in order to meet the demand of future years. By this arrangement the revenue of the Colony will probably derive the greatest relief, and the expenses of management and superintendence will be eventually saved.

I am, &c.,
GLENELG.

No. 3.

GOVERNOR SIR RICHARD BOURKE to SECRETARY OF STATE FOR THE COLONIES.

*Government House,
Sydney, 11 April, 1837.*

(No. 20.)

MY LORD,

I was much gratified on finding, by the receipt of your Lordship's Despatch of the 30th November, 1835 (No. 82), which reached me in May last, that your Lordship concurred with me in opinion that, by the terms of the Order in Council, the proceeds of the estates, formerly granted to the Church and School Corporation, are, since the dissolution of that body, applicable to the maintenance and promotion of religion and to the education of youth in the Colony, without reference to any particular church. Your Lordship is also pleased to approve of the appointment of a responsible Agent to manage these estates, under the direction of the Executive Government, and to desire that a portion be sold annually for the purposes above mentioned, unless I should see cause, for reasons which are to be communicated, for considering such sales inexpedient.

In recommending to your Lordship, in my Despatch of the 1st October, 1833 (No. 77), that these estates should be leased in preference to being sold, I had not overlooked the instructions of Secretaries Sir George Murray and Lord Ripon, to which your Lordship refers; but as the financial circumstances of the Colony have very much improved since these Ministers wrote on the subject, and I did not find in their Despatches any objection to the principle of leasing land by the annual income, of which the expenses of general education might be in part or wholly defrayed, I thought it would be prudent in the Government to avail itself of the means which the possession of these estates afforded to create a permanent fund for so important an object. If the principle be not objected to, the present is a favorable opportunity for introducing the measure. The revenue of the Colony, including that derived from Crown lands, has been for the last five years, and will probably for some years to come, be more than sufficient to meet the expenditure, including the Church and School establishments; any additional sale of public property is not, therefore, at present required. And it might happen that by bringing these estates into the market to be sold for a specific object, the price of land generally would be reduced, and the public capital wasted; on the other hand, by reserving these estates, if only for the present, and by leasing them from time to time, as may seem most profitable, they may hereafter be sold, if required, at a greatly increased price. If, however, the period at which it may become necessary to charge them with the support of the Church and School establishments be distant, the rents which they will then produce may be adequate to the supply of one, if not of both, of these sources of expenditure; and it seems to me to be the duty of the Government of a new State to embrace the earliest opportunity for making a permanent provision for the general education of the people. Upon this view of the case, I would not recommend the sale.

If your Lordship should, however, consider the reservation of land for specific purposes to be inconvenient, and the instruction for the sale of a portion of the estates under consideration be renewed, it is probable they will be wholly disposed of in six or seven years. The amount which they will produce within that time may reach to £120,000, and the expense of churches and schools in the Colony may be estimated, for the same period, at about £30,000 a year.

Hitherto

Hitherto these estates have produced an annual income, which has been paid into the Colonial Treasury. For the last three years it has reached (including the proceeds of stock sold) to about £4,000 a year, and the amount of rent will, under proper management, considerably increase.

I may here observe that the offering Crown lands to be rented for terms of years will be to a certain class in this community, and to persons coming out to settle with small capitals, a very great advantage. Their money, *insufficient perhaps* for the purchase of both land and stock, will be laid out in the purchase of the latter only, and upon a rented farm they may, at the expiration of a few years, have acquired the means of purchasing land.

I annex a memorandum from the Agent for these estates, in which he recommends their being leased in preference to being sold. He states the probable rent-roll at nine or ten thousand pounds a year. He has, however, based his calculation upon the rate at which Crown lands have been sold during the years 1834 and 1835. This rate of purchase will doubtless increase, and on the expiration of a few years the rents of 450,000 acres (a large proportion of which is good land) must amount to a much more considerable sum than the Agent calculates. I add some other documents, shewing the receipt and expenditure of the estates from the time at which they came under the management of this Government to the 31st December last, and of what they now consist.

Having, in pursuance of the intention announced in my former Despatches, taken the most favorable opportunities for disposing, by public sale, of the flocks and herds which the Corporation had placed on the estates, I have the honor to add a statement of the amount obtained by the sale in the last month, which has nearly cleared the lands; they will thus be shortly ready, either for sale or lease, as your Lordship shall please to determine. An early intimation of your Lordship's wishes is desirable, as if the lands are to be sold, the sooner they are disposed of the better, in order that the expense of management may cease.

I have, &c.,

RICHD. BOURKE.

No. 4.

SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR GEORGE GIPPS.

(No. 32.)

Downing-street,
24 November, 1837.

SIR,

I have had under my consideration Sir Richard Bourke's Despatch, No. 20, of the 11th April last, with its enclosures, on the subject of the disposal of the estates originally granted to the Church and School Corporation in New South Wales.

In requesting your early attention to this subject, I have some hesitation in giving you positive instructions as to the course which it may be expedient to pursue; at the same time I feel a very strong disinclination to sanction the retention of these lands in the hands of the Government as a permanent arrangement.

Experience has, I think, demonstrated the error of anticipating any considerable revenue from the reservation of Colonial lands, with a view to the application of the rents to some specific object.

The expense of management has in many instances exceeded, and in others nearly equalled the receipts derived from them; and I see no sufficient reason to justify the expectation of a materially different result in the present instance.

I am therefore strongly disposed to think, that the proper course will be gradually to sell these lands precisely in the same manner as other lands in New South Wales at the disposal of the Crown, taking of course adequate precautions in effecting this object against the effect apprehended by Sir Richard Bourke, of a depreciation in the value of the lands offered for sale by the Government.

There can be no objection to leasing a portion of these lands, until they are capable of being sold with advantage; but such leases should be on terms which will not interfere with the disposal of the lands whenever it may become advisable to offer them for sale.

Unless you should entertain any strong objection to the course which I have recommended, you will consider yourself fully authorized to act on it at once.

I have, &c.,

GLENELG.

No. 5.

GOVERNOR SIR GEORGE GIPPS to SECRETARY OF STATE FOR THE COLONIES.

(No. 9.—Ecclesiastical.)

Government House,
Sydney, 9 January, 1839.

MY LORD,

Herewith I have the honor to transmit to your Lordship a copy of a letter which was addressed to me on the 11th December last by the Lord Bishop of Australia, in consequence of my having (in answer to his inquiries) informed his Lordship that I had been fully authorized by your Lordship to sell a portion of the lands granted to the late Church and School Corporation. I beg to state that the letter referred to by the Bishop as having been written by the Judges on the 8th August, 1831, is not on record in the office of the Colonial Secretary. As I can see nothing in the Lord Bishop's letter to make me doubt the legality of the Orders which have been so repeatedly given by different Secretaries of State for the sale of these lands, and particularly by your Lordship in the Despatch which was
addressed

addressed to me on the 24th November, 1837, No. 32, it is my intention to proceed with the sale of such portions of these lands as are already advertised.

Considering that the Legislative Council has voted £44,000 to defray the expense of the establishments for the support of which the lands were originally given, the claim that the lands shall be left unsold, and, consequently, unimproved, to the detriment of the Colony (since no man will here expend capital on land of which he has not the fee simple), does, I must say, appear to me one of which the people of this Colony would have just reason to complain.

I have, &c.,
GEO. GIPPS.

[Enclosure in No. 5.]

Sydney, 11 December, 1838.

Sir,

Your Excellency having done me the honor to state, in answer to my inquiries, that positive instructions had been received from the Secretary of State for the sale by public auction of the lands resumed from the late Church and School Corporation, thus placing them, except as to the application of the proceeds, upon the same footing with the Crown lands in general, I beg permission to direct the attention of your Excellency to a letter addressed by their Honors the Judges of the Supreme Court to the Colonial Secretary, on the 8th August, 1831, wherein it is stated that notwithstanding any dissolution of the Corporation the lands would continue still liable to the trusts particularly mentioned in the 36th section of the Charter of Incorporation. The opinion delivered thus unanimously by these learned personages, confirms that which I know is entertained by other eminent members of the legal profession, that there is in the Crown no power to alienate these lands without an Act of Parliament reversing and quashing all that the Charter of the Corporation established; for that, according to the terms of the 36th section, in virtue of which the lands were resumed, the same are now vested in Her Majesty, to be held, applied, and disposed of. The latter words, I should submit, do not authorize a disposal by sale, but must be governed and restricted by the force of the foregoing words "to be held." Any attempt to make a new title to lands which have once passed from the Crown under its own authority, and have reverted to it liable to the condition expressed by these words, would shake the confidence of every holder of land from the Crown throughout the Colony.

For these and other weighty reasons I feel myself called, on behalf of the Church of England, which has an equitable interest in these lands, to record my objection to the sale of them, or any portion of them, without the authority of Parliament exonerating the Crown from the trusts and conditions upon which the lands are required to be held.

The questions hereby raised being so important, it appears to me it would be most desirable that they should be brought under the notice of both Houses of Parliament, where alone they can be discussed and disposed of with that degree of publicity and solemnity which is due to so great religious and constitutional a controversy. In preparation, therefore, for its being so brought forward, I beg to inform Your Excellency that I have forwarded to England petitions to the Lords and Commons, praying that no Act may be passed authorizing the sale of the Church and School Estates, or without containing such provisions as will be necessary for the establishment and support of the Protestant Reformed Religion in this Colony as it is by law established in England and Ireland.

His Excellency
The Governor of New South Wales.

I have, &c.,
W. O. AUSTRALIA.

No. 6.

SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR GEORGE GIPPS.

(No. 27.)

Downing-street,
29 October, 1839.

SIR,

I have received your Despatch, No. 9, of the 9th of January last, with a copy of a representation addressed to you by the Bishop of Australia, in consequence of the decision of Her Majesty's Government to sell a portion of the lands granted to the late Church and School Corporation.

In consequence of that representation, I thought right to refer the whole case to the Law Officers of the Crown for their opinion, whether it is competent to the Government, as assumed by Lord Glenelg in his Despatch of the 30th November, 1835, to consider in what way the produce of the lands formerly held by the Corporation may be rendered most conducive to the maintenance and promotion of religion and education of youth in the Colony, without reference to any particular Church; and whether the measures adopted give sufficient authority to enable the Government to appropriate the property in question.

The Attorney and Solicitor General have reported their opinion, that it is competent to the Government to consider in what way the produce of the lands in question may be rendered most conducive to the maintenance and promotion of religion and education of youth in the Colony, without reference to any particular Church, and that the measures adopted do give sufficient authority to enable the Government so to appropriate the property in question.

They further state, that they entirely concur with the Colonial Judges in their opinion, that, by the dissolution of the Corporation, the lands revert to the Crown, not "in as full and ample manner as if the Charter had never existed," but for the purposes of the Trust declared by the Charter, in the event of the dissolution of the Corporation, namely, "to be held, applied, and disposed of in such manner as to Us, Our Heirs and Successors shall appear most conducive to the maintenance and promotion of religion, and the education of youth in the said Colony."

And that the Corporation, while it existed and held the lands, had the power, under the 15th section of the Charter, of selling one-third of the lands; and if it now appears to the

the Crown to be most conducive to the objects of the present Trust, namely, the promotion of religion and education generally, that the whole, instead of a part only, should be sold, they think there is nothing whatever to prevent such an exercise of discretion.

As you state there is no record in the Office of the Colonial Secretary of the opinion of the Judges alluded to, I beg to refer you to page 42 of the enclosed Parliamentary Papers, where a copy of that Report is to be found.

With the decided opinion expressed by the Law Officers, I have no hesitation in directing you to proceed under the former instructions which you received on this subject.

I have, &c.,

J. RUSSELL.

No. 7.

EXTRACT of a Despatch from Sir George Gipps to Lord Stanley, dated 7th August, 1845.

The latter part of the Minute of the Executive Council relates to the future division of the funds which may be expected to arise out of the Church and School Estates. Though I have concurred with the Council in recommending that five-sevenths of the produce of these Estates shall be divided on the same principle as is recommended in respect to Schedule C., and the remaining two-sevenths be given in aid of Schools on the same principle, I have some doubts whether a larger proportion, or indeed whether the whole proceeds, ought not to go in aid of public education; it may also be a question whether the power should not be reserved to Her Majesty of making endowments out of the proceeds of these estates in favor of bishoprics, schools, colleges, or any analogous institutions.

[Enclosure in No. 7.]

(Extract from Minute of Council, dated 9th June, 1845. No. 45-12.)

Having now completed their proposal respecting the distribution of the £30,000, the Council beg to add some remarks and suggestions respecting the disposal of the Revenue derived from the Church and School Estates, which, under an Order of the King in Council, dated 4th February, 1833, is to be applied to the maintenance and promotion of religion and education. The average net proceeds of these Estates in the three years 1842, 1843, and 1844, amounted to £2,454 1s. 11d.; and as there is a considerable quantity of land which as yet remains unproductive, it may be anticipated that the Revenue under consideration will eventually afford an important addition to the sum provided by Parliament for the purposes of public worship.

In the original charter of the Church and School Corporation it was provided, that the balance remaining after payment of the expenses of collection and management of the Trust should be divided into two parts, of which two separate accounts were to be kept, to be called respectively "the Improvement and Building Account," and "the Clergy and School Account;" and it was declared that, until provision should be effectually made for the support of schools and the education of youth in the Colony, the balance of the funds standing at the credit of "the Clergy and School Account" should be applied as to two equal seventh parts for the support of schools and schoolmasters, and as to the remaining five equal seventh parts to the maintenance of the clergy. It was further declared by the charter, that on the dissolution of the Corporation "the lands vested in the same were to revert absolutely to the Crown, to be held, applied, and disposed of in such manner as to His late Majesty or his successors "should appear most conducive to the promotion of religion and the education of youth in the Colony." As the Corporation was dissolved on the 4th February, 1833, by an Order of the King in Council, it remains for Her Majesty to appoint the manner in which the Revenue derived from the lands which have reverted to the Crown shall be applied to the objects specified.

It appears to this Council that the proportions above-mentioned, according to which the balance of "the Clergy and School Account" was to be distributed under the charter, might be adopted in the future application of the Church and School Revenue, and that two-seventh parts thereof might accordingly be appropriated to the support of schools, and the remaining five-seventh parts to the maintenance of public worship; and the Council beg to propose that the amount of these five-seventh parts, or any other proportion which Her Majesty may be pleased to apply to the promotion of religion, should be divided among the four communions receiving aid under the Church Act, according to their numerical proportions at the time of the Census of 1841, in the same manner as it has been above proposed to divide the £30,000 provided by the Act of Parliament.

No. 8.

EXTRACT of a Despatch from Sir Charles Fitz Roy to Earl Grey, dated 31st March, 1848.

I have now to advert to the second topic referred to in the enclosed Minute, namely, the provision to be made for the building of residences for the three Bishops of Sydney, Newcastle, and Melbourne.

It is quite certain that the portion of the £30,000 assigned to the Church of England, charged as it is with the additional £500 above referred to, will not afford any surplus out of which to derive funds for the erection of the Bishops' residences in the manner proposed in Mr. Gladstone's Despatch of the 30th March, 1846. Under these circumstances I beg to recommend, in accordance with the advice of my Executive Council, that the sum of £6,000 should be set apart for the purpose out of the revenue derived from the Church and School Estates.

The provision made by Parliament for public worship in the Colony being already inadequate to its wants, the question respecting the appropriation of the income arising from the Church and School Estates has become one of pressing importance.

I therefore gladly avail myself of this opportunity to bring under your Lordship's notice the concluding part of the Minute of the Executive Council of this Colony, of the 9th June, 1845, which was forwarded in my predecessor's Despatch of the 7th August, 1845. The Council then set forth the general state of the revenue arising from the Church

Church and School Estates, and the purposes to which it was dedicated, and recommended a plan for its distribution in accordance with the principle on which they at the same time advised that the £30,000 provided by Stat. 5 and 6 Victoria, cap. 76, should be divided. On that recommendation, however, no decision has as yet been communicated to this Government.

The net sum at the credit of the Church and School Lands Revenue, on the 2nd February last, was £15,342 6s. 8d., of which nearly £9,000 would fall to the share of the Church of England under the plan of distribution recommended in the Minute above referred to, and more than £6,000 would be available for Church purposes. There is, therefore, a sufficient sum now in hand for the payment of the sums proposed to be granted for the erection of the Bishops' residences, should your Lordship sanction the arrangement.

No. 9.

SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR C. A. FITZ ROY.

*Downing-street,
30 September, 1848.*

SIR,

I have to acknowledge the receipt of your Despatch, No. 79, of the 31st March last, submitting for my sanction certain arrangements, by which you propose, with the advice of your Executive Council, that the payment of that portion of the salaries of the newly approved Bishops of Newcastle and Melbourne which is chargeable on the public revenue of the Colony, and amounting to £500 per annum, should be paid out of the present building fund of the Church of England; and as this is a question upon which I cannot doubt that the local authorities are the most competent to form a correct judgment, I do not hesitate to acquiesce in the measure.

I have also to signify the approval of Her Majesty's Government of your appropriating the sum of £30,000, provided for public worship in New South Wales under the Statute, 5 and 6 Vic., Cap. 76, in the proportions referred to in the Minute of the Executive Council which accompanied your predecessor's Despatch of the 7th August, 1845; and I approve of the sum of £6,000, out of the share allotted to the Church of England, being set apart for the erection of suitable residences for the Bishops of Newcastle, Melbourne, and Sydney, in the manner proposed by you, on the understanding that not more than £2,000 shall be applied in any one of those cases.

I have, &c.,
GREY.

No. 10.

GOVERNOR SIR C. A. FITZ ROY to SECRETARY OF STATE FOR THE COLONIES.

(No. 31.—Ecclesiastical.)

*Government House,
Sydney, 21 February, 1849.*

MY LORD,

I have the honor to acknowledge the receipt of your Lordship's Despatch, No. 172, of the 30th September, 1848, sanctioning the arrangement under which in my Despatch of the 31st March, 1848, I proposed, with the advice of my Executive Council, that the portion of the salaries of the newly appointed Bishops of Newcastle and Melbourne, chargeable on the public revenue of this Colony, should be paid from that division of the sum allotted to the Church of England out of the £30,000 provided for public worship in New South Wales by the Act 5 and 6 Vict., cap. 76, which has been designated the building fund.

2. Your Lordship further conveys to me "the approval of Her Majesty's Government of my appropriating the aforesaid sum of £30,000 in the proportions referred to in the Minute of the Executive Council which accompanied Sir George Gipps' Despatch of the 7th August, 1845;" and your Lordship also approves "of the sum of £6,000 out of the share allotted to the Church of England being set apart for the erection of suitable residences for the Bishops of Newcastle, Melbourne, and Sydney, in the manner proposed, on the understanding that not more than £2,000 shall be applied in any one of these cases."

3. As it is evident that I have failed to bring clearly before your Lordship the object of the detailed explanation with respect to the state of the fund allotted for the support of the Church of England, which it appeared to me to be desirable that I should afford before submitting a proposal that the sum of £6,000 required for the Bishops' residences should be taken from another fund, I trust I may stand excused in reminding your Lordship that the 37th clause of the Royal Instructions delivered to me on my appointment to this Government in 1846 had already put me in possession of Her Majesty's authority for the distribution of the £30,000 provided for public worship in this Colony under the Act 5 and 6 Victoria, cap. 76. The question submitted, therefore, did not relate to any portion of that sum, but to the fund derived from the *Revenue of the Church and School Estates*, which, as I had the honor to state in my Despatch of 31st March, 1848, is also referred to in the concluding part of the Minute of the Executive Council forwarded in my predecessor's Despatch of the 7th August, 1845, wherein it is recommended that this revenue should be distributed on the same principle and in the same proportions as the £30,000 provided under the Statute.

4. In my Despatch of the 31st March, 1848, I reported that, as no decision with respect to the distribution of the revenue arising from the Church and School Estates had been communicated to this Government, I deemed it right to bring this question again under your Lordship's consideration. I stated that if the recommendation of Sir George Gipps and the Executive Council were sanctioned, the share to which the Church of England would be entitled would be nearly £9,000, the net sum at the credit of the Church and School Lands Revenue being at that time £15,342 6s. 8d. It now amounts to £19,053 14s., the share of the Church of England would be about £11,166, and it is from this sum that it is proposed that the £6,000 for erecting the residences for the three Bishops should be appropriated.

5. As, however, I trust I am right in assuming that your Lordship's Despatch of the 30th September last, intended to convey to me a general approval of the measures brought under your Lordship's notice in my Despatch of the 31st March, 1848, I shall, in order to save time and to prevent further inconvenience to the Right Reverend Prelates, take upon myself the responsibility of at once setting apart the sum of £6,000 from the Church and School Lands Revenue for the erection of residences for their Lordships, upon the understanding that not more than £2,000 shall be applied to the building of any one of these residences.

6. I would further beg to be informed whether your Lordship approves of the future distribution of the funds derived from the revenue of the Church and School Estates on the same principle as the £30,000 provided for public worship.

I have, &c.,

CHAS. A. FITZ ROY.

No. 11.

SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR C. A. FITZ ROY.

(No. 123.)

Downing-street,
18 July, 1849.

SIR,

I have received your Despatch, No. 31, of the 21st of February last.

2. You have very properly brought under my notice an error which had occurred in the Instructions conveyed by my Despatch, No. 172, of the 30th September, 1848. It was certainly my intention to express my approval of the arrangements which you had then brought under my consideration in your previous Despatch, No. 79, of the 31st March, 1848. Those arrangements were erroneously stated to have reference to the sum of thirty thousand pounds, reserved under Schedule C of the Constitutional Act, instead of the revenues arising out of the Church and School Estates.

And I approve of your distributing them in future in the manner proposed in the last paragraph of your Despatch.

I have, &c.,

GREY.

1861.

Legislative Assembly.

NEW SOUTH WALES.

CHURCH OF ENGLAND SYNODS BILL.
(INHABITANTS OF CARCOAR.)

Ordered by the Legislative Assembly to be Printed, 26 March, 1861.

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

The Petition of the undersigned Members of the United Church of England and Ireland, in the District of Carcoar,—

SEWETH:—

1. That a Bill has been introduced into your Honorable House to enable the Members of the Church of England to hold Synods.

2. That in the months of November and December, 1858, a conference of the Bishop, Clergy, and Lay representatives, elected by the various congregations in the Diocese of Sydney, was held in Sydney, when the Bill—after it had received the fullest discussion and had been approved of by a large majority—was ordered to be laid before Parliament for their sanction.

3. That, in advocating its adoption, your Petitioners entirely disclaim any wish or intention to interfere with other Christian Denominations, and therefore earnestly pray that your Honorable House will be pleased to enact that the said Bill shall become law.

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

[Here follow (31) Thirty-one Signatures.]

1861.

Legislative Assembly.

NEW SOUTH WALES.

CHURCH OF ENGLAND SYNODS BILL.
(CAMPBELLTOWN.)

Ordered by the Legislative Assembly to be Printed, 9 April, 1861.

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

The Petition of the undersigned Members of the United Church of England and Ireland, in the District of Campbelltown, in this Colony.

RESPECTFULLY SHEWETH:—

That the Members of the Church of England in this Colony labour under disabilities, and have not the privilege enjoyed by other religious bodies of meeting in Synod.

Your Petitioners are deeply impressed with the persuasion that the Church of England in this Colony is fully entitled to claim from the Legislature their assistance and co-operation in providing by Legislative enactment for the regulation and management of its internal affairs.

Your Petitioners therefore humbly pray that, having regard to the rights of your Petitioners, and the reasons above stated, your Honorable House will be pleased to give assent to the Bill which has been introduced called the "*Church of England Synods Bill.*"

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

[*Here follow 43 Signatures.*]

1861.

Legislative Assembly.

NEW SOUTH WALES.

CHURCH OF ENGLAND SYNODS BILL.
(THE LACHLAN.)

Ordered by the Legislative Assembly to be Printed, 9 April, 1861.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.
The Petition of the undersigned Inhabitants of the District of the Lachlan,—

HUMBLY SHEWETH:—

1. That there is a Bill before your Honorable House "*To enable the Members of the United Church of England and Ireland, in New South Wales, to regulate the affairs of the said Church, and to authorize the holding of Synods of the same Church in this Colony.*"

2. That the Church of England, in this Colony, labours under disabilities from which it prays to be freed, that it may enjoy like advantages to those which are acceded to the other religious denominations.

3. That, in advocating the passing of this Bill, your Petitioners disavow all intention of seeking or desiring to secure to the Church of England any dominancy over the other Churches of the Colony, and that the Bill in either its original or its amended form cannot possibly have such an effect. And,

4. In consideration of these points, your Petitioners pray that your Honorable House will be pleased to require that the said Bill become law.

And your Petitioners will pray.

[Here follow 21 Signatures.]

1861.

Legislative Assembly.

NEW SOUTH WALES.

CHURCH OF ENGLAND SYNODS BILL.

(PARRAMATTA.)

Ordered by the Legislative Assembly to be Printed, 9 April, 1861.

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

The humble Petition of the undersigned Members of the Church of England
residing at Parramatta,—

SHEWETH :—

1st. That your Petitioners have been informed that a Bill to authorize the holding of Synods by the Church of England has been presented to your Honorable House.

2nd. That your Petitioners are of opinion that the said Bill is one which the Members of the Church of England are fully entitled to ask for, and that it would, if it became law, satisfactorily remove disabilities under which the said Church at present labours, and which impede her in the due and energetic discharge of her duty to the Colony.

3rd. They, therefore, pray your Honorable House that the said Bill may become law with as little delay as possible.

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

[Here follow 90 Signatures.]

100

1000

10000

100000

1861.

—
Legislative Assembly.

NEW SOUTH WALES.

CHURCH OF ENGLAND SYNODS BILL.

(WINDSOR AND NEIGHBOURHOOD.)

Ordered by the Assembly to be Printed, 3 April, 1861.

To the Honorable the Legislative Assembly of the Parliament of New South Wales.

The Petition of the undersigned Members of the Church of England in Windsor
and the neighbourhood,—

RESPECTFULLY SHEWETH:—

That your Petitioners, assured that it is of great importance to the well-being
of the Church of England, in this Colony, that the Church of England Synods Bill now
before the Parliament should become law, do earnestly pray your Honorable House to pass
the said Bill.

[Here follow 126 Signatures.]

1861.

Legislative Assembly.

NEW SOUTH WALES.

CHURCH OF ENGLAND SYNODS BILL.
(PROSPECT, AND DISTRICT OF THE SEVEN HILLS.)

Ordered by the Legislative Assembly to be Printed, 3 April, 1861.

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

The humble Petition of the undersigned Members of the United Church of England and Ireland, resident in the Parish of Prospect and the District of the Seven Hills, in the County of Cumberland,—

SHEWETH :—

That it is desirable to provide for the regulation and management of the affairs of the said Church by the appointment of a Synod.

That a Bill is now before your Honorable House which your Petitioners believe to be necessary for the above object.

Your Petitioners therefore humbly submit its premises to your favourable consideration, and trust that your Honorable House will be pleased to pass the Bill.

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

[Here follow 70 Signatures.]

1861.

Legislative Assembly.

NEW SOUTH WALES.

CHURCH OF ENGLAND SYNODS BILL.

(CASTLE HILL AND BAULKHAM HILLS.)

Ordered by the Legislative Assembly to be Printed, 3 April, 1861.

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

The humble Petition of the undersigned Members of the Church of England residing at Castle Hill and Baulkham Hills.

SHewETH :—

That your Petitioners are informed that a Bill to authorize the holding of Synods in the Church of England is about to be presented to your Honorable House.

That your Petitioners are very desirous that the power to hold such Synods should be given, in order that the Church of England, in this Colony, may be enabled to regulate her own affairs, to the glory of God and the fulfilment of her duty to her Members and the Colony at large.

And, therefore, your Petitioners humbly request that your Honorable House will be pleased to confer that power, by passing the said Bill.

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

[Here follow 31 Signatures.]

1861.

Legislative Assembly.

NEW SOUTH WALES.

CHURCH OF ENGLAND SYNODS BILL.

(DOORAL.)

Ordered by the Legislative Assembly to be Printed, 3 April, 1861.

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

The humble Petition of the undersigned Members of the Church of England residing at Dooral.

SHEWETH :—

That your Petitioners are informed that a Bill to authorize the holding of Synods in the Church of England is about to be presented to your Honorable House.

That your Petitioners are very desirous that the power to hold such Synods should be given, in order that the Church of England, in this Colony, may be enabled to regulate her own affairs, to the glory of God and the fulfilment of her duty to her Members and the Colony at large.

And, therefore, your Petitioners humbly request that your Honorable House will be pleased to confer that power, by passing the said Bill.

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

[Here follow 28 Signatures.]

REPORT OF THE
COMMISSIONER OF THE GENERAL LAND OFFICE

FOR THE YEAR 1887

PRINTED BY
HARRISON AND SONS, ST. MARTIN'S LANE, W.

LONDON: 1888

1888

1888

1888

1888

1888

1888

1861.

Legislative Assembly.

NEW SOUTH WALES.

CHURCH OF ENGLAND SYNODS BILL.
(WESTERN GOLD FIELDS.)

Ordered by the Legislative Assembly to be Printed, 9 April, 1861.

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

The humble Petition of the undersigned Members of the United Church of England and Ireland resident on the Western Gold Fields,—

SHEWETH :—

That a Bill is about to be introduced to your Honorable House, intituled,
“ *A Bill to enable the Members of the United Church of England and Ireland in New South
Wales to regulate the affairs of the said Church and to authorize the holding of Synods of
the same Church in this Colony.*”

That such a Bill is deemed by your Petitioners absolutely necessary for the removal of certain disabilities from which other denominations are free.

That the Bill in question does not contemplate and cannot possibly involve any interference with the religious rights of any other section of the community.

That in the opinion of your Petitioners the Bill will tend materially to the peace and prosperity of the Church to which they belong, and to the general advancement of the moral and religious interests of the community.

Your Petitioners, therefore, pray that your Honorable House will be pleased to pass the Bill referred to, without any material alterations, and with as much dispatch as is consistent with the due consideration which so important a measure requires.

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

[Here follow 158 Signatures.]

Sofala, 16 March, 1861.

1861.

Legislative Assembly.

NEW SOUTH WALES.

CHURCH OF ENGLAND SYNODS BILL.

(SAINT MARK'S, ALEXANDRIA.)

Ordered by the Legislative Assembly to be Printed, 9 April, 1861.

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

The humble Petition of the undersigned Members of the Church of England, Parishioners of Saint Mark's, Alexandria, near Sydney, in the County of Cumberland, in this Colony,—

SHEWETH :—

That a Bill which has already received the sanction of the Legislative Council is now before your Honorable House, to authorize the holding of Synods of the said Church in this Colony, and to enable the members of such Church to regulate and manage the affairs thereof in this Colony.

That your Petitioners have learned with deep concern, that owing to ignorance and misconception on the part of some (many of whom are not members of the Church of England) as to the nature of the said Bill, and as to its effects should it pass your Honorable House, they are doing what they can to prejudice the public mind against the said Bill, and to prevent it from becoming law.

That your Petitioners, as among the number who will be affected by the said Bill should it become law, earnestly pray that it may receive the fullest consideration at your hands, and receive the assent of your Honorable House, and this, among other, upon the following grounds :—

First,—That such Bill has for its object the good of a Society whose end and design is the present and eternal welfare of its members, and indirectly through them, in a measure, the well-being of the whole community in which they live.

Secondly,—That at the same time the said Bill is not a Public Bill, directly concerning the whole body of Colonists, but a Private Bill, concerning only a portion of the community; and that when passed by Parliament, and assented to by Her Majesty, will affect only those persons who are members of the particular Church of England, and them only so long as they choose to continue in communion with the said Church, and will not affect in any manner the members of any other religious body in the community.

Thirdly,—That the members of the Church of England, in asking Parliament to pass such Bill, ask for their own Church no new privilege or authority, nor any privilege or authority which they are not willing should be conferred upon other religious Communions in the Colony. The Bill, in fact, only amends the present Act for the regulation of the Church of England in this Colony, and cannot make the said Church a dominant Church in this Colony any more than its present Church Act does, or any more than the present Acts of Council for regulating the Roman Catholic, or Presbyterian, or Wesleyan Communions, constitute those Communions established in the sense of dominant Communions in this Colony.

Fourthly,—That the Bill should now be considered as the Bill approved of and presented to Parliament by the united body of the Church of England in this Colony; all differences of opinion having been discussed and decided during the late Conferences of the members of the said Church, which were held in Sydney and in Newcastle. And if any members of the Church should oppose the passing of the Bill in Parliament because they differ in any point from the decisions arrived at in the late conferences, and embodied in the Bill, they will be acting as unreasonably as if they opposed and resisted the carrying out of any Act of Council because they were of the minority who opposed the passing of the Act when it was discussed in Parliament.

Fifthly,—That by reason of the legislation which has already taken place in relation to the said Church in this Colony, and other circumstances, it is impossible for the members thereof efficiently to regulate and manage the affairs thereof without the aid of a Legislative enactment.

Your Petitioners therefore pray your Honorable House to take the premises into your favourable consideration, and to give your assent to the passing of the said Bill into Law.

[Here follow 53 Signatures.]

1911
1912
1913

1914

1915

.

.

.

.

.

.

1861.

Legislative Assembly.

NEW SOUTH WALES.

CHURCH OF ENGLAND SYNODS BILL.

(HARTLEY.)

Ordered by the Legislative Assembly to be Printed, 9 April, 1861.

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

The Petition of the undersigned Members of the Church of England resident in the District of Hartley,—

HUMBLY SHEWETH:—

That your Petitioners are desirous of making known to your Honorable House their sincere conviction, that it is of great importance to the welfare of the said Church that the Members thereof should be enabled lawfully to meet together for the purpose of holding Synods in the Colony of New South Wales, the better to regulate the affairs of the said Church; they, therefore, earnestly entreat your Honorable House to give your consent and agreement to the Church of England Synods Bill. And your Petitioners, as in duty bound, will ever pray.

[Here follow 54 Signatures.]

1897

EM. L. ...

... .. K

... .. A.

1891

...

1861.

Legislative Assembly.

NEW SOUTH WALES.

CHURCH OF ENGLAND SYNODS BILL.

(KELSO AND ADJOINING DISTRICTS.)

Ordered by the Legislative Assembly to be Printed, 9 April, 1861.

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

The humble Petition of the undersigned Members of the Church of England residing in the Town of Kelso and the adjoining districts,—

SHEWETH:—

That your Petitioners are impressed with the belief that the interests of their Church will be advanced by conferring on it the power to manage its own affairs, which are contemplated by the Bill already passed in the Legislative Council and now before your Honorable House.

That your Petitioners are not desirous of obtaining for their Church any preference over the other religious denominations in the Colony, or of procuring for it any privileges to which they consider their Church is not fairly entitled.

That your Petitioners believe that the Bill now under consideration, and hereinbefore referred to, will, if passed into law, insure to your Petitioners some of the rights and privileges from which they are at present debarred, and will promote the interests, peace, and harmony of their Church.

Your Petitioners therefore humbly pray that your Honorable House will favourably consider and pass the proposed Bill.

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

[Here follow 30 Signatures.]

1861.

Legislative Assembly.
NEW SOUTH WALES.

CHURCH OF ENGLAND SYNODS BILL.
(PENNANT HILLS.)

Ordered by the Legislative Assembly to be Printed, 9 April, 1861.

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

The humble Petition of the undersigned Members of the Church of England
residing at Pennant Hills,—

SHEWETH :—

That your Petitioners are informed that a Bill to authorize the holding of
Synods in the Church of England is about to be presented to your Honorable House.

That your Petitioners are very desirous that the power to hold such Synods should
be given, in order that the Church of England in this Colony may be enabled to regulate
her own affairs to the glory of God, and the fulfilment of her duty to her Members and the
Colony at large.

And, therefore, your Petitioners humbly request that your Honorable House will be
pleased to confer that power by passing the said Bill.

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

[*Here follow 30 Signatures.*]

1001

1001 1001 1001 1001

1001 1001 1001 1001 1001 1001

-

1001 1001

1861.

Legislative Assembly.

NEW SOUTH WALES.

CHURCH OF ENGLAND SYNODS BILL.

(NARELLAN AND COOK.)

Ordered by the Legislative Assembly to be Printed, 10 April, 1861.

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

The Petition of the undersigned Members of the United Church of England and Ireland, in the Parishes of Narellan and Cook, in this Colony,—

RESPECTFULLY SHEWETH:—

That your Petitioners are desirous of having the Bill called "The Church of England Synods Bill" passed in your Honorable House, for the following reasons:—That while other denominations have power to meet and settle their own affairs, the Members of the United Church of England and Ireland are debarred, according to the Ecclesiastical law, from meeting in Synod to manage their own affairs in the Colonies. They therefore humbly request, that having regard to the rights of your fellow colonists and Petitioners, your Honorable House will pass the same.

And your Petitioners, as in duty bound, will ever be thankful.

[Here follow 125 Signatures.]

1861.

Legislative Assembly.

NEW SOUTH WALES.

CHURCH OF ENGLAND SYNODS BILL.
(WAVERLEY.)

Ordered by the Legislative Assembly to be Printed, 10 April, 1861.

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

The humble Petition of the undersigned Clergyman and Members of the United
Church of England and Ireland connected with the Church of Saint Mary,
in the Parish and District of Waverley,—

SHEWETH :—

1. That a Bill has been introduced into your Honorable House to enable Members of the Church of England to hold Synods in this Colony.

2. That in the months of November and December, in the year one thousand eight hundred and fifty-eight, a Conference of the Bishop, Clergy, and Lay Representatives, elected by the various congregations in the Diocese of Sydney, was held in Sydney, for the purpose of considering a Bill similar in its provisions to that which has been introduced into your Honorable House, and such Bill was, after much discussion, adopted, with the view of obtaining Parliamentary sanction to the same.

3. That your Petitioners believe that the sanction of Parliament is necessary, to enable the Church of England in this Colony to regulate her affairs in the same way as is done by other religious bodies, and that the necessary aid will be afforded by the said Bill.

4. That the said Bill, as well in its general principles as in its provisions, meets with the approval of your Petitioners.

5. That your Petitioners entirely disclaim, in advocating its adoption, the slightest wish to obtain any advantage over other denominations of their fellow Christians in this Colony, and are only desirous of being enabled lawfully to regulate their own affairs by means of the Synods to be established.

6. Your Petitioners, therefore, humbly pray your Honorable House to take the premises into your favourable consideration, and to pass the said Bill.

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

[Here follow 59 Signatures.]

1861.

Legislative Assembly.

NEW SOUTH WALES.

CHURCH OF ENGLAND SYNODS BILL.

(RANDWICK AND COOGEE.)

Ordered by the Legislative Assembly to be Printed, 10 April, 1861.

To the Honorable the Legislative Assembly of New South Wales.

The Petition of the undersigned Members of the Church of England in the Districts of Randwick and Coogee,—

SHEWETH :—

That your Petitioners believe it would be highly expedient for the interests of the Church of England in this Colony if the Members of the Church of England were permitted, under legal sanction, to meet in Diocesan Synod.

That your Petitioners have learned with gratification that a Bill having this object in view is now before your Honorable House.

That your Petitioners earnestly hope that your Honorable House will be pleased to pass the said Bill so that it may become law.

And your Petitioners will ever pray.

[Here follow 25 Signatures.]

1931

1931

OFFICE OF THE SECRETARY

DEPARTMENT OF THE INTERIOR

WASHINGTON, D. C.

UNITED STATES GOVERNMENT

— — — — —

UNITED STATES GOVERNMENT

— — — — —

1861.

Legislative Assembly.

NEW SOUTH WALES.

CHURCH OF ENGLAND SYNODS BILL.

(PETITION FROM THE REV. THOMAS CAMPBELL EWING.)

Ordered by the Legislative Assembly to be Printed, 11 April, 1861.

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

The Petition of the Reverend Thomas Campbell Ewing, Incumbent of Saint Michael's, Wollongong,—

HUMBLY SHEWETH:—

That your Petitioner, having heard that the Church of England Synods Bill is under the consideration of your Honorable House, would respectfully submit certain facts, which, in the opinion of your Petitioner, would justify your Honorable House in passing the Bill aforesaid.

That the Church of England in New South Wales is, by the Act, 25 Hen. 8, prevented from holding Synods, unless with the Royal assent.

That this assent can be given only by an Act of the Colonial Parliament sanctioned by Her Majesty.

That the Church of England Synods Bill would confer upon Members of the Church of England in New South Wales the powers necessary to enable them to manage their own affairs.

That the said Bill provides only for the due administration of the affairs of the Church of England in this Colony, and in no way interferes with other Communions.

That the regulating of the concerns of religious bodies by Enactments of the Colonial Legislature is no new thing in the Legislation of this Colony.

Your Petitioner would call the special attention of your Honorable House to the 8 Gul. 4, No. 7, Sept. 9, 1837; for it grants to the Presbyterian body in New South Wales privileges which Members of the Church of England do not possess, and which the Church of England Synods Bill would secure to them.

For these and other reasons your Petitioner prays that your Honorable House will pass the Church of England Synods Bill.

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

T. C. EWING.

1881

1881

1881

1881

1881

1881

1881

1861.

—
Legislative Assembly.
NEW SOUTH WALES.

CHURCH OF ENGLAND SYNODS BILL.
 (BRAIDWOOD.)

Ordered by the Legislative Assembly to be Printed, 16 April, 1861.

To the Honorable the Legislative Assembly of New South Wales.

The Petition of the undersigned Inhabitants of the Town and District of Braidwood,
 including the Gold Fields,—

HUMBLY SHEWETH:—

That the Synod Bill at present before your Honorable House appears to your Petitioners of a very satisfactory character, and they are desirous that it be made law without any material alterations.

That the circumstances of the Church of England in this Colony call for a legislative measure, of the character of this Bill, and your Petitioners are of opinion that it will be generally acceptable in its present form.

That your Petitioners are desirous that the Bill should be so improved by your Honorable House as to obviate all reasonable objections, though they beg leave to state that they consider it, upon the whole, very satisfactory as it is.

May it therefore please your Honorable House to give the Bill your favourable consideration.

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

[Here follow 359 Signatures.]

1861.

Legislative Assembly.
NEW SOUTH WALES.

CHURCH OF ENGLAND SYNODS BILL.
(LIVERPOOL.)

Ordered by the Legislative Assembly to be Printed, 16 April, 1861.

The Petition of the undersigned Inhabitants of the District of Liverpool,—

To the Honorable the Legislative Assembly,—

HUMBLY SHEWETH :—

That your Petitioners are deeply impressed with the persuasion that the Church of England in this Colony is fully entitled to claim from the Legislature their assistance and co-operation in providing by Legislative enactment for the regulation and management of its internal affairs; and that your Petitioners humbly and earnestly beg your Honorable House to pass a Bill which has been, or shortly will be, submitted to your Honorable House, entitled, "*A Bill to enable the Members of the United Church of England and Ireland in New South Wales to regulate the affairs of the said Church and to authorize the holding of Synods of the same Church in this Colony.*"

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

[*Here follow 51 Signatures.*]

1861.

Legislative Assembly.
NEW SOUTH WALES.

CHURCH OF ENGLAND SYNODS BILL.
(HOLDSWORTHY.)

Ordered by the Legislative Assembly to be Printed, 16 April, 1861.

The Petition of the undersigned, the Inhabitants of Holdsworthy,—
To the Honorable the Legislative Assembly,—

HUMBLY SHEWETH :—

That your Petitioners are deeply impressed with the persuasion that the Church of England in this Colony is fully entitled to claim from the Legislature their assistance and co-operation in providing by Legislative enactment for the regulation and management of its internal affairs; and that your Petitioners humbly and earnestly beg your Honorable House to pass a Bill which has been, or shortly will be, submitted to your Honorable House, entitled, "*A Bill to enable the Members of the United Church of England and Ireland in New South Wales to regulate the affairs of the said Church and to authorize the holding of Synods of the same Church in this Colony.*"

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

[*Here follow 18 Signatures.*]

THE UNIVERSITY OF CHICAGO
LIBRARY

THE UNIVERSITY OF CHICAGO

LIBRARY

[REVERSE]

1861.

Legislative Assembly.

NEW SOUTH WALES.

CHURCH OF ENGLAND SYNODS BILL.
(ORANGE.)

Ordered by the Legislative Assembly to be Printed, 16 April, 1861.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.
The humble Petition of the undersigned Members of the Church of England in
the District of Orange,—

SHEWETH :—

That a Bill has been introduced into your Honorable House, the object of
which is to enable the Members of the Church of England in this Colony to hold Synods.

That by reason of the peculiar position of the Church of England in this Colony,
and of previous legislation, it is expedient to seek the assistance of the Legislature, to enable
the Members of the Church of England to meet in Synod.

That the Bill now before your Honorable House meets with the general approval of
your Petitioners.

That, in advocating its adoption, your Petitioners entirely disclaim the slightest wish to
obtain any advantage over any other denomination of their fellow Christians in this Colony,
and are only desirous of being enabled lawfully to regulate their own affairs by means of the
Synods to be established.

Your Petitioners, therefore, humbly pray that your Honorable House will take the
premises into your consideration, and to enact that the proposed measure shall become law.

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

[Here follow 44 Signatures.]

1861.

Legislative Assembly.
NEW SOUTH WALES.

CHURCH OF ENGLAND SYNODS BILL.

(GUNNING AND COLLECTOR.)

Ordered by the Legislative Assembly to be Printed, 16 April, 1861.

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

The Petition of the undersigned Inhabitants of the United Townships of Gunning and Collector, with their Suburbs,—

HUMBLY SHEWETH:—

That for years past we have seen the necessity of an amended government of English Church affairs.

That nevertheless its Bishops, Priests, and Deacons are bound by oaths of office restraining them from making by-laws for our own government, without the Royal Assent, which cannot be obtained without the authority of Parliament, our Sovereign possessing no despotic or absolute powers, but only constitutional authority over us.

We therefore humbly pray your Honorable House to facilitate the meeting of our clerical and lay governors in a corporate character by passing the English Church Synods Bill, that they may statutablely meet and regulate their own Church concerns.

And your Petitioners will ever pray.

[Here follow 37 Signatures.]

1861.

Legislative Assembly.

NEW SOUTH WALES.

CHURCH OF ENGLAND SYNODS BILL.

(RICHMOND.)

Ordered by the Legislative Assembly to be Printed, 16 April, 1861.

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

The humble Petition of the undersigned Members of the Church of England residing in Richmond and the neighbourhood,—

SHWETH :—

That your Petitioners are firmly persuaded that it is of great importance that the Church of England Synods Bill, now before your Honorable Assembly, should be carried.

That the object of this Bill is to enable the Members of the Church of England to meet together and regulate their own affairs, without in the slightest degree interfering with any other denomination. Your Petitioners earnestly request that this Bill may receive the assent of your Honorable Assembly.

And your Petitioners will ever pray.

[Here follow 45 Signatures.]

1861.

Legislative Assembly.
NEW SOUTH WALES.

CHURCH OF ENGLAND SYNODS BILL.
(PITT TOWN AND WILBERFORCE.)

Ordered by the Legislative Assembly to be Printed, 23 April, 1861.

To the Honorable the Members of the Legislative Assembly of New South Wales,
&c., &c., &c.

The Petition of the undersigned Inhabitants of the Parishes of Pitt Town and
Wilberforce,—

HUMBLY SHEWETH:—

That your Petitioners, Members of the United Church of England and Ireland, deeply feeling the necessity of having a Bill passed into law, to enable them to regulate the affairs of their own Church, without at all wishing to interfere with the rights of any other denomination, are of opinion that the Church of England Synods Bill now before your Honorable House would meet the necessity of their case.

Your Petitioners, therefore, humbly trust that your Honorable House will give the said Bill your most favourable consideration, so as to allow it to pass into law.

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

[Here follow 51 Signatures.]

1111

1111 1111

2 1111 1111 1111

1111 1111 1111

11

1111 1111

1111

11

11

11

11

11

1111 1111 1111

11

11

11

11

1861.

Legislative Assembly.

NEW SOUTH WALES.

CHURCH OF ENGLAND SYNODS BILL.
(CITY OF SYDNEY.)

Ordered by the Legislative Assembly to be Printed, 6 May, 1861.

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

The humble Petition of the undersigned Members of the Church of England in the City of Sydney,—

SHewETH :—

1. That a Bill has been introduced into your Honorable House, the object of which is to enable the Members of the Church of England, in this Colony, to hold Synods.

2. That in the months of November and December, in the year 1858, a Conference of the Bishop, Clergy, and Lay Representatives, elected by the various congregations in the Diocese of Sydney, was held in Sydney, for the purpose of considering a Bill substantially the same as that above-named, and that after undergoing the fullest discussion, it was adopted by the Conference and ordered to be laid before Parliament for its sanction.

3. That the same Bill was submitted to a similar Conference of the Members of the Church of England in the Diocese of Newcastle, and was likewise adopted, with a slight modification of that assembly.

4. That by reason of the peculiar position of the Church of England in this Colony, and of previous Legislation, it is expedient to seek the assistance of the Legislature, to enable the Members of the Church of England to meet in Synod.

5. That the Bill now before your Honorable House meets with the general approval of your Petitioners.

6. That, in advocating its adoption, your Petitioners entirely disclaim the slightest wish to obtain any advantage over any other denomination of their fellow Christians in this Colony, and are only desirous of being enabled, lawfully, to regulate their own affairs by means of the Synods to be established.

Your Petitioners, therefore, humbly pray that your Honorable House will be pleased to take the premises into your consideration, and to enact that the proposed measure shall become law.

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

[Here follow 109 Signatures.]

1861.

Legislative Assembly.

NEW SOUTH WALES.

CHURCH OF ENGLAND SYNODS BILL.

(SCOTS CHURCH, PITT-STREET, SYDNEY.)

Ordered by the Legislative Assembly to be Printed, 26 March, 1861.

To the Honorable the Members of the Legislative Assembly of New South Wales.

The Petition of the Congregation of the Scots Church, in Pitt-street, Sydney, in public meeting assembled,—

HUMBLY SHEWETH:—

That Petitioners have heard, with alarm and regret, that an Act of the Legislative Council of New South Wales, which would, in the opinion of Petitioners, destroy the religious equality which at present exists in this Colony, invest one section of the community with superior and exclusive privileges, and give the sanction of law to doctrines and practices which we hold to be anti-Christian, and directly subversive of the Word of God, "the only rule of faith and practice," has been read in your Honorable House.

That the Preamble of the said Act declares—"It is expedient to provide for the regulation and management of the affairs of the United Church of England and Ireland in New South Wales, and to authorize the holding of Synods of the same Church in this Colony;" and Petitioners submit respectfully that if Parliament, who are the representatives of the whole community, provide for the regulation and management of the affairs of any section of the Church, and authorize that section to hold Provincial Synods, that section will necessarily be regarded as the established church in this Colony.

That the Act declares—"The Synod shall have power to establish a tribunal for the trial of offences by Clergymen licensed by the Bishop within the Diocese, as well as those involving breaches of discipline as questions of doctrine and the ritual of the Church;" but we hold that no such tribunal should be assented to by Parliament. It would be highly dangerous, and destructive to the rights of liberty and conscience, to give the sanction of civil law to the establishment of a tribunal for the trial of offences from whose decisions there would be no appeal to the civil courts of this Colony. Tribunals for the trial of all matters of doctrine and discipline should be permitted to exist only as voluntary associations, under the direction of the Holy Scriptures.

That the Act which establishes a tribunal for the trial of offences by Clergymen licensed by the Bishop makes no provision for the trial of any offences by the Bishop himself—it invests him with undefined and irresponsible powers, enables him to veto any and every rule or ordinance of the Synod relating to matters of spiritual concern, and declares the Bishop of Sydney and other Bishops attending the Synod to be a distinct House; and we maintain, with all respect, that the Archbishop of Canterbury possesses no such powers in England as this Act would confer on the Bishop of Sydney in New South Wales.

That the Act declares the Bishop of Sydney to be Metropolitan Bishop of Australia, and thus gives a national sanction to all the powers and privileges which he arrogantly claims; but the Word of God does not authorize the civil powers, as such, to appoint any Ministers in the Church of Christ; and the Queen of England cannot, either legally or constitutionally, invest any man with the powers and privileges of an English Bishop in Australia.

That the said Act would divide the followers of Christ into different orders, and enable any one nominated Bishop of Sydney by the Queen to act as Lord over God's heritage, in direct

direct contravention of the law of Christ, who said, "The princes of the Gentiles exercise dominion over them, and they that be great exercise authority upon them: but it shall not be so among you, but whosoever will be great among you let him be your minister." And again, "Be not ye called Rabbi, for one is your master, even Christ, and all ye are brethren."

That Petitioners pray your Honorable House will be pleased to take the premises into your serious consideration—withhold your assent from the said Act—reject every measure which may appear calculated to prevent the members of the Church of England in this Colony from regulating the affairs of their own church in accordance with their own wishes—and do all in your power to maintain and preserve perfect religious equality among all the inhabitants of this Colony.

And your Petitioners will ever pray.

Signed in the name, and by the authority, of the Congregation
of the Scots Church, Pitt-street, by

G. HARRIS,
Chairman.

20th March, 1861.

1861.

Legislative Assembly.

NEW SOUTH WALES.

CHURCH OF ENGLAND SYNODS BILL.

(MEMBERS OF THE UNITED CHURCH OF ENGLAND AND IRELAND.)

Ordered by the Legislative Assembly to be Printed, 9 April, 1861.

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

The Petition of Members holding the Faith of the United Church of England and Ireland, in this Colony,—

HUMBLY SHEWETH:—

That your Petitioners have heard, with great concern, that a Bill is before your Honorable House, entitled, "A Bill to enable the Members of the United Church of England and Ireland in New South Wales to regulate the affairs of the said Church and to authorize the holding of Synods of the same Church in this Colony."

That your Petitioners object to the said Bill on the following grounds:—

First. That in the opinion of your Petitioners, it is not necessary, neither is it expedient, to provide by law for the regulation of the Church of Members holding the Faith of the said Church of England and Ireland, inasmuch as the present difficulties of the Church to which such members belong arise from the superabundance and imperfection of secular legislation, and that all the legitimate and professed objects of this Bill can be accomplished by a voluntary compact, as in the Colonies of South Australia and New Zealand, supplemented by an amendment of the Church of England Temporalities Act, the eighth of William the Fourth, number five. Moreover, that it is not desirable to pass the proposed Bill in the face of the divided state of opinion and feeling on the subject among the members of our Church, as any attempt at compulsory legislation would cause much disunion and dissent.

Second. That it has been declared, by the highest Imperial and Colonial legal authorities, that Colonial Bishops are not properly Bishops of the United Church of England and Ireland, and that the United Church of England and Ireland has no existence in this Colony; therefore your Petitioners object to the granting to the Bishop by Colonial statute, a status and power not conferred upon him by the authorities in England, and also to the introduction among us of peculiar ecclesiastical legislation for one branch of the Church of Christ, which will be viewed with jealousy by other religionists, as conferring by law special powers and privileges upon one denomination in violation of the principle of religious equality now the law of the land.

Third. That the creation and imposition of any religious test as a legalized qualification for the office of representative to the Synod, as proposed in the said Bill, is highly objectionable, and is an express violation of our civil and religious rights.

Fourth. That the establishment of an Ecclesiastical Tribunal, competent to define its own mode of procedure and to administer oaths, the powers of which may be extended by future legislation, is a further encroachment upon the civil and religious liberties of the Colonists in general, and is viewed by your Petitioners with serious apprehensions.

Fifth. That the establishment of the veto in spiritual matters, or otherwise in the person of one individual—the Bishop—is opposed to the constitutional action of all representative bodies, which govern, necessarily, by simple majorities, and is therefore a proposition unworthy to be entertained by your Honorable House as representative of the general body of the people.

Sixth. That the legal institution of Provincial Synods, conferring on the Bishop the right of estate distinct from the Clergy and Laity of our Church, which, as Colonial Bishops, they do not constitutionally possess, establishes an ecclesiastical hierarchy, to the disparagement of other religious bodies, and is calculated to act injuriously upon our own Church, and to destroy the harmony which should exist among all religious denominations.

Your Petitioners therefore humbly pray, that the Bill in question may not be passed into law by your Honorable House.

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

[Here follow 212 Signatures.]

1861.

Legislative Assembly.

NEW SOUTH WALES.

CHURCH OF ENGLAND SYNODS BILL.
(NEWTOWN.)

Ordered by the Legislative Assembly to be Printed, 9 April, 1861.

To the Honorable the Legislative Assembly of New South Wales.

The Petition of the Members of the Congregational Church and other Inhabitants of Newtown.

Your Petitioners, enjoying as they do the blessings of religious equality and freedom in this Colony, pray your Honorable House may not endanger the same, by legalizing the Church of England Synods Bill now before your Honorable House, and which, in their apprehension, contains principles at variance with the freedom of Christian worship, and opposed to those principles of non-interference of the secular power with the Church so dear to their ancestors, and which, in their estimation, are essential to the purity of religion and to the rights of conscience, and in consonance with the teaching of the great Founder of their Faith, and the independence the Church enjoyed during the first four centuries of the Christian era. Your Petitioners disclaim any intention to interfere with the freedom of synodical action in the Church of England, enjoying, as they do, like freedom in their own denomination without the force of law; but they consider the present Bill establishes a Church constitution by law, and thus places the Church of England on a footing which they do not enjoy, and from their principles cannot apply for.

Your Petitioners cannot but regard legislation affecting the use of the holy ordinances of Christianity, which is not sanctioned by the Word of God, as desecration of the same, and implying a power of interference with spiritual obligations which they respectfully dissent from.

Your Petitioners view any legislation fixing the powers or status of Ministers of the Gospel, as reviving questions of supremacy which have in all ages of the Church been the fertile sources of controversy and disunion in the Christian body.

Your Petitioners, anxious to hand down to posterity the civil and religious equality and freedom they now enjoy, and which have been constitutionally acquired, without violence or shedding of blood, pray your Honorable House may be pleased to sustain their prayer.

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

[Here follow 33 Signatures.]

1861.

Legislative Assembly.

NEW SOUTH WALES.

CHURCH OF ENGLAND SYNODS BILL.
(REDFERN, CHIPPENDALE, AND NEIGHBOURHOOD.)

Ordered by the Legislative Assembly to be Printed, 11 April, 1861.

To the Honorable the Legislative Assembly of New South Wales.

The Petition of the Members of the undersigned Inhabitants of Redfern, Chippendale, and neighbourhood,—

SHEWETH :—

That your Petitioners, enjoying as they do the blessings of religious equality and freedom in this Colony, pray that your Honorable House will not endanger the same, by legalizing the Church of England Synods Bill now before your Honorable House, and which, in their apprehension, contains principles at variance with the freedom of Christian worship, and opposed to those principles of non-interference of the secular power with the Church so dear to their ancestors, and which, in their estimation, are essential to the purity of religion and to the rights of conscience, and in consonance with the teaching of the great Founder of their Faith, and the independence which the Church enjoyed during the first four centuries of the Christian era.

That your Petitioners disclaim any intention of interfering with the freedom of synodical action in the Church of England (enjoying, as its members do, the like freedom with other bodies); but they are of opinion that if the present Bill should become law, it will create a Church establishment, and thus place the Church of England on a footing which your Petitioners do not enjoy, and, holding the principles they do, cannot avail themselves of.

That your Petitioners cannot but regard legislation affecting the use of the holy ordinances of Christianity (not sanctioned by the Word of God), as a desecration of the same, and implying a power of interference which they respectfully dissent from.

That your Petitioners view any legislation fixing the powers and status of Ministers of the Gospel, as tending to revive questions of supremacy which have in all ages of the Church been fertile sources of controversy and disunion in the Christian body.

Your Petitioners therefore pray that your Honorable House will be pleased to sustain their prayer, and enable them to transmit to their posterity the religious equality and freedom which they having constitutionally acquired now enjoy.

[Here follow 104 Signatures.]

1874

1874

1874

1874

1861.

Legislative Assembly.

NEW SOUTH WALES.

CHURCH OF ENGLAND SYNODS BILL.

(SCOTS CHURCH, PITT STREET, SYDNEY.)

Ordered by the Legislative Assembly to be Printed, 9 April, 1861.

To the Honorable the Members of the Legislative Assembly of New South Wales.

The Petition of the Minister and undersigned Elders and Deacons of the Scots Church, Pitt-street, Sydney,—

HUMBLY SHEWETH:—

That Petitioners have heard, with alarm and regret, that an Act of the Legislative Council of New South Wales, which would, in the opinion of Petitioners, destroy the religious equality which at present exists in this Colony, invest one section of the community with superior and exclusive privileges, and give the sanction of law to doctrines and practices which we hold to be anti-Christian and directly subversive of the Word of God, "the only rule of faith and practice," has been read in your Honorable House.

That the preamble of the said Act declares, "It is expedient to provide for the regulation and management of the affairs of the United Church of England and Ireland in New South Wales, and to authorize the holding of Synods of the same Church in this Colony"; and Petitioners submit, respectfully, that if Parliament, who are the representatives of the whole community, provide for the regulation and management of the affairs of any one section of the Church, and authorize that section to hold Provincial Synods, that section will necessarily be regarded as the Established Church in this Colony.

That the Act declares, "The Synod shall have power to establish a tribunal for the trial of offences by Clergymen licensed by the Bishop within the Diocese, as well those involving breaches of discipline as questions of doctrine and the ritual of the Church"; but we hold that no such tribunal should be sanctioned by Parliament. It would be highly dangerous and destructive to the rights of liberty and conscience to give the sanction of Civil Law to the establishment of a tribunal for the trial of offences from whose decisions there would be no appeal to the Civil Courts in this Colony. Tribunals for the trial of all matters of doctrine and discipline should be permitted to exist only as voluntary associations, under the direction of the Holy Scriptures.

That the Act which establishes a "tribunal for the trial of offences by Clergymen licensed by the Bishop" makes no provision for the trial of any offences of the Bishop himself; it invests him with undefined and irresponsible powers, enables him to veto any and every rule or ordinance of the Synod relating to matters of spiritual concern, and declares the Bishop of Sydney, and other Bishops attending the Synod, to be a distinct House; and we maintain with all respect that the Archbishop of Canterbury possesses no such powers in England as this Act would confer on the Bishop of Sydney in New South Wales.

That the Act declares the Bishop of Sydney to be Metropolitan Bishop of Australia, and thus gives a national sanction to all the powers and privileges which he arrogantly claims; but the Word of God does not authorize the Civil powers, as such, to appoint any Ministers in the Church of Christ, and the Queen of England cannot either legally or constitutionally invest any man with the powers and privileges of an English Bishop in Australia.

That the said Act would divide the followers of Christ into different orders, and enable any one nominated Bishop of Sydney by the Queen, to act as lord over God's heritage, in direct contravention of the law of Christ, who said, when he rebuked his disciples for contending who should be the greatest, "The princes of the Gentiles exercise dominion over them, and they that be great exercise authority upon them: but it shall not be so among you, but whosoever will be great among you let him be your minister." And again, "Be not ye called Rabbi: for one is your Master, even Christ, and all ye are brethren."

That Petitioners pray your Honorable House will be pleased to take the premises into your serious consideration—withhold your assent from the said Act—reject every measure which may appear calculated to prevent the Members of the Church of England in this Colony from regulating the affairs of their own Church in accordance with their wishes, and do all in your power to maintain and preserve perfect religious equality among all the inhabitants of this Colony.

And your Petitioners will ever pray.

[Here follow 7 Signatures.]

1861.

Legislative Assembly.
NEW SOUTH WALES.

CHURCH OF ENGLAND SYNODS BILL.
 (CERTAIN RESIDENTS OF CAMPBELLTOWN.)

Ordered by the Legislative Assembly to be Printed, 11 April, 1861.

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

The humble Petition of the undersigned Residents of Campbelltown,—

RESPECTFULLY SHEWETH :—

That your Petitioners, believing that all human legislation in matters of religion is an invasion of the prerogatives of God, in contravention to the spirit of Christianity—and, furthermore, unnecessary, from the completeness of the laws given by Christ and his Apostles, and from the fact that no such legislation can be effected, by your Honorable House in particular, on behalf of any section of religionists in this Colony, without destroying the equality hitherto enjoyed, and which ought to be maintained, amongst the various religious bodies in the community—do most humbly and earnestly pray your Honorable House not to pass into law the Bill now under your consideration, entitled “ *The Church of England Synods Bill.* ”

Your Petitioners desire to disclaim all interference with the rightful action of any religious community. They would contend on behalf of others for what they desire themselves to enjoy—freedom to worship—and to act in all religious affairs according to the dictates of the Word of God ; but as by the said Bill they conceive that an unscriptural end is sought, and which cannot be granted without a violation of religious equality, they respectfully beg your Honorable House not to allow the said Bill to pass into law.

And your Petitioners will ever pray.

[Here follow 71 Signatures.]

191

1911

1912

1913

1914

1915

1916

1861.

Legislative Assembly.

NEW SOUTH WALES.

CHURCH OF ENGLAND SYNODS BILL.

(MUDGEES.)

Ordered by the Legislative Assembly to be Printed, 6 May, 1861.

To the Honorable the Members of the Legislative Assembly of New South Wales.

The humble Petition of the Inhabitants of Mudgee,—

SHEWETH:—

That your Petitioners have heard, with alarm and regret, that an Act of the Legislative Council of New South Wales, which would, in the opinion of your Petitioners, destroy the religious equality at present existing in this Colony, and invest one section of the community with superior privileges above the others, has been read in your Honorable House.

That the preamble of the said Act declares, "It is expedient to provide for the regulation and management of the affairs of the United Church of England and Ireland in New South Wales and authorize the holding of Synods of the same Church in this Colony." Your Petitioners respectfully submit, that if the Parliament, who are the representatives of the whole community, provide for the regulation and management of the affairs of any one section of the Church, and authorize that section to hold Provincial Synods, that section will necessarily be regarded as the Established Church in this Colony.

That the Act declares that the Synod shall have power to establish a tribunal for the trial of offences committed by Clergymen licensed by the Bishop within the Diocese, as well those involving breaches of discipline as questions of doctrine and the ritual of the Church; but your Petitioners submit that no such tribunal should be sanctioned by Parliament, as it would be highly dangerous and destructive to the rights of liberty and conscience to give the sanction of Civil Law to the establishment of a tribunal for the trial of offences from the decisions of which tribunal there would be no appeal to the Civil Courts in this Colony, and that, in the opinion of your Petitioners, tribunals for the trial of all matters of doctrine and discipline should be permitted to exist only as voluntary associations.

That this Act by which it is proposed to establish a tribunal for the trial of offences by Clergymen licensed by the Bishop makes no provision for the trial of any offences of the Bishop himself; it invests him with undefined and irresponsible powers, enables him to veto any and every rule or ordinance of the Synod relating to spiritual matters, and declares the Bishop of Sydney, and the other Bishops attending the Synod, to be a distinct House; and your Petitioners submit, that the Archbishop of Canterbury possesses no such power in England as this Act would confer on the Bishop of Sydney in New South Wales.

That this Act declares the Bishop of Sydney to be Metropolitan Bishop of Australia, and thus giving a national sanction to all powers and privileges which he arrogantly claims.

That in the opinion of your Petitioners, the said Act would divide the religious bodies in the Colony of New South Wales, and by such means cause strife and contention amongst them.

Your Petitioners pray your Honorable House will be pleased to take the premises into your serious consideration—withhold your assent from the said Act—and reject every measure which may appear calculated to give the Church of England a dominant power, and do all such things as may tend to maintain and preserve perfect religious equality amongst the inhabitants of the Colony of New South Wales.

And your Petitioners will ever pray, &c.

[Here follow 307 Signatures.]

1871

George F. Johnson
231 N. 1st St. N.Y.C.

THE NEW YORK PUBLIC LIBRARY

ASTOR LENOX TILDEN FOUNDATION

500 N. 5th St. N.Y.C.

1861.

Legislative Assembly.

NEW SOUTH WALES.

CHURCH OF ENGLAND SYNODS BILL.MEMBERS OF THE CHURCHES OF ENGLAND AND SCOTLAND, WESLEYANS, CONGREGATIONALISTS, &c.,
IN SYDNEY.)*Ordered by the Legislative Assembly to be Printed, 5 April, 1861.*

To the Honorable the Legislative Assembly of New South Wales.

The Petition of the undersigned Members of the Churches of England, Scotland, Wesleyans, Congregationalists, &c., in Sydney, &c.

Your Petitioners, enjoying as they do the blessings of religious equality and freedom in this Colony, pray your Honorable House may not endanger the same by legalizing the Church of England Synod Bill now before your Honorable House, and which, in their apprehension, contains principles at variance with the freedom of Christian worship, and opposed to those principles of non-interference of the secular power with the Church (so dear to their ancestors), and which, in their estimation, are essential to the purity of religion, the rights of conscience, and the independence of the Church, enjoyed during the first four centuries of the Christian era.

Your Petitioners disclaim any intention to interfere with the freedom of Synodical action in the Church of England, enjoying, as they do, a like freedom in their own denominations, without the aid of law; but they consider the present Bill establishes a Church Constitution by law, and thus places the Church of England on a footing which they do not enjoy, and from their principles cannot apply for.

Your Petitioners cannot but regard legislation affecting the use of the holy ordinances of Christianity, which is not sanctioned by the Word of God, as a desecration of the same, and implying a power of interference with spiritual obligations which they respectfully dissent from.

Your Petitioners view any legislation fixing the powers or status of Ministers of the Gospel, as reviving questions of supremacy which have, in all ages of the Church, been the fertile sources of controversy and disunion in the Christian body.

Your Petitioners, anxious to hand down to posterity the civil and religious equality and freedom they now enjoy, pray your Honorable House may be pleased to sustain their prayer.

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

[Here follow 219 Signatures.]

1912

1912

1912

1912

1912

1912

1912

1912

1912

1912

1912

1912

1912

1912

1912

1912

1912

1912

1912

1912

1912

1912

1912

1861.

Legislative Assembly.

NEW SOUTH WALES.

CHURCH OF ENGLAND SYNODS BILL.

(BAPTIST CHAPEL, BATHURST-STREET, SYDNEY.)

Ordered by the Legislative Assembly to be Printed, 5 April, 1861.

To the Honorable the Legislative Assembly of New South Wales.

The Petition of the Members of the Church and Congregation meeting for Divine Worship in the Baptist Chapel, Bathurst-street, Sydney, New South Wales,—

SHEWETH :—

That your Petitioners, believing that all human legislation in matters of religion is an invasion of the prerogatives of God, in contravention to the spirit of the New Testament of Jesus Christ—and, furthermore, unnecessary, from the completeness of the laws therein given for the guidance of His Church, through all time, and in all places, and from the fact that no such legislation, by your Honorable House in particular, can be effected on behalf of any section of religionists in this Colony, without destroying the equality hitherto enjoyed, and which ought to be maintained, amongst the various religious bodies of the community—do most humbly and earnestly pray your Honorable House not to pass into law the Bill now under your consideration, intituled "*The Church of England Synods Bill.*"

Your Petitioners desire to disclaim all interference with the rightful action of any religious community. They would cheerfully contend on behalf of others for what they desire themselves to enjoy—freedom to worship—and to act in all religious affairs according to the dictates of the Word of God; but as by the said Bill they conceive that an unscriptural end is sought by unscriptural means, and which cannot be granted without a violation of religious equality and the laws and prerogatives of Christ, they respectfully beg your Honorable House not to allow the said Bill to pass into law.

And your Petitioners will ever pray.

[Here follow 93 Signatures.]

1861.

Legislative Assembly.
NEW SOUTH WALES.

WEST MAITLAND CHURCH LAND SALE BILL.

REPORT

FROM

THE SELECT COMMITTEE

ON THE

WEST MAITLAND CHURCH LAND SALE BILL;

TOGETHER WITH

THE PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
20 *March*, 1861.

SYDNEY:
THOMAS RICHARDS, GOVERNMENT PRINTER,
PHILLIP-STREET.

1861.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES, No. 27. TUESDAY, 26 FEBRUARY, 1861.

15. West Maitland Church Land Sale Bill:—Mr. Mate moved, pursuant to *amended* notice, standing in the name of Mr. Dick, and on his behalf,—
- (1.) That the Bill to enable the Lord Bishop of Newcastle, as surviving Trustee of certain land situated in the Town of West Maitland, to sell the said land, and to provide for the appropriation of the proceeds of such sale, be referred to a Select Committee.
- (2.) That such Committee consist of Mr. Blake, Mr. Daniel, Mr. Markham, Mr. Dickson, Mr. Hart, Mr. Walsh, Mr. Terry, and Mr. Dick.
- Question put and passed.
-

VOTES, No. 40. WEDNESDAY, 20 MARCH, 1861.

2. West Maitland Church Land Sale Bill:—Mr. Dick, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report this Bill was referred on the 26th February, 1861.
- Ordered to be printed.
- Mr. Dick then moved, That the second reading of this Bill stand an Order of the Day for Tuesday next.
- Question put and passed.
-

CONTENTS.

	PAGE.
Extracts from the Votes and Proceedings	2
Report.....	3
Proceedings of the Committee	4
Schedule of Amendments	6
List of Witnesses	6
List of Appendix	5
Minutes of Evidence	7

1861.

WEST MAITLAND CHURCH LAND SALE BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, to whom was referred, on the 26th February last, the "*West Maitland Church Land Sale Bill*," beg leave to report to your Honorable House :—

That they have examined the Solicitor for the Bill,* and the • Mr. W. Barker. other witness† named in the margin (whose respective Evidence will † Mr. E. P. Capper, senior. be found appended hereto), and that the Preamble having been altered, ‡ † Vide Schedule of Amendments. consistently with the Order of Leave, with a view to the perfect accuracy and further explanation of certain allegations therein contained, the same was proved to the satisfaction of your Committee, who then proceeded with the enacting part of the Bill, and made the Amendments shewn in the accompanying Schedule.||

|| Vide page 5.

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

ALEX. DICK,

Chairman.

*Legislative Assembly Chamber,
Sydney, 14 March, 1861.*

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 13 MARCH, 1861.

MEMBER PRESENT:—

Mr. Dick.

W. Barker, Esq., *Solicitor*, in attendance.

In the absence of a Quorum of the Committee within *one hour* of the time appointed the meeting called for this day *lapsed*, and ordered to be convened for *to-morrow*.

THURSDAY, 14 MARCH, 1861.

MEMBERS PRESENT:—

Mr. Blake,	|	Mr. Dickson,
Mr. Dick,	|	Mr. Terry,
Mr. Walsh.		

A. Dick, Esq., called to the Chair.

Copies of the West Maitland Church Land Sale Bill,—before the Committee.

Solicitor for the Bill, Mr. W. Barker.

Mr. W. Barker, *Solicitor*, examined.

Witness *produced* Original Deed of Grant to Trustees of Land, set forth in the preamble of the Bill,—also printed copy of Letters Patent appointing the Lord Bishop of Newcastle therein recited (the latter *handed in*).

Mr. E. P. Capper, *senr.*, called in and examined.

Witness *handed in* a written authority to appear on behalf of the Parish of St. Mary, West Maitland. (*Vide Appendix A.*)

Witness withdrew.

Committee deliberated in reference to certain proposed Amendments of the Preamble, desired by the *Solicitor* for the Bill,—

When, the same appearing to the Committee to be within the scope of the Bill, as ordered by the House,—

Amendments agreed to. (*Vide Schedule of Amendments.*)

Motion made (*Chairman*) and *Question*,—That the Preamble as amended stand part of the Bill,—*agreed to*.

Clauses 1 and 2 severally read, amended, and agreed to. (*Vide Schedule.*)

Title then read, amended, and agreed to. (*Vide Schedule.*)

Chairman requested to report the *amended* Bill to the House.

SCHEDULE OF AMENDMENTS.

-
- Page 1, Title, line 1. — *Omit* "surviving."
- Page 3, Preamble, line 22. — *After* "Hoblin" *insert* "has by reason of his
"absence from the said Colony for several
"years become disqualified to be a Trustee
"of the said land."
After "and" *insert* "the said."
Omit "have both;" *insert* "has."
- " " lines 22 to 25— *Omit* "and the legal estate in the said land is
"now vested in the Lord Bishop of New-
"castle under and in pursuance of the
"said lastly recited Act as sole surviving
"Trustee thereof."
- Page 4, Preamble, line 1. — *Omit* "and it has;" *insert* "but which is now
"in so dilapidated and dangerous a con-
"dition that it has by reason thereof."
Omit "second;" *insert* "new."
- Page 4, Clause 1, line 17. — *Insert* At the commencement, "From and after
"the passing of this Act the said piece or
"parcel of land shall be vested in the
"Lord Bishop of Newcastle and his Suc-
"cessors and."
After "the" *insert* "said."
- " " " 20. — *After* "Newcastle" *insert* "and his successors."
- " " " 26. — *After* "Newcastle" *insert* "and his successors."
- Page 5, Clause 2, line 15. — *After* "Newcastle" *insert* "and his successors."
(Title, *Vide* commencement.)

LIST OF WITNESSES.

Thursday, 14 March, 1861.

	PAGE.
W. Barker, Esq., <i>Solicitor</i>	7
E. P. Capper, <i>senr.</i> , Esq.	7

LIST OF APPENDIX.

(To Evidence given by E. P. Capper, senr., Esq., 14th March, 1861.)

Authority from Churchwardens and Incumbent of St. Mary's,
West Maitland, empowering Mr. E. P. Capper, *senr.* .. 9

1861.

Legislative Assembly.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

WEST MAITLAND CHURCH LAND SALE BILL.

THURSDAY, 14 MARCH, 1861.

Present:—MR. BLAKE, | MR. DICKSON,
MR. WALSH.

ALEXANDER DICK, ESQ., IN THE CHAIR.

*Present for parties:—*W. Barker, Esq., *Solicitor for the Bill.*

William Barker, Esquire, Solicitor for the Bill, examined:—

1. *By the Chairman:* Will you be kind enough to state how you propose to prove the preamble of the Bill? I beg to hand in the grant which is recited in the first part of the preamble in proof of the matter set forth in the first page and a half. (*Grant produced.*) Then I propose to prove the second recital in a mode that I apprehend will be satisfactory to the Committee—that is, by handing in a copy of the Bishop of Newcastle's Letters Patent, printed by the Government Printer by order of the Legislative Council. (*Produced and handed in.*) That will take us as far as the 20th line on the third page. I should inform the Committee that it will be necessary here to make an amendment, which was only known yesterday on the arrival of a gentleman who is present as a witness. It is recited here that the other two trustees are both dead, but it has been ascertained that that is not the fact. Mr. Hobler, although absent from the Colony about 17 years, is, we are informed, still alive in California. But under the Church Temporalities Act parties ceasing to reside in the Colony for a period of six months become disqualified as church trustees.

W. Barker,
Esq.

14 Mar., 1861.

Edward Peter Capper, senr., Esquire, called in and examined:—

2. *By Mr. Barker:* Where do you reside? At West Maitland.
3. Do you know a church at West Maitland called by the name of St. Mary? Yes.
4. What is the parish called? The parish of St. Mary.
5. Do you know of any other church in West Maitland? There is another called St. Paul's.
6. What is the name of the parish—the ecclesiastical parish? The parish of West Maitland has been divided into two parishes, one called St. Mary's and the other St. Paul's.
7. *By Mr. Blake:* Where is St. Paul's church? In the southerly part, near the railway crossing in High-street.
8. Is there not another church in East Maitland? Yes, St. Peter's. We have nothing to do with that parish.

E. P. Capper,
senr., Esq.

14 Mar., 1861.

- E. P. Capper, 9. *By Mr. Barker*: Do you know whether there has been a parsonage and schoolhouse built in connection with St. Mary's church? Both parsonage and schoolhouse have been built for several years.
 senr., Esq.
 14 Mar., 1861.
10. Can you inform the Committee whether it has been found necessary to erect a second church in the parish of St. Mary? The church already built in St. Mary's parish was very badly built, and is considered by Mr. Blacket, the architect, and also by the inhabitants generally, to be unsafe. The gables are opening out.
11. You are aware that Mr. Blacket has reported that the church in present use in the parish of St. Mary is in a dangerous state? Years ago I heard him express that opinion, but at present I have it only from what the churchwardens put me in possession of.
12. The churchwardens are of that opinion? Yes.
13. You have no official connection with that church yourself? At present I have not; I have acted before the new church of St. Paul's was built.
14. Are the churchwardens of St. Mary's church aware of your attendance here to give evidence in support of this Bill? There is my letter of authority (*produced and handed in. Vide Appendix A*), and here is a private memorandum from them in which they acknowledge that they are perfectly satisfied that whatever the sale of the land produces shall be divided between the two churches.
15. Are you aware whether the new church, to replace the present church of St. Mary, has been commenced? It has been commenced, and between £1,200 and £1,300 has already been paid on account of it. The foundation is laid, and the walls are four or five feet high. The contract for it is about £6,000. They are building on plans which were prepared by Mr. Blacket and approved by the churchwardens and parishioners.
16. Has a church been erected in the parish known as St. Paul's? It has.
17. Is it completely finished? It is. The parsonage is also completely finished, and the whole of the ground is fenced in, and on that is the grammar school in connection with the Church of England, which is also built and fully paid for. I may also say that the ground on which the church, parsonage, and grammar school are built, was bought by us.
18. Has the debt on these buildings in the parish of St. Paul been fully discharged? No.
19. There is a debt remaining? Yes, nearly £3,000.
20. On the church, parsonage, and schoolhouse? No, on the church and parsonage, the schoolhouse is fully paid for.
21. The land, which was originally granted for the erection of a church, school, and parsonage, at West Maitland, is not now required for the purposes for which it was intended, because of two churches having been built? It was found inconvenient to build on the first grant, and therefore the church of St. Mary was built in a different position, and St. Paul's has also been built in another part of the town.
22. And because of St. Mary's and St. Paul's having been erected this land is not now required for the purpose of erecting a church? Just so.
23. But the churchwardens of both parishes think it expedient that it should be sold, and the proceeds devoted to the discharge of the debts of the two parishes? Yes. It has always been held out as a hope that the enormous expenses we have been at should be reimbursed in that way.
24. Have you any connection with St. Paul's church? I have been a churchwarden ever since it was erected, and I was on the Building Committee for it.
25. Is it the desire of the Bishop and the churchwardens of these two churches that the proceeds of the sale of this land should be applied in the manner mentioned in the preamble of this Bill? It is.
26. *By the Chairman*: Has there been a schoolhouse erected in the parish of St. Mary? Yes; there has been for years a parish school in St. Mary's, as well as the church and parsonage.
27. *By Mr. Blake*: And there are similar erections in the parish of St. Paul? Yes; St. Paul's Church, we consider, will accommodate from 800 to 1,000 people.
28. *By Mr. Dickson*: Has there been any meeting of the parishioners in reference to this subject? Yes.
29. A public meeting? A meeting of the churchwardens and parishioners both in St. Paul's and St. Mary's parishes.
30. How was the meeting convened? In the same way as all vestry meetings. The sale of this land has been in agitation for years, and has been always looked upon as one of the sources that would repay the great expenses we were at in building the two churches.
31. There was no public meeting of the inhabitants? The inhabitants had nothing to do with it. It was specially given for the Church of England, the same as other grants to different churches, and therefore the matter was entirely amongst ourselves. The whole of the parishioners consented, in vestry assembled.
32. Has there been any public meeting of the parishioners? A vestry meeting—we call our meetings amongst ourselves vestry meetings.
33. *By the Chairman*: It was notified from the pulpit? Yes; and also a notice of the meeting was put in the ordinary manner upon the church doors. It was a general meeting of the parishioners.
34. It is with the consent of the parishioners that this proceeding is taken? With the consent of the whole of the parishioners of St. Paul's and St. Mary's.
35. No objection was made by any of the parishioners to the division as proposed in this Bill, so far as you are aware? Decidedly not; and it is one of the things put down in my instructions from the churchwardens of St. Mary's that they are perfectly agreed as to the proceeds being equally divided.

36. *By Mr. Blake:* I suppose a resolution to that effect has been passed in the vestry meetings of both parishes? Yes. E. P. Capper, senr., Esq.

37. *By Mr. Barker:* In point of fact you know this application to Parliament is made with the consent of the Bishop, the clergymen of the two parishes, the churchwardens, and the parishioners? Decidedly; with their full knowledge and consent. I consider myself fully enabled to say so. 14 Mar., 1861.

38. Do you know whether Mr. Henry Incedon Pilcher, one of the trustees of the land mentioned in this Bill, is still living? Mr. Pilcher is dead.

39. Do you know, or have you been recently informed, whether Mr. George Hobler, the other trustee, is living or dead? Mr. Hobler was living two or three months ago in California, and I am able to state that with certainty, as his son arrived here some ten days ago.

40. Were you informed by his son? I did not see his son, but some near relations of his told me that they had seen his son, and that Mr. Hobler was still alive.

41. Can you inform the Committee whether Mr. Hobler has ceased to reside in Maitland? I think it is nearly seventeen years since he resided in Maitland, and somewhere about thirteen or fourteen years since he left the Colony, as far as my knowledge goes.

APPENDIX.

A.

West Maitland,

10 March, 1861.

We hereby authorize and appoint Edward P. Capper, Esq., to appear and give evidence on the part of St. Mary's parish, before a Select Committee of the Legislative Assembly, relative to the sale of certain land in West Maitland, and the appropriation of the proceeds thereof.

For the Churchwardens,

GEO. VINDIN.

ROBT. CHAPMAN,
Incumbent of St Mary's.

[It appearing that there are some errors in the printed copy of the Despatch from the Secretary of State to the Governor General, of the 29th of November, 1853, which was presented to the former Legislative Council, on the 13th of June, 1854, an amended copy, which accompanies, has been prepared.]

1861.

NEW SOUTH WALES.

RIGHTS OF SQUATTERS.

Presented to both Houses of Parliament, by Command.

COPY OF A DESPATCH *from* HIS GRACE THE DUKE OF NEWCASTLE *to* GOVERNOR SIR CHARLES A. FITZ ROY.

[CONFIDENTIAL.]

Downing-street,
29 November, 1853.

SIR,

I transmit to you the copy of a Despatch which I address by the same Mail No. 126, 29 Nov., 1853. to the Lieutenant Governor of Victoria, on the subject of the rights of the occupiers of Pastoral Runs under the Order in Council of 1847, which has excited so much discussion in that Colony.

The circumstances of Victoria are so peculiar and so pressing, that I have thought it necessary to give the Lieutenant Governor these directions, without any reference to the case of similar occupiers in New South Wales. It appears to me that the question is best viewed separately as regards each Colony; and I have no wish, by these directions, to interfere in any way with the proceedings which you, with the advice of your Executive Council, may have taken, or may contemplate on the subject.

I have made this Despatch confidential, the subject not being one of direct importance to your Government; but I have no objection to your communicating its contents to your Executive Council, or to the Legislative Council, if you deem it expedient.

I have, &c.,

(Signed) NEWCASTLE.

GOVERNOR SIR CHARLES A. FITZ ROY,
&c., &c., &c.

[Enclosure to the foregoing.]

(COPY.)

No. 126.

Downing-street,
29 November, 1853.

SIR,

No. 111, 3 Sept.,
1852.No. 132, 24 Sept.,
1852.No. 133, 7 Oct.,
1852.No. 97, 3 June,
1853.

I have to acknowledge your Despatches of the numbers and dates specified in the margin, on the subject of the questions which have been raised relative to the extent of the rights of licensed occupants of Crown Lands in Victoria, under the Order in Council of 9th March, 1847, and subsequent Orders and Regulations.

2. In the first of these Despatches you inform me (paragraph 61) that you have brought the whole of this very complicated subject under the attention of the Home Government, in compliance with the wishes of the Legislative Council, as expressed in their Address, voted on the 17th August, 1852, in the manner explained in your Despatch.

3. In giving you the directions which the present Despatch contains, I am actuated by the desire to satisfy, as far as in my power, what appears to be the deliberate wish of the Legislative body, as well as your own. It would, undoubtedly, have been a far easier course for Her Majesty's Government to decline this responsibility, and to leave the entire charge of future regulations and the decision of questions of vested rights, now actually in dispute, to the Local Legislature and to the Local Tribunals respectively; especially, as under the engagements of Her Majesty's late and present advisers to the Colonists, there is every reason to expect, that the general control of the waste lands will soon be transferred from the Home to the Local Government; but I am compelled to recognise the strong grounds on which your application and that of the Legislative Council rests, and the justice of the appeal on the part of the occupants themselves to the Home Government for its assistance in defining and securing those rights which they have acquired under its own Acts.

4. Still the difficulty of decision on such a subject, with the materials in possession of Her Majesty's Government, is very great. Even the substantial facts on which that decision is to rest are by no means fully before me. I say this with no view of imputing blame to yourself, or the local authorities, who have supplied me, no doubt, to the full with such information as they deemed requisite, but I am left ignorant of many things which are probably so familiar in the Colony, that they have not been thought to require specific notice; for instance, while I should rather have inferred from your Despatch, that the majority of stockholders in the intermediate as well as in the unsettled districts, were still without leases, I consider it doubtful, from other statements in these papers, whether some leases for eight years may not have been actually given in the former districts. Again, I am altogether without information how the very important clauses in the Order in Council, which give the occupants in certain cases the right of exclusive purchase and the right of pre-emption, are practically worked in the Colony; whether, for instance, the lessee has been held entitled, on any occasion, to demand the sale of land on valuation, or it has been always considered competent to the Governor to decline to accede to such demand. Yet these are important points with a view to understanding the equitable relation which now subsists between the Government and the occupants, and without a fuller knowledge of these and other particulars than I possess, I feel that any adjustment proposed by Her Majesty's Government runs the risk of being founded on mistaken data.

5. I have done my best to remedy this deficiency by conversation with such persons, well acquainted with the Colony, as I could from time to time consult; and I have postponed taking any steps on your Despatches for a time far longer than I should have otherwise judged advisable, partly in the expectation that further incidental intelligence from yourself might assist me, and not without hope also, that some progress might be made towards adjustment by farther discussion and comparison of views in the Colony itself. I feel, however, that it is due to the important interest concerned that this delay should last no longer.

6. It is necessary that I should commence by stating that Her Majesty's Government are perfectly satisfied with the reasons which you have adduced, why the portion of the Order in Council which declares that actual leases shall be granted on demand has hitherto remained a dead letter, and must, probably, long remain so unless some equitable adjustment intervenes. They are satisfied that the circumstances of the Colony have rendered the surveys, which were considered essential preliminaries to the execution of the leases, impracticable, and that such extensive surveys will long be impracticable. This is an obstacle which no one fully appreciated beforehand, and for which no one is justly responsible. But the occupants have, in addition, no ground, in my judgment, to complain of this delay, because, in fact, the burden lay on them, and not on the Local Government, under the terms of the Order in Council and Regulations subsequently issued, as I understand them, to furnish such descriptions of their runs as might render it possible to grant a lease, and the assistance of surveys was a benefit offered them by the Local Government, and no part of their rights; and, still more, because, in the absence of the leases they seem to have enjoyed up to this time the full practical benefit of leases (except so far as regarded a sense of security for the future) and the various privileges which the Order in Council conferred nominally on lessees only.

7. It must be farther stated that it is perfectly clear that the real purpose of the Order in Council was that fairly represented in paragraph 68 of your Despatch, namely, to give encouragement to those engaged in pastoral pursuits, the value of which to the Colony is fully explained in your Despatches, and fully recognised by Her Majesty's Government. It was intended to give them adequate use of the land for the purpose of their particular industry, and adequate protection against disturbance in it. It was not intended

intended to give them advantages, beyond other members of the community, towards becoming purchasers of Crown Land, except to the very limited extent required for their actual accommodation, still less was it intended to enable them to become speculators in land, purchasing on terms peculiar to themselves, in order to sell again in the general market. And least of all was it intended that their pastoral occupations should stand in the way of the development of general population and industry, and of those facilities for the acquisition of land, by the public at large, which are essential to that development.

8. If the language of the Order in Council goes beyond these intentions, and if that language, coupled with the acts done under it, has conferred vested rights to an extent beyond what was at all foreseen and now felt as a practical inconvenience, a very serious question undoubtedly arises between private claims and the general interest. I will not say that in an extreme case the latter must not prevail, and that vested rights must not give way, subject to such compensation as it may be practicable to give.

9. But I am not satisfied that it is necessary to resort to measures of this nature. It requires to be first considered whether the existing powers of Government will not suffice at once to maintain the intended principle, and to repress the abuse. If the occupants insist on the extreme view of their rights, as controlling the obvious meaning of the concessions made to them, it becomes incumbent on Government to protect the public by insisting also on the rigorous interpretation of the Order in Council, when its provisions may seem to clash with the public interests.

10. Now the equitable rights of the occupants, on the strictest view, are also, I think, fully stated in your Despatch. I need only very briefly recapitulate those on which the questions now submitted to me, turn. They appear to be entitled to demand leases, under the conditions respectively specified as to intermediate and unsettled lands, to be executed whenever it is possible for Government to take the necessary measures, for terms not exceeding eight and fourteen years respectively. They are entitled to a right of pre-emption when lands are put up for sale, at the end of each year of lease in the intermediate—of the last year in the unsettled districts. They are entitled to an exclusive right of purchase in the unsettled districts whenever Government thinks fit to sell them land during the currency of the lease. And they are entitled to renewal under the conditions specified in section 16 of the Order in Council.

11. The limits to those rights on the other hand appear to be these, judging, as I am compelled to judge, only from the Order in Council itself and subsequent legal documents issued by the Local Government; for it is impossible that I can fully appreciate the modifications which usage or understanding, recognised both by Government and the occupants, may have introduced in the Colony.

12. In the first place, as the occupants have been treated in all respects as lessees since the Order in Council was acted on in the Colony, any lease granted must fairly be considered as dated only from that period. This I understand to be the view of the Legislative Council, in which I fully concur. The date on which I understand them to have fixed is the 7th April, 1848, to which I see no objection.

13. In the next place the Order in Council promises these leases only for terms "not exceeding" eight and fourteen years respectively. The squatters indeed appear to contend that these words are to be taken contrary to their plain import, as conveying a promise for the full extent of those terms; and I do not collect from any of your Despatches the impression of your own views on this very essential point. Mr. Forlonge, I observe, contends that the claimants in the unsettled districts have a positive "guarantee" for fourteen years absolute. I can only say that the most diligent examination of the papers has failed to show me any such guarantee. It cannot be seriously contended for a moment that a casual expression in the Despatch of Lord Grey transmitting the Order in Council (on which I see some reliance is placed—taken also apart from its context) had the effect of adding to or altering the definite words of an Order in Council. And could this be maintained, it would be easy to show from his Lordship's own subsequent Despatches, that he did not himself so interpret the Order. In a Despatch addressed to Sir Charles Fitz Roy, on the 6th August, 1849, he says, "but inasmuch as the Order of the 9th March leaves the length of the term of years to be granted entirely at your discretion, you will be able and justly entitled to refuse to such persons any lease for more than a year, unless they are willing to accede to the insertion of the conditions which you may require."

Par. 43 of
Land and
Emigration
Report.

14. It is hardly necessary to add, that as the occupants are now in the enjoyment of the full benefit of leases without possessing them, so they cannot justly claim that the term of lease to be ultimately allotted to each, whether fourteen years or less, must run from the actual issue of such lease. The antedating of the lease will be strictly equitable, inasmuch as they have hitherto had the same equitable advantage as if it had so been issued.

15. In the next place, although the lessee in an unsettled district has an exclusive right of purchase (subject to what I shall have presently to say on the head of reserves) during the currency of his actual or assumed lease, I find no provision in section 6 compelling the Governor to sell such lessee any land on his demanding it.

16. Nor do I find any provision in section 15 or elsewhere, compelling the Governor to put up land for sale at the expiration of each year in the intermediate districts, or of the lease in the unsettled districts; nor any provision continuing the right of pre-emption to the occupant at any future sale, when the Governor shall not have sold immediately on the expiration of the lease, and the lessee shall not have renewed or shall have been prevented from renewing by an alteration in the class of his land. And it must be added, that considering the great difficulties which you point out as attaching to the system of sale by valuation, it would be obviously unreasonable to suppose that the Governor was compellable to exercise these powers of sale when the public interest did not require it, merely in order to enable the lessee to exercise his exclusive or pre-emptive rights—those rights having really been given him only with a view to prevent interruption by others—not as a means of gain to himself.

17. In the next place, section 9 of the Order in Council gives the power of making grants or sales within the runs, and without any regard to exclusive or pre-emptive rights in the lessee, for many specified public purposes, including the purpose of digging for minerals, which may be of great importance in the present situation of the Colony; and, lastly, "for otherwise facilitating the government and settlement of the Colony." Without entering at length into the controversy to which these words have given rise, it is enough for me to say that the very differences of opinion which have existed among lawyers as to their exact construction, entitle you, in my opinion, to put on them the more liberal one, as regards the requirements of the public. If this construction be legal, and I have no reason to doubt it, it is plainly that which ought to be adopted both for the public advantage and also with a view to the equitable redemption of the promises, and no more than the promises intended to be made to the occupants themselves. It was intended to prevent land comprised in their runs from being sold by Government to parties purchasing for mere speculative purposes, and at the same time to enable it to be so sold (without regard to the lessees' right of exclusive purchase) where the public necessities of the Colony were such as to require it. When, therefore, you are of opinion that the progress of population and settlement in a particular quarter has rendered it matter of public importance, that enough land should be made available for the agricultural supply of the wants thus created, you may, in my opinion, sell land to that extent, under the general sale regulations of the Colony, though situated within a run.

18. And lastly, I consider it plain that Her Majesty's Government have the power to make rules respecting the division, from time to time, of the land into settled, intermediate, and unsettled districts, by Order in Council. And considering the great change in the circumstances of Victoria, it is obvious that the time has arrived for a liberal exercise of that power. I am not indeed certain (but prefer on such a point to be guided by local experience) whether an entire abolition of the "unsettled class" and a very wide extension of the "settled," leaving only the more distant portions as "intermediate," would not be the best course. I shall therefore so delegate the necessary powers to the Governor, as to leave him absolutely free in this respect. The effect of such an extension would, of course, not be to interfere with subsisting leases (whether actually granted or promised, and therefore assumed to exist) but it would, as it appears to me, destroy all right of renewal, except subject to the terms applicable to the class in which any run might, by the change, become included.

19. These are the powers which appear to me to be vested in Government, consistently with the equitable and literal engagement to the occupants, as far as they are to be collected from the Order in Council. But here the great difficulty to which I have referred at the outset of this Despatch, meets me at once. I cannot collect, even from the mass of documents before me, how far the interpretation which I have put on these powers may be modified by the subsequent acts or declarations, or tacit assent of the Local Government, so as to give place to an interpretation more favorable to the squatters. The mere assertion of the latter I cannot, of course, take for granted, and I am fully aware, in cases of contract between Government and individuals, or classes of individuals, how easily a more favorable view of each provision towards the private person, and less favorable to the Government, becomes current in common expectation; how watchful individuals are in extending their rights by implications and construction; and how little interest, comparatively, those who represent the Government have, in resisting such extension. The only rule I can furnish you with is this: that where a construction more favorable than what I have laid down, rests only on some vague and general understanding, current among the classes benefited, it may be altogether disregarded, nor can any loss incurred by individuals through the non-recognition of such an understanding be considered as establishing a right to compensation. But where such construction is so far supported by acts or declarations of the Local Government as to appear sanctioned by a pledge of the public faith, these individuals are entitled, either to its maintenance, or (if this be impracticable) to reasonable compensation. I am aware that in laying on you the duty of distinguishing between these supposed cases, I impose a task of difficulty and delicacy; but it is unavoidable.

20. With regard to the duration of leases, in particular, I have been led partly by your silence on the subject, and partly by other circumstances, to infer that the claim of the squatters for leases of maximum duration, though contrary to the plain words of the Order in Council, may, nevertheless, have derived some force from the acquiescence of the Local Government. If this is really the case, although I think it much to be regretted, my instructions must be regarded as open to some modification in partial recognition of a claim thus substantiated.

21. Subject to these cautions, I have to authorize you to employ the various powers which, according to these views, belong to the Local Government, as far as you may consider advisable. And I cannot but consider them as amply sufficient to ensure to the community at large an adequate supply of available land, without infringing on the real rights of the squatters.

22. But with regard to these latter, it is by no means the wish of Her Majesty's Government that they should be placed in real difficulties, or their well-founded expectations—expectations, that is, limited within the purpose for which these advantages were first given them—disappointed. I recognize to the fullest extent the great value of which their industry has hitherto proved to the community, and believe that whatever may be the development of the Colony under its present altered circumstances, pastoral pursuits will still furnish the most profitable and useful occupation to a considerable portion of its inhabitants. My only object is that the extensive privileges which have been accorded them may not be perverted by too literal claims to purposes for which they were not intended, and
may

may not be exercised with manifest unfairness to other classes. It is to prevent this abuse that I have thought it necessary to point out that if the rights of the Crown are insisted on with equal strictness, the use of those privileges will be very materially curtailed.

23. If, therefore, any occupiers of runs should apply for leases, and should be content to receive leases exempt from those conditions which are at once injurious to the community and useless for merely pastoral purposes, you are fully authorized and desired to grant them. Such leases should contain no power of exclusive purchase during the term, or of pre-emption at the end of it, except with such limitations as should clearly confine such power to land really wanted by the lessee for those purposes of homesteads and *bonâ fide* improvements, which are specified in paragraph 65 of your Despatch, which appears to me to contain a reasonable definition of pre-emptive right. They should also be subject to the power of the Government to resume, from time to time, and offer for ordinary and open sale, after sufficient notice, land which may be really wanted for that purpose, in the judgment of those in whom the control of the public lands is vested. Par. 65.

24. To those who may prove willing to accept this offer, making thereby a concession of extreme rights, I would authorize you, in return, to make all reasonable concessions on the part of Government. As to the duration of their leases, for instance, I would leave you full discretion, to the extent of the maximum given by the Orders in Council, but dating the lease from the 7th April, 1848, as recommended by the Legislative Council. As the difficulties of accurate survey will no doubt continue for some time longer, I would leave you at liberty either to issue leases with such general description of boundaries as the lessee may be content with, and (with the consent of the Legislative Council, if necessary) so to confirm these boundaries as to secure the lessee from any encroachment on the part of Government, leaving, of course, the rights of third parties *inter se*; or, if the lessee preferred it, he might be allowed still to remain on the footing of an occupier, possessing an equitable title to a lease, until this could be executed with the more absolute precision which a survey would afford. I will not go farther into particulars which must be far better understood on the spot, but only repeat my general instruction, that additional security and advantage to those who are willing to take these leases for *bonâ fide* pastoral purposes, and free from the objectionable conditions, will be a very fair purchase for the surrender of a portion of their present claims.

25. With regard to the substitution which you propose, of an assessment on stock for present rent, I entertain some doubts whether much advantage will, in reality, be gained by such a measure; but it is one on which I am quite ready to adopt the views to which your own local experience has led you.

26. Lastly, if there be any parties who would prefer to surrender the extreme rights of which I speak for other compensation, or to whom injury may really be done by the disappointment of just expectations, which enforcing the powers of Government may occasion, it appears to me that both the land of the Colony (should the provisions of the present Waste Lands Act be modified) and its public funds might be very fairly resorted to for the purpose of affording such compensation; and Her Majesty's Government would readily afford any assistance in their power towards it, on being moved to do so by Address from the Legislative Council.

27. As to the manner in which the necessary measures are to be carried into effect, I have been reluctant to advise the exercise of the Queen's power of legislation by amending the present Order in Council, because it appears to me desirable to try the effect of farther arrangement and mutual understanding before resorting to any measure which might be construed as a legislative invasion of vested rights. I have also considered that under the engagements now subsisting between Her Majesty's Government and the people of Victoria, all the provisions of the Waste Lands Act will (as before said) probably soon come under the revision of Parliament, when this particular portion of the subject can be more satisfactorily treated in connexion with the rest. I prefer, therefore, waiting for a farther report from yourself, and using such power as may remain to the Crown, or be placed by Parliament at its disposal, to give validity to any measures which you (with the advice of your Executive Council) may have adopted under those instructions.

28. I am ready, however, to cause to be prepared, two short Orders in Council, the one empowering the alteration of the limits of the Districts, the other to enable you to substitute an assessment of stock for rent: neither however, to have any force in the Colony until publication there, the time of which will be left to your discretion. But as these Orders must necessarily be laid before Parliament, which is not yet in Session, some time must elapse before you can receive them, and it is possible that some intervening information from yourself may render them unnecessary.

29. I will not lengthen this Despatch farther than by expressing my sincere hope that this very difficult and pressing question will be fairly adjusted, whether through the use of such means as are here placed in your power, or (which would be much more satisfactory to myself) by mutual concessions and reasonable arrangement in the Colony. In this way only can the necessary progress of settlement, and the just demand of the increasing population for facilities in acquiring land, be reconciled, with the preservation of that important interest whose claims are now under review.

I have, &c.,
(Signed) NEWCASTLE.

LIEUTENANT GOVERNOR LA TROBE,
&c., &c., &c.

1861.

Legislative Assembly.

NEW SOUTH WALES.

EAST MAITLAND LAND RESERVES.

(RETURN IN REFERENCE TO.)

Ordered by the Legislative Assembly to be Printed, 30 January, 1861.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 2 February, 1860, praying that His Excellency the Governor General would be pleased to cause to be laid upon the Table of this House,—

- “ (1.) A Copy of the Report of the Acting Surveyor General, of
 “ the 15th August, 1858,* to the Secretary for Lands and
 “ Public Works, on the subject of the East Maitland Land
 “ Reserves.
 “ (2.) All documents referred to in such Report.
 “ (3.) The Cabinet Minute of the Secretary for Lands and Public
 “ Works, of the 7th May, 1859; and the Executive Council
 “ Minute, approved by His Excellency the Governor General
 “ on the 20th of the same month; in each case relating to the
 “ same matter.”

(Mr. Robertson.)

No.	SCHEDULE.	PAGE.
1.	Report of the Acting Surveyor General to the Secretary for Lands and Public Works. 15 August, 1859	2
2.	John Borthwick to the Secretary for Lands and Public Works. 19 July, 1859	2
3.	Under Secretary for Lands and Public Works to J. Chambers, respecting certain appropriations for Reserves. 20 June, 1859	3
4.	J. Chambers to Colonial Secretary. 22 December, 1858	3
5.	The Under Secretary to J. Chambers. 20 December, 1858	4
6.	J. Chambers to Colonial Secretary. 22 November, 1858	4
7.	J. Chambers to Colonial Secretary, forwarding copy of Resolutions passed at a Public Meeting of Inhabitants, respecting Reserves for Commonage, &c. 6 December, 1858	4
8.	Minute of Surveyor General on subject of Reserves, &c. 21 February, 1859	5
9.	Colonial Secretary to Surveyor General.—(Enclosures.) 22 January, 1849	5
10.	Inhabitants' Memorial to His Excellency the Governor General, respecting Town Reserves. 23 March, 1854	6
11.	Report of Deputy Surveyor General. 28 April, 1854	6
12.	Surveyor General to Colonial Secretary. 1 June, 1854	7
13.	The Under Secretary to Bench at Maitland, respecting Regulations for Pasturage Reserves at Maitland. 19 June, 1854	7
14.	Cabinet Minute—Appropriations for Reserves. 7 May, 1859	7
15.	Minute of Executive Council, same subject. 10 May, 1859	8
16.	Minute of Executive Council, same subject. 10 May, 1859	8

EAST MAITLAND LAND RESERVES.

No. 1.

REPORT of Acting Surveyor General to Secretary for Lands and Public Works.

THE most important portion of this communication is that in which Mr. Borthwick claims, on behalf of the Municipality or the inhabitants of East Maitland, the right to permanent use, for pasturage purposes, of the 800 acres which forms a portion of the Maitland Town Reserve.

To shew that this right does not exist, it is necessary to go back to the time when the reservation was first introduced in the Office Maps—and this, so far as the records of this office shew, was done in the year 1849, under the authority of a letter from the Colonial Secretary, the 22nd January, 1849, No. 30, and a Minute of the Executive Council, a copy of which was enclosed in that letter to the Surveyor General.

This Minute, it will be seen, had a general reference to towns in the Colony, and under it Pasturage Reserves were introduced on all the maps, in cases where land which was suitable to the purpose remained in the possession of the Crown, in the vicinity of the more important country towns, and, amongst others, in the case of Maitland.

The Minute shews distinctly that the appropriation was to be for so long only as the land might "remain unalienated by grant."

The next step, in reference to the 800 acres, appears to have been the transmission, in March, 1854, of a Memorial, addressed to Sir Charles Fitz Roy, praying that the Pasturage Reserve should be placed in the hands of Trustees, and on which reports were made by the then Acting Surveyor General (Mr. Thompson), and by the late Sir Thomas Mitchell, the former of which reports repeated the principle laid down by the Executive Council Minute before referred to—that the appropriations should only be "until the land is required for extension of the town, or for other purposes;" and the latter recommended that the Pasturage Reserve should be placed "under regulations, to be framed by the local Magistracy, and enforced on their responsibility, after having been approved by the Governor General."

The Governor General having approved of Sir Thomas Mitchell's recommendation, the Memorialists were so informed, and the Bench was requested to frame regulations, which, however, it appears, was never done.

It will thus be seen that the Government has never, in any way, pledged itself to make the Reserve of 800 acres a permanent appropriation, but, on the contrary, has always provided for its being only of a temporary character.

It may be proper here to call attention to the fact, that a person of the name of Hickey has permission (obtained from Government in 1851) to occupy for life a portion, as shewn on the tracing of Maitland, with these papers, of the 800 acres in question.

A lithographic plan of the town of Maitland, shewing the permanent and temporary Reserves, as approved of by the Executive Council, shall shortly be prepared, and copies of it will, of course, be sold in Maitland, and at this office.

A. G. McLEAN,
Acting Surveyor General.

*Surveyor General's Office,
Sydney, 15 August, 1859.*

No. 2.

MR. JOHN BORTHWICK to SECRETARY FOR LANDS AND PUBLIC WORKS.

*East Maitland,
19 July, 1859.*

SIR,

I do myself the honor of addressing you on a subject of the deepest importance to us as a community.

A letter from your department was submitted to me by Mr. Chambers concerning the East Maitland Reserves. According to the tenor of that letter, it appears a portion of the Reserves were to be given permanently, and other portions temporarily. As I and others of the community are in a total state of ignorance as to the acreage or locality of those Reserves, would you cause a lithographic plan to be enclosed, pointing out the portions permanently and temporarily so granted? But I may at once state that I take exception to the word temporary, because, in the old map proposed by Mr. G. B. White, a portion of land consisting of some 800 acres was reserved as a common for depasturing purposes; therefore, I maintain that the Government had alienated that portion of land for the use of the inhabitants, consequently they had no right to resume possession again. Would you also inform me when the word temporary was substituted, whether under the old *regime* or since responsible Government was inaugurated? Perhaps you recollect that a public meeting was holden some time ago, for the purpose of protesting against the Government alienating a portion of one of our Reserves to the late Mr. H. Osborne; could you inform me if such Reserve comes under the head of "temporary?"

I submit that it is absolutely necessary that all ambiguity with reference to those Reserves should at once be cleared away, because we are on the eve of attempting to establish Municipal Institutions, for the better government of this town; therefore, we require something tangible and definite to put before the public, and this subject has been in abeyance sufficiently long.

Your earnest and immediate attention is solicited to the above.

I am, &c.,

JOHN BORTHWICK.

No. 3.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to J. CHAMBERS, ESQ.

Department of Lands and Public Works,

Sydney, 20 June, 1859.

SIR,

Alluding to your letter, of the 22nd December last, respecting the Reserves at Maitland, over which the Municipality of Maitland will, when established, possess jurisdiction, I am directed to inform you that the Executive Council, before whom the matter was brought, have approved of the following portions of land being appropriated and set apart for the purposes specified in each case, namely:—

130	Acres	Reserve—	Raccourse and Recreation.
40	"	"	Cook's Square and Park.
3½	"	"	Market Place or Square.
6½	"	"	Market Reserve.
630	"	"	Temporary Pasturage.
250 to 300	"	"	Reserve and Town Extension.

I have, &c.,

MICL. FITZPATRICK.

No. 4.

J. CHAMBERS, ESQ., to COLONIAL SECRETARY.

Maitland, 22 December, 1858.

SIR,

In acknowledging the receipt of your letter of the 20th instant, I am instructed to say, that the Committee nominated by the inhabitants of the Town did not intend to ask for any general pledge respecting the Reserves or other public lands, but sought only that which your letter appears to concede, viz., facility to enable the Municipality to carry out the duties specially imposed on it by the Act.

The duties so enumerated are, the formation and regulation of markets—the management of public recreation grounds—the control of commonages; and the Reserves applied for by the Committee were those, and those only, dedicated to the public on the sale plan of the town for the above purposes, namely, the Market Reserve, the Recreation Ground Reserve, and the Pasturage Reserve; and it was thought to be but a reasonable application, inasmuch as it appeared impossible for the Municipality to perform those duties without those Reserves—the inhabitants, it was said, could not be taxed for the erection of market buildings, or other public works or improvements, on lands from which they might at any moment be excluded—nor could the Corporation seek sites for these public works other than those marked on the town plan, for by so doing they would be acting most unjustly to those townsmen who purchased of the Government allotments abutting on the Reserves set apart for such works; paid for above their then value, and built largely on them, under the belief that the Government would not forget the representations under which those prices were obtained.

Hitherto, perhaps, the many demands on the public purse may suggest a cause for the non-performance of the contract; but when the inhabitants (being empowered by law to manage local works) express their willingness to aid in carrying out the Government plan of the town at their own expense, it is hoped that they are not asking for facilities beyond the scope of those which you state the Government will be willing to grant.

With respect to the second paragraph of your letter, noting that the applications will be decided on when made, I beg to state, that the authority of the Committee goes to the extent of now applying for the decision of the Government on the question before asked, namely,—Will the Government convey to the Municipality of Maitland, if duly established, those Reserves, necessary for the performance of the duties specially imposed by the Municipal Act, that is to say,—the Market Reserves, the Recreation Ground Reserve, and the Pasturage Reserve?

I have, &c.,

JOSEPH CHAMBERS.

Referred for Report of Surveyor General. B. C. 31 December, 1858.—M. F.

EAST MAITLAND LAND RESERVES.

No. 5.

THE UNDER SECRETARY to J. CHAMBERS, Esq.

*Colonial Secretary's Office,
Sydney, 20 December, 1858.*

SIR,

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of the 22nd ultimo, inquiring whether the Government will be prepared to vest in the Corporation of Maitland, when duly established, the Reserves for the Cattle Market, the Park or Recreation Ground, and that for Pasturage, which are included within the limits of the proposed Municipality; and to inform you in reply that the Government will be ready to give every facility to the Municipality to enable it to carry out the duties imposed upon it by the Act, but that no general pledge can be made respecting the Reserves or other Public Lands.

2. I am desired to add that the applications for portions of ground will be decided upon when made.

I have, &c.,
W. ELYARD.

No. 6.

J. CHAMBERS, Esq., to COLONIAL SECRETARY.

Maitland, 22 November, 1858.

SIR,

I have the honor to enclose you copies of certain Resolutions passed at a public meeting of the inhabitants of Maitland (East), held on the 15th instant, and beg to state that the Committee appointed by said meeting have requested me to correspond with the Government on the matter referred to in such Resolutions.

The Act for establishing Municipal Institutions provides (Sec. 72), that the Councils shall make by-laws for the regulation of Markets, &c.; and by Sec. 76, for regulating the rights of the inhabitants over any land lawfully set apart as a Common. The inhabitants of Maitland have within their township Reserves dedicated to the above purposes, but hitherto, owing to there being no recognized body acting for the people, they have been unable to get those Reserves so surely and finally appropriated by the Crown to their public uses as to justify them in expending moneys on their improvement.

These Reserves are as follow:—

- 1st. The Cattle Market, on which, about 20 years since, sale yards were erected by private persons, and have since been maintained by them.
- 2nd. The Park, unimproved.
- 3rd. The Pasturage Reserve, also unimproved. A portion, it was understood, was to have been granted for a Racecourse, but it appears the authority was given in error, and has been recalled: the labour of clearing and fencing, which was cheerfully undertaken by the people, has therefore been suspended.

The inhabitants of the town expect they will be dealt with, as regards their dedicated Reserves, as other towns have been, and that these Reserves will be secured to the uses declared by the sale plan of the town. And as regards the other Reserves of the Crown for which no use has been declared, and the unsold allotments, the inhabitants will be content to abide by the effect of any general course of action which the Government may lay down for its guidance. Doubtless many Government townships will become municipalities, and claims be made to the unsold lands of the Crown within their boundaries, the principle of action should therefore be fixed, but this claim the inhabitants of Maitland would be willing to leave open for consideration, on the understanding that they shall hereafter enjoy the same benefits and privileges as the Government may hereafter extend to any Government township which may become a municipality.

The chief matter therefore for present consideration is, whether the Government will be prepared to vest in the Corporation of Maitland, when duly established, the Reserves for the Cattle Market, the Park or Recreation Ground, and that for Pasturage—all which are comprised within the Government township, being laid out on the plan thereof, and are included within the limits of the intended Municipality.

I have, &c.,
JOSEPH CHAMBERS.

No. 7.

J. CHAMBERS, Esq., to COLONIAL SECRETARY.

Maitland, 6 December, 1858.

SIR,

Being under the impression that the copy of the Resolutions passed at a public meeting of the inhabitants of Maitland was not enclosed in my former letter, I do myself the honor to transmit them herewith, and beg to inform you that the meeting at which such Resolutions were passed was adjourned until Monday next the 13th instant.

I have, &c.,
JOSEPH CHAMBERS.

[Enclosure

[Enclosure in No. 7.]

At a public meeting of the Inhabitants of Maitland (East), held at the Court House, it was resolved:—

That it is desirable that the township of Maitland (East), as described for police purposes, with the addition of the town Reserves, should be created into a Municipality.

That the following persons, with power to add to their number, form a Committee to correspond with the Government as to the rights of commonage, &c., &c., and report thereon to this meeting, viz.:—Messrs. Dodds, Ogg, Chambers, Robinson, Nainby, O'Meagher, and M'Loughlan.

That this meeting adjourn for one month.

JOHN KINGSMILL,
Chairman.

Maitland, 15 November, 1858.

No. 8.

MINUTE of Surveyor General.

(Cabinet. 58-4480.)

The Recreation Reserves are:—The Racecourse and Recreation Appropriation, containing 130 acres, the description of which was forwarded for final approval by my half-monthly return, No. 58-58; "Cook's Square" and the "Park" adjoining it, containing about 40 acres.

The Market Reserves are:—The Old Cattle Market Reserve, containing 8 acres; the New Market Reserve, containing about $6\frac{1}{2}$ acres; and the Market Place or Square, containing $3\frac{1}{2}$ acres.

A Reserve of 800 acres for Pasturage and Extension was shewn on the maps, but of this the portion of 130 acres before referred to has been taken for the Racecourse and Recreation Reserve, and part of the remainder has been designed for town extension, on each side of the Railway Line.

A part of what is left might be placed in the hands of the Municipality as a permanent Pasturage Reserve, but its extent and position would first have to be determined; and, should the Secretary for Lands and Public Works approve, the Improvement Committee, or the Municipality when erected, might be invited to make a specific application.

The Old Cattle Market Reserve before mentioned is unsuitable for the purpose for which it was reserved, and should it be determined that such lands are to be placed in the hands of the Municipalities, this should probably be excluded.

It will be seen by a reference to the papers noted in the margin, that it was not considered competent to the Government to appropriate this land to other purposes, even of a public nature, for which it was better suited, and it may be desirable hereafter to obtain that power through the Parliament, and so apply the land to some public purpose to which it may be suited, or sell it. 36-3374.

GEORGE BARNEY.

Surveyor General's Office,
Sydney, 21 February, 1859.

No. 9.

COLONIAL SECRETARY to SURVEYOR GENERAL.

Colonial Secretary's Office,
Sydney, 22 January, 1849.

SIR,

In reference to your report of the 17th April last, respecting the land which has been reserved for the use of the townspeople of Yass as pasturage for their milch cows, I now do myself the honor to transmit to you the accompanying extract from a Minute of the Executive Council upon the subject, which has been duly approved by the Governor, and in accordance therewith, I am directed by His Excellency to request that you will have the goodness to furnish me, for the necessary publication, with a description of the land so reserved.

Under Blank
Cover. Copy of
Report not
necessary.

I have, &c.,
E. DEAS THOMSON.

[Enclosure in No. 9.]

EXTRACT from Minute of the Executive Council, dated 19th December, 1848, respecting the best mode of securing to the Inhabitants of Townships the exclusive right of pasturage for their milch cows over certain lands proposed to be reserved for that purpose.

With reference to the proceedings on the 12th September last, His Excellency the Governor lays before the Council the Attorney and Solicitor General's letter of the 28th November, 1848.

In accordance with the recommendations contained in this opinion, the Council advise that, in the case of Bathurst, and of every other town to which a similar privilege may be conceded, notice should be issued, that His Excellency, acting on behalf of Her Majesty, has reserved a certain portion of land (to be described) for the exclusive use (so long as it may remain unalienated by Grant) of the householders residing in the town, for the pasturage of their milch cows, according to certain rules to be in that behalf made and provided; that the Magistrates in Petty Sessions should be authorized to frame such rules, subject to their approval by His Excellency the Governor, and that the Chief Constable or some other suitable person should, in such case, be authorized to act as Crown Bailiff in respect to the reserved lands, and to proceed against intruders thereon under the 4th section of the Statute 9th and 10th Victoria, chapter 104.

[Sub-Enclosure

[Sub-Enclosure in No. 9.]

Attorney General's Office,
28 November, 1848.

Sir,

We have the honor to acknowledge the receipt of your letter of the 23rd September last, transmitting the accompanying Petition, forwarded by Mr. J. B. Darvall from certain inhabitants of Bathurst, praying that a portion of land may be set apart for their use as a Common, together with the decision of the Executive Council thereon; and requesting, by direction of His Excellency the Governor, that, in accordance therewith, we will report in what manner authority can best be given to the Magistrates in Petty Sessions, or to some person acting under the Magistrates, directions to protect the right of the townspeople to the exclusive pasturage of so much of the unsold lands adjacent to the town as His Excellency may think it expedient to reserve for the purpose from the use of the neighbouring land-owners, who might otherwise claim a right of commonage over them under the Regulations of 29th March last.

In reply, we beg to state that the 3rd section of the 5 and 6 Victoria, cap. 36, authorizes the Crown, or the Governor acting on behalf of the Crown, either to dispose of or reserves any lands required for any purpose of public convenience, &c.

If, under this section, a Government notice were to be issued to the following effect, viz.:—
“That such a portion of land (describing it) had been reserved by His Excellency, acting on behalf of Her Majesty, for the exclusive use of the householders residing in the Town of Bathurst, for the depasturage of their milk cows, according to certain rules and regulations to be in that behalf made and provided”—it appears to us that it would prevent such land from being considered “vacant” within the meaning of the 2nd Clause of the Regulations of the 29th March last.

If it should be considered expedient by His Excellency, the Magistrates in Petty Sessions might be authorized to frame rules and regulations as to the mode of occupying this land by the townspeople, such rules, &c., to be submitted for His Excellency's consideration and sanction; and as this land would be reserved, and not granted or leased, any one wrongfully intruding on it, or depasturing cattle on it with license, might be summarily punished under the 4th section of the 9 and 10 Victoria, cap. 104, at the instance of any one duly authorized by the Governor to act in that behalf.

We have, &c.,

J. H. PLUNKETT,
Attorney-General.
W. FOSTER,
Solicitor-General.

No. 10.

MEMORIAL of Inhabitants of East Maitland to Governor General.

To His Excellency Sir Charles Augustus Fitz Roy, Knight, Governor General of the Colony of New South Wales and its Dependencies, &c., &c., &c.

The Memorial of the undersigned, Inhabitants of the Town of Maitland, commonly known as East Maitland,—

SHEWETH :—

That your Memorialists reside at Maitland aforesaid, and have been accustomed to run horses and other stock, their property, on the Pasturage Reserve attached to the township, and to take firewood therefrom. That, of late, persons not interested in the township, have placed flocks of sheep and herds of stock on such pasturage, whereby the horses and cattle of the inhabitants have been driven off, or left without food. And that the present waste by fire, and indiscriminate cutting valuable timber trees for the purpose of procuring the upper branches for firewood, will, if not checked, soon produce a scarcity of wood, to the great inconvenience of the inhabitants.

Your Memorialists would also shew, that they believe that no grant has been issued of these lands to Trustees, for the public use, and that, therefore, no person has authority to act in suppression of the evils before pointed out.

Your Memorialists therefore humbly pray that your Excellency will be pleased to have the Maitland Reserve granted to Trustees, for the use of the public, in order that such Trustees may regulate the use of such land in accordance with the Commonage Act, 11 Vic., No. 31.

And your Memorialists will for ever pray.

J. H. CRUMMER, P.M.
EDWARD OGG.
JOSEPH CHAMBERS.
JAMES THOMSON, C.C.L.
CHAS. L. PITT.
A. DODDS.

Maitland, 23 March, 1854.

No. 11.

REPORT of Deputy Surveyor General.

I DO not perceive any objection to a compliance with the prayer of this Memorial, provided it be understood that the conditions are similar to those on which the use of other Town Reserves has been allowed, namely, until the land is required for extension of the town, or for other purposes. In similar cases to this, the inhabitants have been required to frame their own regulations, founded upon certain general rules, subject to the approval of the Governor General, but the Act 11 Vic., 31, applies specially to the old Cumberland Commons, granted in the early days of the Colony. There is certainly provision in the Act for granting

new

new Commons to Trustees, but this has never yet been acted on, and as such a granting would amount to an absolute alienation, it could only be made to apply to a part of the Reserve in question, if any; but that would not meet the views of the Memorialists, who desire such a control of the whole Reserve as would prevent its being improperly used. The granting of any portion of the Reserve to Trustees would be a matter of serious consideration.

The Memorialists ask for the granting of the whole, which would be to prevent the extension of the Town, and so stamp all their properties with an increasing value.

JOHN THOMPSON.

*Surveyor General's Office,
Sydney, 28 April, 1854.*

No. 12.

SURVEYOR GENERAL to COLONIAL SECRETARY.

*Surveyor General's Office,
Sydney, 1 June, 1854.*

SIR,

In attention to your letter, No. 54-454, of the 26th ultimo, wherein you enclose to me a Memorial from the inhabitants of the Town of Maitland, requesting that the Pasturage Reserve in that town may be granted to Trustees, in order to secure to the Memorialists the benefits of the commonage, and by direction of His Excellency the Governor General request my report on the subject referred to, in addition to that already received from the Acting Surveyor General, No. 54-117, dated the 28th April last; I have the honor accordingly to observe, that as no commonage grants have been made to any inhabitants of towns since I have held my present office, and judging by my experience of any exercise of commonage rights formerly granted, I do not consider it expedient to grant rights of commonage to be exercised by any Trustees over the public Reserves marked on the plan of East Maitland. This, I beg leave to observe, I consider still less expedient, because the preservation of the wood on the land reserved as a place of recreation being very expedient, would be, I think, more possible under regulations to be framed by the local Magistracy, and enforced on their responsibility, after having been approved by the Governor General.

I have, &c.,
T. L. MITCHELL.

No. 13.

THE UNDER SECRETARY to BENCH OF MAGISTRATES, MAITLAND.

*Colonial Secretary's Office,
Sydney, 19 June, 1854.*

GENTLEMEN,

I do myself the honor, by the direction of the Governor General, to request that you will have the goodness to frame Regulations for the guidance of persons desirous of availing themselves of the use of the Pasturage Reserves at Maitland, and to forward them to this Department, in order that the same may be submitted for the approval of His Excellency.

I have, &c.,
W. ELYARD.

No. 14.

CABINET MINUTE.

AFTER consulting with my Colleagues it was determined to recommend the appropriation as Permanent Reserves the following:—

Acres.	
130	..... Racecourse and Recreation.
40	..... Cook's Square and Park.
6½	..... New Market Reserve.
3½	..... Market Place or Square.

For Town Extension and Temporary Pasturage Reserve:—630 acres, being portion of the 800 lot.

Same:—250 to 300, being the portion of the Town Reserve between Goldenham's 508 acres and Davies' 200 acres.

JOHN R.
7 May, '59.

EAST MAITLAND LAND RESERVES.

No. 15.

MINUTE of Executive Council.

THE Honorable the Secretary for Lands and Public Works has enumerated the portions of land, the reservation of which is in his opinion desirable, and the Council, upon consideration of the whole correspondence, concur in that opinion, and advise that the several portions described by him be appropriated and set apart for the purposes specified in each case.

Approved—W. D.
20 May, '59.

A. ORPEN MORIARTY,
Clerk of the Council.
10 May, 1859.—No. 59-436.

No. 16.

PROCEEDINGS of the Executive Council with respect to the appropriation of certain land in the Town of Maitland, &c., as permanent Reserves.

Extract from Minute No. 59-19—Dated 10th May, 1859.

PRESENT:—

His Excellency the Governor General.
The Honorable the Vice President of the Council.
The Honorable the Colonial Treasurer.

HIS Excellency the Governor General lays before the Council certain letters from Mr. Joseph Chambers, of Maitland, accompanied by reports from the Surveyor General, and previous correspondence, on the subject of certain lands in the Town of Maitland, and its vicinity, which have been reserved for various public purposes.

2. The Honorable the Secretary for Lands and Public Works has, in a Minute which accompanies the correspondence, enumerated the portions of land, the reservation of which is in his opinion desirable, and the Council, upon consideration of the whole correspondence, concur in that opinion, and advise that the several portions described in the Schedule hereto appended, marked "A," be appropriated as "Permanent Reserves" for the purposes specified in each case, and that the portions described in the Schedule marked "B" be set apart for extension of the Town, and to be used until required for sale, or other public purpose, as a "Temporary Pasturage Reserve."

A. ORPEN MORIARTY,
Clerk of the Council.

APPENDIX A.

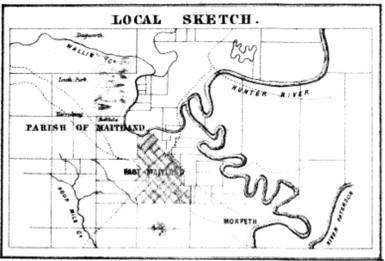
130 acres	.....	Raccourse and Recreation.
40 "	.....	Cook's Square and Park.
6½ "	.....	New Market Reserve.
3½ "	.....	Market Place or Square.

APPENDIX B.

630 acres	.....	Being portion of the 800 lot.
250	} "	..... { Being the portion of the "Town Reserve" between Goldenham's 500 acres and Davies' 200 acres.
to		
300		

WATER RIVER

W A L L I S C R E E K



F Goldingham 508 ac.



J Smith

Patriok Riley

George Mitchell 116 ac.

TEMPORARY RESERVE FOR PASTURAGE 280 TO 300 ACRES

Benjamin Davis 200 ac.

F Dixon 60 ac.

William O'Donnell 100 ac.

J F Wickham 640 ac.

H Eckford 100 ac.

E. C. Close 2050 ac.

PLAN OF THE TOWN OF MAITLAND EAST County of Northumberland N. S. W.

Scale of 8 Chains to an Inch. Surveyor General's Office, Sydney, 1861

1861.

Legislative Assembly.

NEW SOUTH WALES.

PROPOSED LAND BILL.

(WOLLONGONG, DAPTO, AND CHARCOAL.)

Ordered by the Legislative Assembly to be Printed, 12 February, 1861.

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

The humble Petition of the undersigned Inhabitants of the Districts of Wollongong, Dapto, and Charcoal,—

Do most respectfully beg to lay before your Most Honorable House a Petition that it may incline the wisdom of your Honorable House to grant the humble prayer of Her Most Gracious Majesty's loyal and devoted subjects of these districts to pass a Land Bill, as follows:—

The land to be sold by selection before survey, and to be paid for in ten annual payments,—ten per cent. of selection—four acres to be cleared every year.

Every purchaser to be bound to occupy within six months after selection.

No selection to be less than forty acres nor more than three hundred and twenty.

No person to have more than one selection within the space of two years.

Any person or persons acting as agent to obtain additional grant for a purchaser who has obtained one, or lending money or goods so as to obtain the said grant, shall pay the penalty, not less than Twenty Pounds sterling.

And we, in duty bound, will for ever pray.

[Here follow 214 Signatures.]

1861.

Legislative Assembly.

NEW SOUTH WALES.

PROPOSED LAND BILL.

(BROUGHTON CREEK, FOX GROUND, AND ITS VICINITY.)

Ordered by the Legislative Assembly to be Printed, 12 February, 1861.

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

The humble Petition of the undersigned inhabitants of the Districts of Broughton Creek, Fox Ground, and its vicinity, do most respectfully beg to lay before your Most Honorable House a Petition that it may incline the wisdom of your Honorable House to grant the humble prayer of Her Most Gracious Majesty's loyal and devoted subjects of these Districts to pass a Land Bill as follows:—

The land to be sold by selection before survey, and to be paid for in ten annual payments, ten per cent. on selection; four acres to be cleared every year; every purchaser to be bound to occupy within six months after selection; no selection to be less than forty acres, no more than three hundred and twenty; no person to have more than one selection within the space of two years; any person or persons acting as agents to obtain additional grant for a purchaser who has obtained one, or lending money or goods so as to obtain the said grant, shall pay the penalty of not less than twenty pounds sterling.

And we in duty bound will for ever pray.

[Here follow 302 Signatures.]

1861.

Legislative Assembly.
NEW SOUTH WALES.

CROWN LANDS RESERVES.

(INTERMEDIATE AND UNSETTLED DISTRICTS.)

Ordered by the Legislative Assembly to be Printed, 27 February, 1861.

STATEMENT showing the Number and Area of Reserves in the (late) Intermediate and Unsettled Districts.

DISTRICT.	NUMBER OF RESERVES.			Area of	Area of	Area of	TOTAL AREA.
	Late Inter- mediate.	Part Inter- mediate and part Unsettled.	Unsettled.	Reserves, late Intermediate District.	Reserves, partly (late) Inter- mediate and partly Unsettled.	Reserves, Un- settled District.	
				Acres.	Acres.	Acres.	Acres.
Murrumbidgee {	11	3	101	23,680	17,280	309,760	440,740
Lachlan {	....	2	90	.....	1,280	260,400	270,680
Wellington {	....	..	118	.....	.....	122,990	122,990
Monaroo {	37	....	....	109,245	.....	.....	109,245
New England {	3	1	94	7,360	11,520	270,260	289,100
Gwydir {	....	....	93	.....	.....	146,620	146,620
Bligh {	....	....	39	.....	.....	52,520	52,520
Liverpool Plains {	15	10	47	34,608	60,320	153,943	248,871
Clarence {	18	3	1	64,960	10,720	1,440	77,120
Darling {	....	....	5	.....	.....	50,600	50,800
GRAND TOTALS..	87	19	568	239,663	101,120	1,467,773	1,808,746

A. ORPEN MORIARTY,
Chief Commissioner of Crown Lands.

1861.

Legislative Assembly.

NEW SOUTH WALES.

SYSTEM OF TENDERING FOR RUNS.

PROGRESS REPORT

FROM THE

SELECT COMMITTEE

ON THE

SYSTEM OF TENDERING FOR RUNS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
26 *March*, 1861.

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1861.

1861.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES, No. 15. TUESDAY, 5 FEBRUARY, 1861.

10. System of Tendering for Runs :—Mr. Rusden moved, pursuant to notice,—
- (1.) That a Select Committee be appointed to inquire into and report upon the whole system of tendering for Runs.
 - (2.) That all tenders, accepted and not accepted, for land in the Warrego District and other out Districts, for the last ten years, with all correspondence relating thereto, be laid upon the Table of this House, and be sent to this Committee to report upon.
 - (3.) That it be an especial instruction to such Committee to inquire into and report upon the case of Messrs. Miller and Maxwell.
 - (4.) That the Returns moved for by him on the 18th January, for a list of all tenders of Runs remaining undisposed of up to this date, with their dates of application and names of the applicants, be sent to the Committee to report upon.
 - (5.) That such Committee consist of Mr. Robertson, Mr. Lucas, Mr. Hoskins, Mr. Wilson, Mr. Walsh, Mr. Mate, Mr. Morris, Mr. Watt, and the Mover.
- Debate ensued.
Question put and passed.

VOTES, No. 43. TUESDAY, 26 MARCH, 1861.

8. System of Tendering for Runs :—Mr. Rusden, as Chairman, brought up a Progress Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee to whom this subject was referred on the 5th February last.
Ordered to be printed.

CONTENTS.

	PAGE.
Extracts from the Votes and Proceedings.. .. .	2
Report	3
Proceedings of the Committee	6
List of Witnesses	8
List of Appendix	8
Minutes of Evidence.. .. .	1

1861.

SYSTEM OF TENDERING FOR RUNS.

PROGRESS REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 5th of February last, "to inquire into and report upon the whole system of tendering for Runs," and for whose assistance and direction it was concurrently Resolved,—

"(2.) That all tenders, accepted and not accepted, for land in the Warrego District and other out Districts, for the last ten years, with all correspondence relating thereto, be laid upon the Table of this House, and be sent to this Committee to report upon.

"(3.) That it be an especial instruction to such Committee to inquire into and report upon the case of Messrs. Millar and Maxwell.

"(4.) That the Returns moved for * * on the 18th January, for a list of all tenders of Runs remaining undisposed of up to this date, with their dates of application and names of the applicants, be sent to the Committee to report upon,"—

have agreed to the following Progress Report:—

1. Your Committee regret that, from not having been furnished with any of the Returns moved for, and which were ordered to be referred to them to report on, they have unfortunately been unable to make this inquiry so complete as they could have wished; nor can they, therefore, point out so easily those vexatious delays in receiving answers to tenders which the evidence taken before them has shewn to be inseparable from the existing state of the law.

2. They would beg to refer your Honorable House to the evidence taken before them, which has clearly and forcibly shewn that some more expeditious system of answering tenders, and placing persons in possession of their Runs, should at once be adopted, as, when persons are deterred from going on Runs until a satisfactory answer is received to their applications, it paralyzes the investment of capital; and, on the other hand, if they are induced to enter on an unauthorized occupation, it often leads to vexatious disputes—in some instances to their being dispossessed—and may end in lawsuits.

3.

3. The urgent necessity of bringing their labours to an early close, on account of the rapid progress of the "Crown Lands Occupation Bill" through your Honorable House, your Committee hope will plead for them, as an excuse for bringing up their Report without waiting for the Returns before mentioned.

4. They have carefully taken and weighed the evidence in the case especially recommended to their notice—that of Messrs. Millar and Maxwell—and beg to call attention to the opinion of Mr. Moriarty, the Chief Commissioner of Crown Lands, that it is a case of great hardship, but that their tenders have been recently sent to the Warrego Commissioner, Mr. Huthwaite, to report upon.

5. Your Committee therefore beg to recommend as follows:—

- (1.) That, as Messrs. Millar and Maxwell were the FIRST tenderers on the Culgoa and Ballandoola, or Brie, and the FIRST occupants with stock, and took every precaution, by using the services of Mr. Dunsmore as their agent, to gain the necessary information from the Government with regard to their tenders for this country, your Honorable House will refer their case to the Executive, in order that any claims that they may have for pastoral lands may receive its favorable consideration.
- (2.) That, to prevent improper speculation in Runs, and to secure that the applicant for a Run intends to be the *bonâ fide* occupier, it be a regulation that no applicant for a new Run shall, when his tender is accepted, be allowed to alienate or dispose of said Run until the same shall have been stocked to one-fourth of its estimated capabilities, on pain of forfeiture of such Run; and the Committee hope that, in other respects, the provisions contained in the "Crown Lands Occupation Bill," now before Parliament, will be found sufficiently stringent to check, in future, the pernicious system of speculation in Tenders for Runs, and thus afford greater facilities for the *bonâ fide* tenderer than has been the case heretofore.
- (3.) That where Runs have been occupied for a period, and it has been found by the Commissioner that the occupier or lessee has taken up land two or three miles in excess, but has had a lengthened holding, such occupier should pay increased and even back assessment, rather than, old boundaries should be disturbed and greater confusion created.

*Legislative Assembly Chamber,
Sydney, 26 March, 1861.*

F. T. RUSDEN,
Chairman.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 12 FEBRUARY, 1861.

MEMBERS PRESENT:—

Mr. Hoskins,	|	Mr. Rusden,
Mr. Lucas,	|	Mr. Wilson.

On motion of Mr. Wilson, F. T. Rusden, Esq., called to the Chair.
Committee considering their course of procedure,—

Resolved,—

That evidence be taken, in the first place, from private parties practically experienced in the existing system of tendering for runs, commencing with the case of Messrs. Millar and Maxwell, specially referred; and that the Committee subsequently examine Public Officers concerned in the administration of Crown Lands.

The names of certain gentlemen, who it would be desirable to call as witnesses, then settled.

The Chairman produced and read a letter received from J. B. Johnston, Esq., under date, 7 February, 1861, relative to the subject of Committee's inquiry.

And the name of Mr. J. B. Johnston ordered to be included in the list of prospective witnesses.

[Adjourned till Tuesday, 19th instant, at *Eleven o'clock*.]

TUESDAY, 19 FEBRUARY, 1861.

MEMBERS PRESENT:—

F. T. Rusden, Esq., in the Chair.

Mr. Hoskins,	|	Mr. Morris,
Mr. Mate,	|	Mr. Watt.

L. Millar, Esq., (Messrs. Millar and Maxwell) called in and examined.

Witness handed in Appendices to his evidence. (*Vide A and B*)

Examination concluded.

Witness withdrew.

J. B. Johnston, Esq., called in.

Chairman referred to letter produced at the previous meeting,—the same having been received from Mr. Johnston, as now admitted.

Ordered to be appended to witness' evidence. (*Vide Appendix A*.)

Mr. Johnston then examined.

Witness withdrew.

W. Cummings, Esq., M.P., examined.

Mr. J. Dunsmure, *Solicitor*, a witness summoned for this day, not in attendance; having excused himself to the Chairman, and stated his readiness to wait upon Committee at the next sitting.

[Adjourned till Thursday, 21st instant, at *Eleven o'clock*.]

THURSDAY, 21 FEBRUARY, 1861.

MEMBERS PRESENT:—

F. T. Rusden, Esq., in the Chair.

Mr. Hoskins,	|	Mr. Morris,
Mr. Mate,	|	Mr. Watt,

J. Dunsmure, Esq., *Solicitor to Messrs. Millar and Maxwell*, called in and examined.

Witness withdrew.

S. B. Daniel, Esq., M.P., examined.

[Adjourned till Wednesday, 27th instant, at *Eleven o'clock*.]

WEDNESDAY, 27 FEBRUARY, 1861.

MEMBERS PRESENT:—

F. T. Rusden, Esq., in the Chair.

Mr. Hoskins,	|	Mr. Mate,
Mr. Lucas,	|	Mr. Morris,
Mr. Watt.		

Chairman produced a letter, dated 11th January, 1859, from the Crown Lands Office being acknowledgment of Messrs. Millar and Maxwell's tenders, referred to in Mr. Millar evidence on the 19th instant.

Ordered to be appended thereto. (*Vide Appendix C*.)

J. B. Rundle, Esq., called in and examined.

Witness withdrew.

W. H. Suttor, Esq., M.P., examined.

Witness withdrew.

L. Millar, Esq., examined on the 19th instant, having applied to be re-examined touching certain points in which, from defective hearing of the questions, the same had been answered under a misapprehension,—

Leave granted,—and re-examination of witness proceeded with in each case of material corrections desired in the former evidence.

Committee then allowed the answers so corrected to stand as those given upon the 19th instant.

A. O. Moriarty, Esq., *Chief Commissioner of Crown Lands*, summoned *this day*, not in attendance; having written to state his immediate absence from town under medical advice, but that he will signify the earliest opportunity of appearing before Committee.

Mr. Daniel, examined on the 21st instant, to be requested to attend again (Tuesday next).

[Adjourned till Tuesday, 5th March, at *Eleven o'clock*.]

TUESDAY, 5 MARCH, 1861.

MEMBERS PRESENT:—

F. T. Rusden, Esq., in the Chair.

Mr. Hoskins,	Mr. Morris,
Mr. Mate,	Mr. Watt.

G. W. Lord, Esq., M.P., examined.

Witness withdrew.

A. G. McLean, Esq., *Acting Surveyor General*, called in and examined.

Witness withdrew.

S. B. Daniel, Esq., M.P., requested to attend again *this day*, not in attendance.

[Adjourned till Tuesday, 12th instant, at *Eleven o'clock*.]

TUESDAY, 12 MARCH, 1861.

MEMBERS PRESENT:—

F. T. Rusden, Esq., in the Chair.

Mr. Hoskins,	Mr. Morris,
Mr. Mate,	Mr. Watt.

Chairman handed in a letter from the Acting Surveyor General (Mr. McLean), dated the 7th instant, referring to the recent discovery of several early tenders by Messrs. Millar and Maxwell as affecting the evidence given by him on the 5th and the interests of said parties.

Letter read.

J. B. Rundle, Esq., examined on the 27th ultimo, having applied to be re-examined on certain questions, chiefly where the answers had been taken down without the qualification intended by the witness,—

Leave granted,—and re-examination proceeded with.

Substantial corrections so made, allowed by the Committee.

Witness withdrew.

E. Druitt, Esq., a witness summoned *this day*, not in attendance.

[Adjourned till Wednesday, 20th instant, at *Eleven o'clock*.]

WEDNESDAY, 20 MARCH, 1861.

MEMBERS PRESENT:—

F. T. Rusden, Esq., in the Chair.

Mr. Mate,	Mr. Morris,
	Mr. Watt.

A. O. Moriarty, Esq., *Chief Commissioner of Crown Lands*, having signified his readiness to attend and be examined, pursuant to notice on the 27th ultimo—summoned *this day*.

Witness attending, called in and examined.

And having withdrawn,—

[Committee adjourned till Tuesday, 26th instant, at *Eleven o'clock*.]

TUESDAY, 26 MARCH, 1861.

MEMBERS PRESENT:—

F. T. Rusden, Esq., in the Chair.

Mr. Hoskins,	Mr. Robertson,
Mr. Mate,	Mr. Watt.

Committee met to consider Draft Progress Report.

The same having been submitted by the Chairman,—

Paragraphs of Draft severally read, and Nos. 1, 2, 3, and 4 *verbally* amended and agreed to.

No. 5. Recommendation 1, viz. :—

- (1.) That as Messrs. Millar and Maxwell were the FIRST tenderers on the Culgoa and Ballandoola, or Brie, and the FIRST occupants with stock, the Commissioner of the Warrego be instructed by the Government to report on their applications as soon as possible, and if all the land on the Culgoa is now taken up by the tenders of others having been accepted, they may be allowed to occupy five or six blocks, of five miles each, on the Ballandoola or Brie, where they now are, and which land your Committee have been given to understand has not yet been taken up.

—read.

Committee deliberated.

No. 1 amended, on motion of Mr. Robertson, and agreed to.

Recommendation 2, viz. :—

- (2.) That *previous occupation* should be allowed to any person who occupies with stock where the Run contains water; and in the case of dry or unwatered Runs, who commences improvements at once—provided that he forwards his tender for the Run, within two months, to the Crown Lands Commissioner's Office—giving a particular description of the country applied for, stating marked trees, &c. And that this *first occupation*, if he is eligible in other respects, shall give him undisputed possession; and the occupation of Runs proceed upon the principle of unrestricted free selection.

—read.

Motion made (*Mr. Robertson*),—That this recommendation be expunged.

Question,—That the recommendation proposed to be expunged stand part of the Report—*negatived*.

No. 2 expunged.

Recommendation 3 (now 2), viz. :—

- (3.) That to prevent improper speculation in Runs, and to secure that the applicant for a Run intends to be the *bonâ fide* occupier, it be a regulation that no applicant for a new Run shall, when his tender is accepted, be allowed to alienate or dispose of said Run until the same shall have been stocked to one-third of its estimated capabilities.

—read.

Committee deliberated.

No. 3 (2), amended.

Motion made (*Mr. Robertson*) and *Question put*,—That No. 3 (2) be further amended by the addition of the following words, viz. :—

“The Committee hope that, in other respects, the provisions contained in the ‘*Crown Lands Occupation Bill*,’ now before Parliament, will be found sufficiently stringent to check, in future, the pernicious system of speculation in Tenders for Runs, and thus afford greater facilities for the *bonâ fide* tenderer than has been the case heretofore.”

Committee divided.

Ayes, 3.	Noes, 1.
Mr. Hoskins,	Mr. Watt.
Mr. Mate,	
Mr. Robertson.	

Words added.

No. 3 (2), as amended, agreed to.

Recommendation 4 (now 3), viz. :—

- (4.) That where Runs have been occupied for a period, and it has been found by the Commissioner that the occupier or lessee has taken up land two or three miles in excess, but has had a lengthened holding, such occupier should pay increased and even back assessment, rather than, old boundaries should be disturbed and greater confusion created.

—read.

Committee deliberated.

Question put,—That No. 4 (3), as read, stand part of the Report.

Committee divided.

Ayes, 2.	Noes, 2.
Mr. Mate,	Mr. Hoskins,
Mr. Watt,	Mr. Robertson.

And the numbers being equal,—

And the Chairman giving his voice with the Ayes,—

Recommendation 4 (3), as read, agreed to.

Motion made (*Mr. Mate*) and *Question put*,—That the Draft Report, as amended, be the Progress Report of the Committee.

Committee divided.

Ayes, 3.	Noes, 1.
Mr. Hoskins,	Mr. Robertson.
Mr. Mate,	
Mr. Watt.	

Progress Report agreed to.

Chairman requested to report progress accordingly.—Proceedings of Committee and Minutes of Evidence to accompany Report.

[Adjourned.]

LIST OF WITNESSES.

	PAGE.
<i>Tuesday, 19 February, 1861.</i>	
L. Millar, Esq. (<i>Messrs. Millar and Maxwell.</i>)	1
J. B. Johnston, Esq.	4
W. Cummings, Esq., M.P.	6
<i>Thursday, 21 February, 1861.</i>	
J. Dunsmure, Esq. (<i>Messrs. Dunsmure and Stafford</i>), Solicitor to Messrs. Millar and Maxwell	8
S. B. Daniel, Esq., M.P.	10
<i>Wednesday, 27 February, 1861.</i>	
J. B. Rundle, Esq.	14
W. H. Suttor, Esq., M.P. .. .. .	..
<i>Tuesday, 5 March, 1861.</i>	
G. W. Lord, Esq., M.P.	22
A. G. McLean, Esq., <i>Acting Surveyor General</i>	25
<i>Wednesday, 20 March, 1861.</i>	
A. O. Moriarty, Esq., <i>Chief Commissioner of Crown Lands</i>	32

LIST OF APPENDIX.

	PAGE.
<i>(To Evidence given by L. Millar, Esq. 19 February, 1861.)</i>	
A.	
Statement of facts respecting the selecting of certain lands on the Gulgoa and Ballandoola Rivers, by Lockhart Millar and Thomas Maxwell	4
B.	
Mr. Yeo, Agent for G. Lord, Esq., M.P., to Messrs. Maxwell and Millar, 17 May, 1860	4
C.	
Chief Commissioner of Crown Lands to Messrs. Millar and Maxwell, 11 January, 1859	4
<i>(To Evidence given by J. B. Johnston, Esq. 19 February, 1861.)</i>	
A.	
J. B. Johnston, Esq., to Chairman, 7 February, 1861	5
<i>(To Evidence given by J. Dunsmure, Esq. 21 February, 1861.)</i>	
A.	
Commissioner of Crown Lands, Wellington District, to Mr. L. Millar, 16 September, 1859	10
B.	
Messrs. Dunsmure and Stafford to Commissioner of Crown Lands, Wellington District, 13 October, 1859	10
C.	
Messrs. Dunsmure and Stafford to Chief Commissioner of Crown Lands, 13 October, 1859.	10
<i>(To Evidence given by A. G. McLean, Esq. 5 March, 1861.)</i>	
Addendum	32

1861.

Legislative Assembly.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

SYSTEM OF TENDERING FOR RUNS.

TUESDAY, 19 FEBRUARY, 1861.

Present:—

Mr. RUSDEN,
Mr. NATE,Mr. WATT,
Mr. MORRIS,

Mr. HOSKINS.

FRANCIS TOWNSEND RUSDEN, Esq., IN THE CHAIR.

Lockhart Millar, Esq., called in and examined:—

1. *By the Chairman*: You were a partner of Mr. Maxwell's? I was.
2. And you went out looking for runs? Yes.
3. When did you go? We left Sydney on the 3rd July, 1858, and arrived at a piece of land which we selected for a run somewhere about the middle of October, after having travelled down the Lachlan, the Murrumbidgee, and the Murray, and up the Darling—I suppose perhaps twelve or thirteen hundred miles.
4. Will you state where the land was that you found—was it at the junction of the Gulgoa and Baliandoola? We did not know the junction at that time. It was then almost an unknown country to us, and we had to take it from the nearest house, which was Mr. Dangar's, of Bunawonna.
5. *By Mr. Hoskins*: Is it in the Gwydir District? We were told that it was in the Gwydir District when we came to Sydney. We were so instructed at the head office, and we applied in accordance with that instruction, which of course we looked upon as official.
6. About thirty miles from Bunawonna? Yes.
7. That is on the Barwan? It is generally called the Lower Barwan.
8. It is a creek, is it not? It may be called a river, because it comes from the Condamine, but it is dry in the summer time, and there are only waterholes here and there down at our place.
9. *By the Chairman*: It was in October you selected this land? Yes, in October, 1858.
10. What did you do then? We then came direct to Sydney, stopping only one day at Oakey Creek.
11. You then went to the Surveyor General's Office and tendered, did you not? Yes. We got instructions at the office. We took with us Mr. Dunsmure.
12. You took with you a professional man? Yes, he said he expected to see Colonel Barney, but that gentleman was out, and we saw a gentleman whom we supposed to be the chief clerk, or something of that sort. I do not know his name. After the map was produced I pointed out the locality, and asked in what district it was situated, and he said all the Gulgoa was situated in the Gwydir District. This was one of the chief reasons for going to the Survey Office, and we noticed it particularly, because we were desirous of knowing about the district in which the land we wanted to apply for was situated.

L. Millar,
Esq.

19 Feb., 1861.

- L. Millar,
Esq.
19 Feb., 1861.
13. In order that you might make no mistake? In order that we might make no mistake, because it was near the confines of three districts. We were therefore determined not to go by hearsay reports, but at once to apply to the fountain head.
14. What three districts was it near the confines of? There was the Wellington, the Gwydir, and the Bligh. I believe it was not very far from the Albert.
15. The Albert is a district proclaimed recently, I believe? Yes.
16. You tendered? Yes.
17. What was the date of your tender? I cannot say to a day; but it was in the beginning of November.
18. I can tell you—it was the 7th or the 9th? My impression was that it was before that; but, at any rate, it was at the beginning of November.
19. *By Mr. Morris*: Was it in time for the first Monday in November? I think not.
20. *By the Chairman*: You tendered early in November, and your tender was opened on the 6th December? Exactly. I may here state, that when Mr. Dunsmore asked if there would be any objection to his friends taking possession of this land, the reply was, "By no means." We were, in fact, recommended to take possession. What is confirmatory that he told us the Gwydir District is the fact, that he said there was no Commissioner appointed for that district just then, but that as soon as he should be appointed there would be no time lost in completing our titles—or something like that.
21. And the next proceeding was, you took possession? We took possession.
22. And you remained in undisturbed possession how long? We were upon the Brie, if not upon the Gulgoa adjoining, somewhere about the latter end of May, 1859; and we remained in undisturbed possession, I may say, until lately. I cannot tell the exact date when it was given to Mr. Lord.
23. But did not Mr. Sibthorpe first order you off? Yes.
24. Who did order you off? Mr. Huthwaite told us that he had come to put Mr. Lord in possession of this land. Mr. Yeo (Mr. Lord's agent) told us that we must remove in seven days. We had removed some time before that to another part.
25. *By Mr. Hoskins*: When were you ordered to remove—at what date? When we were ordered to remove, we were removing to get the sheep washed and shorn over the Brie. We had a shearing station at the Brie.
26. *By Mr. Watt*: Were you going to abandon the station? Certainly not. The sheep had mostly been removing for washing, and we did not dispute this* part where the few sheep were. Although it was a place where we had erected sheds and shorn the sheep last year, we were not going to dispute that with Mr. Lord. I have a letter from Mr. Yeo (Mr. Lord's superintendent), stating that we must move beyond that. Although perhaps we had as good a right to the land as Mr. Lord, still we did not dispute it, because it was possible that Mr. Lord's tenders might have been sent in before ours for this particular part.
27. *By Mr. Morris*: Had you notice from the Commissioner to remove? No, not from the Commissioner.†
28. Had you no other notice to remove excepting that of Mr. Lord's superintendent? Only that of Mr. Lord's superintendent.
29. *By the Chairman*: You say here (in a "statement of facts" handed in by witness, vide Appendix A)—"We remained in peaceable possession until lately, when Mr. Commissioner Huthwaite came and put Mr. Lord in possession of all the land on the Gulgoa River which we had selected and occupied? Yes.
30. *By Mr. Morris*: But Mr. Huthwaite must have warned you? No; he merely said he had come to put Mr. Lord, through his agent, Mr. Yeo, in possession of this land. And Mr. Yeo said, "You must remove your sheep in seven days," or something to that effect.
31. Did you receive no written notice from Mr. Huthwaite? No.
32. *By Mr. Hoskins*: How long were you in possession of the run before you were ordered to remove? About fifteen or sixteen months.
33. *By the Chairman*: You occupied early in May, 1859, and got notice peremptorily to quit in December, 1860? It was earlier than that, I think.
34. November, 1860? It must have been earlier, I think.
35. You were shearing? We were just beginning to shear, I think, at that time. Here is a letter from Mr. Yeo about that part which we do not intend to dispute. (*Letter read. Vide Appendix B.*)
36. That was previous to the shearing—but you did shear before you left? That part of it we never intended to dispute, and Mr. Yeo allowed us to lamb a flock of sheep on it afterwards.
37. *By Mr. Morris*: Does that letter refer to a portion of ground to which you consider yourself entitled? No—not at all.
38. What part do you claim, if you do not claim this? I claim according to the tenders of 1859.
39. *By the Chairman*: The land you claim must be contiguous to this piece? Yes.
40. Was it above or below? Above the sixteen miles.
41. That is where your principal establishment was? Yes; we did take possession of that.
42. In which direction? Up the Gulgoa.
43. Above this sixteen miles? Yes, or thereabouts.
44. And what extent of country would you have after these sixteen miles were given up? Twenty-five miles, five blocks, above that.

45.

* NOTE (by witness on revision):—This alludes to the sixteen miles at the junction of the Gulgoa and Ballandoola.

† NOTE (by witness on revision):—I meant, in this answer, Mr. Commissioner Huthwaite.

L. Millar,
Esq.

19 Feb., 1861.

45. On each side? No, not on each side.
46. Five blocks continuously? Yes.
47. Of five square miles each? We claim five miles frontage and ten miles back.
48. *By Mr. Morris*: To each block? Yes.
49. *By the Chairman*: That would be twenty-five miles frontage? Yes—I believe the Commissioner has given Mr. Lord eight miles of frontage in blocks—that he has given him frontage on both sides.
50. Then Mr. Lord has these sixteen miles? Yes.
51. And did he claim the whole of the twenty-five miles? Yes, and more. He claimed the whole of the twenty-five miles, and we have his own superintendent's word that he claims the sixteen miles.
52. *By Mr. Morris*: Have you been dispossessed? We have been ordered to leave.
53. These twenty-five miles? Yes.
54. But you had notice from the Government that your tenders were not accepted, had you not? No.
55. *By Mr. Hoskins*: Then there is nothing to prevent you occupying the twenty-five miles? No.
56. *By Mr. Morris*: Do you know if any person other than yourself has obtained this land? The Commissioner* came and told us that he was sent there expressly to put Mr. Lord in possession of thirty-nine miles from the junction, and this included our twenty-five miles.
57. But you have had no written notice from the Chief Commissioner? No.
58. And none as to the acceptance of your tenders? No.
59. But have you had any notice from him of the acceptance of your tenders at any time? We just got the same notice which other people get, I believe—that the tenders had been referred to the District Commissioner. (*Vide Appendix C.*)
60. You received no final answer? No.
61. *By Mr. Hoskins*: You received this notice of your tenders being referred to the District Commissioner in December, 1858? Yes, or some time thereabout.
62. Have you been told that Mr. Lord's application was made anterior to your own? We were not told so.
63. *By the Chairman*: Will you state about what time you left? We have never left. We have sheep there still—upon the Ballandoola.†
64. I thought you sold them? A part of them only were sold—22,000. There may be five or six thousand remaining. None of them are delivered yet.
65. *By Mr. Hoskins*: Then you are still in possession of this land? We have still sheep upon the Ballandoola.
66. Were you authorized to put your stock on the run by any Government officer? We were, most decidedly. We were authorized by the head of the office to take possession immediately—the sooner the better. This was said in the presence of Mr. Dunsmure.
67. *By the Chairman*: Where are these sheep you now have running? On part of the Ballandoola.
68. Upon what part—on, or above the five blocks of which you have been speaking? It is not on the five blocks, but we expect it is on a part that we tendered for at the same time.
69. It is on the Ballandoola, not on the Gulgoa? Yes, it is on the seven blocks on the Ballandoola, we do not mention the name.
70. When did you tender for the run on which the sheep now are? At the same time that we tendered for the 25 miles on the Gulgoa; the sheep are now on two blocks on the Ballandoola.
71. You went out and found the country first? Yes.
72. *By Mr. Mate*: How has it been admitted? The Commissioners and all admit it, and the tenders shew it. That can be well proved. In about ten days after Mr. Huthwaite put Mr. Lord in possession the whole was offered for about £5,000, and he offered, I believe (through Mr. Yeo) to put a thousand head of cattle on this other land and sell it for £7,000. I think the land is now in the hands of Mr. Brewster for sale.
73. *By Mr. Watt*: There are no cattle on it yet then? No.
74. And there is no permanent water? No; there is water in wet seasons.
75. *By Mr. Hoskins*: Your property is still on a portion of these runs? Yes.‡
76. *By the Chairman*: You have already said that they were not, I believe, I want the Committee to understand the matter fully. Are your sheep on the twenty-five miles which you say Mr. Lord has now got but which you tendered for? No.
77. *By Mr. Hoskins*: Nobody has threatened to dispossess you from the land on the Brie or the Ballandoola? No, not yet, but we were afraid of having to move at a moment's warning, and were obliged to sell off all the sheep, and break up the establishment, and dissolve partnership. In fact it has ruined me entirely, and the recovering of the land would not compensate for all the loss I have sustained. The whole of my lifetime since I arrived here in the year 1825, with the exception of ten years spent at home, has been spent in the bush, and here am I in my old age turned adrift, as it were, much poorer than I was when I arrived in the year 1825.
78. *By Mr. Hoskins*: Has Mr. Dunsmure got all the correspondence between you and the Government in reference to this matter? He has.

APPENDIX.

* NOTE (*by witness on revision*):—Mr. Huthwaite.† NOTE (*by witness on revision*):—Not the Gulgoa of thirty-nine miles, of which Mr. Huthwaite put Mr. Lord in possession.‡ NOTE (*by witness on revision*):—On the two blocks on the Ballandoola.

L. Millar,
Esq.

19 Feb., 1861.

APPENDIX.

A.

STATEMENT of facts respecting the selecting of certain lands on the Gulgoa and Ballandoola Rivers, by Lockhart Millar and Thomas Maxwell.

On the 3rd July, 1858, we (L. Millar and Thomas Maxwell) started from Sydney to look for new runs in the interior. After travelling about 1,400 miles, we selected certain lands on the Gulgoa and Ballandoola Rivers, and returned to Sydney in November following. Accompanied by Mr. Dunsmore (solicitor), we went to Colonel Barney's office. On the map being produced, and the locality pointed out, we were told that our selection was in the Gwydir District; we were also recommended to take possession as soon as possible. In accordance with such instructions and recommendations, we immediately applied for the lands in question and prepared to take possession. About the beginning of June following, we took possession of the said lands, with nearly 10,000 sheep, and all the necessaries for forming a permanent settlement. Since then, we have brought to the station between 6,000 and 7,000 more sheep, with the necessary supplies for a long time to come. We have laid out a great deal of money in improvements, such as damming, building huts, sheep yards, woolshed and press, stockyards, &c., and have remained in peaceable possession until lately, when Mr. Commissioner Huthwaite came and put Mr. Lord in possession of all the lands on the Gulgoa River which we had selected and occupied since the above mentioned dates; and Mr. Yeo (Mr. Lord's agent), threatened us with law proceedings unless we removed our sheep in seven days. The only reason, as far as we can learn, for such unparalleled injustice is, that we ought to have applied in the Wellington instead of the Gwydir District. In vain we urged that our application was in strict accordance with the highest official information procurable, and that it is contrary to law and justice that any party can take advantage of their own wrong; and, moreover, that the lands in question were near the confines of three different districts. Thus, after opening up a new country, civilising the blacks, and expending all our available resources in improvements, we have been obliged to sell off 23,000 sheep, to make room for Mr. Lord, who does not require the land, but immediately offers the said lands for sale, and they are now in the market in the hands of Mr. Brewster. It is admitted that the dates of our tenders are many months prior to those of Mr. Lord.

LOCKHART MILLAR.

B.

Darling River, 17 May, 1860.

Gentlemen,

Having been put in possession, by Mr. Commissioner Huthwaite, of the country now occupied by you, *i. e.* from the junction of the Gulgoa and the Brie upwards—sixteen miles—I have to request that you *immediately* remove your sheep to without that extent of country, otherwise legal steps will be taken to remove you.

I remain, &c.,

WILLIAM YEO,

Agent for Mr. G. Lord, M.P.

Messrs. Maxwell and Millar.

C.

*Crown Lands Office,**Sydney, 11 January, 1858.*

Nos. 28, 30, 31, 34, 36, 41, and 42, of December, 1858.

Gentlemen,

I have the honor to acknowledge the receipt of your Tenders (opened on the 6th December), for new Runs of Crown Lands in the District of Gwydir, known by the names of (as noted in margin), and I beg to inform you that the same now awaits the report of the Commissioner of the District, in accordance with the Regulation of the 1st January, 1848.

I have, &c.,

GEO. BARNEY,

Chief Commissioner of Crown Lands.

Messrs. L. Millar and T. Maxwell, Cassilis.

Care of

John Dunsmore, Esq.,

Solicitor, Castlereagh-street, Sydney.

Torwood,
Lamington,
Boniton,
Bannockburn,
Cartland,
Lindcluden, and
Cora.

James Bligh Johnston, Esq., called in and examined:—

(The Chairman read a letter which he said he had received from Mr. Johnston a few days ago, having reference to certain tenders for runs. *Vide Appendix A.*)

J. B. Johnston,
Esq.

19 Feb., 1861.

79. *By Mr. Morris:* You admit having written this letter? Yes.80. *By Mr. Hoskins:* You say that you discovered this unoccupied country yourself—can you say whether it is now occupied or not? I do not know.

81. And you really do not know whether any person has tendered for it besides yourself? No; I have not been there since.

82. You do not know whether any person has been put in possession? No.

83. *By Mr. Morris:* Have you made inquiries at the Chief Commissioner's Office? Yes.

84. And what answer did you receive? The answer I got from the gentleman who now fills Mr. Halloran's place, was, that a number of tenders had been sent in for the same runs—which were stated to be in other districts—and that other persons had got them; but still there was no reply to the parties first tendering for them. They admitted that other persons who had tendered since had actually got the runs, and yet there was no answer given to the former applicants.

85. What reason did they give for not attending to your application? They said they had received no report from the Commissioners to whom my tenders had been referred. They did not state positively that such was the case in reference to these particular runs which I had tendered for, but that there was a considerable number upon which no report had been made by the Commissioners, and that, probably, mine were among them.

86. *By Mr. Hoskins:* Did you make a personal application in each case to the Crown Lands Office in Sydney—or the Surveyor General's Office? I have repeatedly applied.

87.

87. For these runs? Yes.
88. Did you give a description of the country? I did.
89. In the tender? Yes, according to form.
90. Did you mention the names of persons who held runs contiguous? In some cases I did, but in others I could not ascertain the name of any person who held the contiguous land.
91. Did you give any distinctive marks? I did, and also the native names as far as I was able to ascertain them on the spot from the natives. (*Witness read a letter from the Crown Lands Office, dated 8th December, 1859.*)
92. *By the Chairman:* That letter is in reply to a communication of your own, making inquiry concerning these runs? Yes, it is the only answer I received; it is dated 8th December, 1859, is signed by Mr. McLean, and states that they are still waiting for Commissioner's report.
93. Have you inquired since? Yes; but they had received no report.
94. *By Mr. Hoskins:* Who is now Crown Lands Commissioner in the Gwydir District? I think they told me that Mr. Sharp had been appointed instead of Mr. Oliver.
95. You have never received any official information that any person has taken up those blocks for which you applied? No.
96. And the letter read is the only letter you have received in addition to your tenders being opened? Yes. I came to Sydney shortly after I put in the tenders, for the purpose of trying to ascertain, at the office, whether they were all correct, but they could give me no certain information as to the district. It was all supposition. The districts were all so mixed up together that it was impossible for any person who was not a surveyor to tell what district lands were in. They could not give me a bit more information than that which I possessed.
97. *By Mr. Morris:* Were your descriptions so distinct and plain that they could be distinguished by a Commissioner who might visit the ground? Yes; they were so distinct that any Commissioner might know. I gave the creeks and the native names.
98. *By Mr. Hoskins:* You never, in any instance, saw the local Commissioners? No. I saw Mr. Robertson when I first came to Sydney, and he told me there was no Commissioner for the District then, but that he had that morning sanctioned the appointment of this same Mr. Sharp. I presume. I wrote to Mr. Sharp, asking him when he would go out. I received a reply that he had received his appointment, but not his commission and instructions. I waited for six months longer, and then called at the office in Sydney again. I did not see Mr. Robertson, but the clerk told me that the appointment of Mr. Sharp was all off, and that there was no Commissioner for the District. I saw afterwards by the papers that Mr. Huthwaite was appointed.

J.B. Johnston,
Esq.

19 Feb., 1861.

APPENDIX A.

Portland House, Sackville Reach,
7 February, 1861.

Sir,

Perceiving, by the report of proceedings in Parliament, that you have moved for and obtained a Select Committee in reference to the occupation of Crown Lands, I take the liberty of addressing you, trusting that the importance of the subject will be a sufficient apology for my obtruding upon your notice, and submitting the following particulars on the subject:—

1st.—In May, 1859, I tendered for three runs in the Gwydir District, named in margin, and on 23rd June following, I received notice from Chief Commissioner, stating that my tenders had been opened on the 6th instant, and been referred to the Commissioner of the District for his report. Since that time I have not been able to obtain any further information about them.

2nd.—In July, 1859, I tendered for two runs, named in margin—one in the Wellington District and the other in the Gwydir District—and I received notice from Chief Commissioner, dated 25th August following, acknowledging receipt of tenders opened on the 1st instant, and informing me that they awaited the report of the Commissioner of the District. Since then I have heard nothing further about them.

3rd.—In the month of August, 1859, I tendered for three runs, named in margin, situated in the District of Bligh, and I received a notice from the Chief Commissioner, dated 9th November following, acknowledging receipt of tenders opened on the 3rd ult., and informing me that they awaited the report of the Commissioner of the District. Since then I have been unable to get any information about them.

I beg leave to add that I have been concerned in grazing for the last twenty years, in connection with my brother, until about seven years ago he sold his cattle and stations, and I then tendered for two runs in the Marano District, and, after waiting two years, I received a notice from the C.C.L., stating that my brother had tendered for and got the blocks that I had applied for; but I ascertained some time after that Mr. Commissioner Bligh had got them in another person's name. I then had to allow the person who bought my brother's stations one-half of the increase of my cattle for the run of the remainder; and, about two years ago, I went out to select new runs, and, after riding over unoccupied country, but claimed by Mr. A. or Mr. B., until I was sick at heart, I eventually sent in the tenders alluded to above—and here I am still being obliged to sacrifice one-half my stock, and the remainder neglected, solely owing to the corruption or neglect of officials, and the facility the regulations afford for such practices. Is it not a crying shame that, while I was out looking for runs, I rode over hundreds of miles of fine country without the track of a beast upon it, and all held by parties that could not occupy it—and I cannot get a block to run my cattle on unless I descend to countenance the corrupt system that is generally believed to be adopted by the only successful parties, that is, to bribe officials to do that for which they obtain their salaries?

I am informed that the Hon. J. Robertson has taken up 40 miles on the Galgoa, including several of the blocks that I applied for.* That corruption is practised there can be no doubt; and there are two ways that I would suggest, as tending to remedy the evils generally complained of—that is, for the first occupant to hold the run, provided he pay the rent within the specified time; and, second, that all applications be opened, and published in the *Government Gazette* every fortnight.

The oft-repeated boast of the present Government—that they would put a stop to run-hunting, as they call it—is a perfect delusion; they do not evince the least sincerity in their desire to do so. I suggested to the Secretary for Lands, before the Assessment Bill was passed, the above-named conditions, as a simple and effective remedy.

F. T. Rusden, Esq., M.P.,
Legislative Assembly,
Macquarie-street, Sydney.

I have, &c.,
JAS. B. JOHNSTON.

* I have not read official notice to that effect.

William

William Cummings, Esq., M.P., called in and examined:—

- W. Cummings
Esq., M.P.
19 Feb., 1861.
99. *By Mr. Hoskins*: You are aware, of course, that this Committee is constituted to inquire into the system of tendering for runs in new country. Has it come within your knowledge that great difficulty exists in obtaining possession of blocks of unoccupied country by persons who have made application for them? Very great difficulty exists. I have known parties who have tendered for runs—myself among the rest—
100. In what district? In the squatting district of Wellington.
101. Have you, in those cases, sent in applications to the Crown Lands Office? To the Chief Commissioner of Crown Lands.
102. In Sydney? In Sydney. He forwards them to the District Commissioner for his report.
103. But does he not also send an intimation to you that he has received your application, and referred it to the District Commissioner? Yes, that is the general mode of acting.
104. In every case in which you have applied have you received this intimation from the Chief Commissioner? Yes.
105. When you made your applications did you give an accurate description of the country for which you applied—did you give distinctive features, such as mountain ranges, rivers, or creeks? Yes, as near as I possibly could I gave the boundary lines of the runs I applied for—the natural boundary lines or otherwise, as the case might be.
106. And where persons held blocks of country contiguous to the country applied for by you, did you also give the boundary line of their runs? I described them as near as I possibly could in the absence of survey.
107. Can you give us the dates of any of those applications to which you have referred? No, I could not, without reference.
108. I suppose it is a considerable time since? I think in one case three years elapsed from the time of my application before I was put in possession of the land. This was in consequence of some mismanagement of the District Commissioner, and I may say that, as far as it has come under my notice, the great evil that has existed in reference to this matter has emanated from the District Commissioners.
109. *By the Chairman*: From delay in making their reports? From delay in making their reports, and their complete dereliction of duty.
110. *By Mr. Hoskins*: In what manner? When licenses were first issued, Colonel Barney, who was Commissioner, sent a circular to the then acting District Commissioners, instructing them before recommending a new license to issue to ascertain whether any of the land applied for had been previously occupied or not. Very great injury, however, has been done to the smaller and humbler squatter, in applying for runs, by the Commissioner granting them without reference to the boundary lines of runs previously applied for and occupied. I remember one instance particularly (Captain Mayne was then District Commissioner of Wellington), where a man, under the instruction of the Commissioner, took up a portion of a run occupied by Dr. Ramsay. Dr. Ramsay brought two actions against him—one after another. In the first he obtained £750 damages, and £500 in the second. It was the means of ruining the man. Many such cases have come under my notice, where the blame has been traceable to the District Commissioner. The Chief Commissioner is in no way to be blamed, because they did not comply with the instructions they received from his office.
111. *By Mr. Morris*: In this case, you appear to make a charge against an officer of the Government without sufficiently explaining the matter. You say that a tenderer having been misled by the District Commissioner took possession of country belonging to others, and thus laid himself open to action? Yes.
112. *By Mr. Hoskins*: Do you think this difficulty arises from the local Commissioners not making themselves acquainted with the boundaries of runs applied for? That is my impression.
113. *By Mr. Morris*: In the case to which you have referred, did the Commissioner go upon the ground and examine it? No.
114. What was the name of the run? Upper Dalbunty Plains. It ran down to Billabong Creek, and comprised three miles of Dr. Ramsay's run.
115. But did not the description given in the application for lease in the case to which you have referred justify the Commissioner in declaring that the run—although occupied—did not come within the land applied for on lease? I should say not. If he had done his duty it was quite easy for any Commissioner to have ascertained at least the extreme point of any run, because they are described in the applications for lease—giving the number of miles north, east, south, or west, as the case may be. If the Commissioner had gone on to the ground, he would have been able to have come to a tolerably correct conclusion, although he might not have struck the cardinal point exactly, it would answer the purpose.
116. In this particular case, did not the Commissioner go on to the ground? No.
117. Then he reported that the country was vacant, not having himself visited it? I will say this;—he recommended the license to issue, and the license did issue. I think it was Mr. Wright that recommended the license to issue; but, directly afterwards, Captain Mayne came there as Commissioner, and on various reports being made to him about the encroachment, he visited the ground, and said the run could not cross Billabong Creek, meaning David Ramsay's run, although it extended three miles north of said creek.
118. Then the fact is that Captain Mayne overruled the decision of Mr. Wright? He supported it all he could.
119. *By Mr. Watt*: He said this creek should be the boundary, without any reference to the old application? Without any reference to Dr. Ramsay urging a claim to eight miles, which was apparent on the face of his application for lease.
120. The Commissioner misled the man? Yes, he did.

121. *By Mr. Hoskins*: From what has come under your own observation, what period of time has elapsed between the notification from the Government that your application has been received and the obtaining possession of the land applied for? I have tendered for some runs, and I really believe that of late years I have always received from the Chief Commissioner an answer to my application as soon as any one could reasonably expect it. W. Cummings
Esq., M.P.
19 Feb., 1861.
122. *By Mr. Morris*: Accepting the tender? Oh, no—announcing that my tender had been received and forwarded to the District Commissioner.
123. *By Mr. Hoskins*: But what length of time has generally elapsed between this notification of the receipt of your application and your being put in possession of the country applied for? Generally a long period of time—ranging from one year to three. I have had a case pending now about twelve months. Although the land is not more than seventy miles from the residence of the Commissioner I cannot get him to visit it.
124. Have you known instances where persons have applied for unoccupied blocks of country—received information of the acceptance of their tender—referred to the local Commissioner, and yet where afterwards some other persons have been put in possession of the land so applied for? I know a case which has been pending for the last two years, where, although the District Commissioner had stated that the land was vacant, and recommended the acceptance of the tender, the applicant has not obtained possession of the land.
125. Has any one else obtained possession? There is something wrong in some quarter.
126. Is the land still vacant? The Commissioner says the land is vacant. No person is paying for it, but some person is using it.
127. *By the Chairman*: Is it an unauthorized occupation? There are cattle running over it, but it is not held under lease.
128. *By Mr. Hoskins*: Has it come under your observation that persons have applied for unoccupied blocks of country—that they have not heard even incidentally that any other person has applied for them, but have been informed that their applications have been received and referred to the local Commissioner for his report, and yet that before they have received an answer some other person has been put in possession? Yes, there was a case of my own.
129. Will you explain the case? When Mr. Whitty was Commissioner of the Wellington District I applied for a block of country called Trundell. Subsequently to my application to the Chief Commissioner in reference to the matter the local Commissioner visited the ground. He found that there were no other applications for the land, and (as he told me) that there was no objection to my application. Under that impression I sent out three men with the necessary materials and erected stockyards at a cost of £130 or £140, but in a short time after I found that the tender of another man had been accepted.
130. Recommended by the local Commissioner? It had been recommended by the same Commissioner, Mr. Whitty.
131. And at a date subsequent to your application? He told me there was no tender received for that part of the country but mine.
132. *By Mr. Morris*: He only told you this verbally—you had no written document or notice that your tender had been accepted, had you? No; but he had all the applications for land in the Wellington District, and he produced them to me. From those documents he told me there was no other application in for this block of country. On the faith of that I sent the men over the next day to put up a yard, and, just as I had the yard finished, I found that the Commissioner had recommended the tender of a Mr. Twaddel for the same country. I was really surprised.
133. Did you ascertain whether Mr. Twaddel's application was dated subsequently? I did.
134. And you found that it was subsequent to yours? I did find that it was so afterwards, and under some very strange circumstances.
135. At the Chief Commissioner's Office? Yes. He did not get the land however. It remained vacant for three years. There was something very ungentlemanly in the matter.
136. Then this Mr. Twaddel did not occupy this country although his tender was accepted? The tender was recommended by Mr. Whitty, but it was not accepted by the Government.
137. The Government did not approve of the recommendation? They thought there was something strange about it.
138. Did you subsequently get the land? Yes, three years afterwards. I applied again and my fresh application was successful.
139. *By Mr. Hoskins*: It remained vacant three years? Somewhere about that time, perhaps a little longer.
140. *By Mr. Watt*: Did the stock of any person occupy the country during that time? No, it is only in wet weather that there is any water there.
141. Did they then occupy it? Oh, yes; cattle belonging to different persons fed over it.
142. Did any one set up a superior claim to it which would be a cause for the Government not complying? No.
143. *By Mr. Morris*: Did you bring prominently under the notice of the Government Mr. Whitty's conduct in reference to this matter? I did, and he went back to examine the country by order of the Chief Commissioner.
144. *By Mr. Hoskins*: It is a fact which has come under your notice that great delay has taken place between the receipt of applications for runs and the taking of possession? You do not know when you may hear of the acceptance of your tender; it may be one, two, three, or four years.
145. *By Mr. Morris*: When the Commissioners examine the ground which has been tendered for previous to making a report favourable to the acceptance of a tender, do they mark it at all in any way? During the last twenty-four years I have scarcely ever seen a Commissioner on the ground to mark it or anything else. I have seen Mr. Beckham twice, I think, Mr. Whitty

W. Cummings Esq., M.P. Whitty once, and Mr. Mayne once. Those are the only times I have ever seen or heard of the Commissioner being on the land at all.

19 Feb., 1861. 146. *By Mr. Hoskins*: According to the new regulations, are not the Crown Lands Commissioners paid by fees? No, not now; Commissioners are appointed as valuers. They are paid according to their work. The District Commissioners have been paid a yearly salary.

147. *By Mr. Morris*: In the unsettled districts? Yes, in the squatting districts.

148. *By Mr. Hoskins*: Then the District Commissioners take the *ipse dixit* of the applicant as to extent and boundaries of the run instead of visiting it themselves? That has been generally the case up to the present time, I believe, but I could not say what has been the general routine during the past twelve months. I believe they are now a little more cautious in not recommending the acceptance of a tender, until they have ascertained something about the piece of pastoral country applied for. But previously I am satisfied they never saw the country or locality for which they recommended a license to issue; if they had, they could not have made so many mis-statements. I consider District Commissioners to be the greatest evil ever inflicted upon the squatting community of the interior of this country; they have been at the root of all the actions which have been brought before the Supreme Court, in reference to boundaries.

149. *By the Chairman*: What remedy would you propose? It has been apparent to me for a long time, that a man applying for a piece of pastoral country for grazing purposes ought to be allowed to go at once and select it; and, having marked his boundary lines, take possession of it, and send in his application to head quarters through the Commissioner.

150. *By Mr. Morris*: But supposing that one occupier happened to clash with another in reference to boundaries, who is to decide? Any man possessing neighbourly principles or gentlemanly feelings, would be careful not to encroach upon his neighbour's boundary.

151. But supposing they did not possess those gentlemanly feelings. I apprehend that if those Commissioners had been competent to survey the run, and had been compelled to make a rough survey—that these difficulties to which you have alluded, could not very well have arisen? No doubt the boundary lines not being defined has been the cause of so many actions in the Supreme Court; they would do their duty—they would be quite competent properly to perform all the duties required of them.

152. *By Mr. Hoskins*: You think prior occupancy ought to confer a right of possession? Not to great extents of country; some men have claimed as much land as they could ride over in a week, never intending to occupy it, to sell their interest therein to the injury of the *bonâ fide* squatter.

153. If you occupy any new country, you consider it a matter of necessity that the Commissioner should visit the land you occupy and point out the boundaries? According to my description as nearly as possible.

154. *By Mr. Morris*: To shew what you are entitled to under the regulations? Yes.

155. *By the Chairman*: Are you aware how this matter is arranged in Queensland? Yes, I have read the regulations.

156. There I believe it is first occupancy? Yes.

157. With a reference to the Commissioner by tender within two months after occupancy? Yes.

158. *By Mr. Mate*: How did you get at the assessment of your runs if the Commissioner has never been there to assess them? One has been assessed by the Commissioner I believe, and one by guess.

159. *By the Commissioner*? Yes, by the Commissioner and another gentleman; but he assessed it in the Town of Bathurst.

THURSDAY, 21 FEBRUARY, 1861.

Present:—

MR. WATT,
MR. MATE,

MR. MORRIS,
MR. HOSKINS.

FRANCIS TOWNSEND RUSDEN, Esq., IN THE CHAIR.

Mr. John Dunsmore called in and examined:—

Mr. John Dunsmore. 160. *By the Chairman*: You are acquainted with Messrs. Millar and Maxwell? I am.

161. Sometime about the end of 1859, in November I believe, you went with Messrs. Millar and Maxwell to the Surveyor General's Office? Yes, both those gentlemen were with me

21 Feb., 1861. when I went there, but I cannot recollect the exact month.

162. You went, as I understood, to see that the tenders put in by them for certain country they had selected were formally drawn—that the run had been properly applied for? Yes. We went up to see what was doing in regard to the tender. The application for the country had been previously made, but since it had been put in had remained in abeyance.

163. You went professionally? I did.

164. As solicitor for Messrs. Maxwell and Millar? Exactly.

165. You inspected the maps in the Surveyor General's Office, along with these gentlemen, in order to ascertain the exact position of this country? I cannot say that I recollect examining any maps.

166. However, the information you obtained was that this country applied for was in the Gwydir

Gwydir District? Yes, we were told that the land applied for was in that district, and for that district the application was sent in.

Mr. John
Dunstaure.

167. The information you then obtained led you to suppose that Messrs. Maxwell and Millar had tendered correctly when they tendered for land in that district? Certainly; and, if I recollect correctly what occurred, Mr. Halloran mentioned that there was no Commissioner for that district at that time.

21 Feb., 1861.

168. Did Messrs. Maxwell and Millar ask if they would have permission to occupy the land? Yes, they said something about it.

169. And what answer was made? No particular reply was given. It was said that this was left entirely to themselves. It was a matter for their own decision.

170. They tendered I believe in November? I cannot recollect the date. I had a letter which would have enabled me to fix the time exactly, but my clerk informs me that Mr. Millar got that letter.

171. I have that letter. It has been handed to me by Mr. Millar, and it is my intention to lay it before the Committee. Can you give the Committee an idea of its contents? Yes. It was addressed to Messrs Maxwell and Millar at my office, and informed them that their application for the lease of certain country in the Gwydir District had been received, and that it had been sent to the Commissioner of that district to report upon.

172. That letter was dated the 6th December, 1859? Somewhere about that date.

173. The letter informed them that the application had been sent to the Commissioner to report upon, although only a few days previously you had been told by Mr. Halloran that there was no Commissioner for that district? Yes, that was what I understood him to say.

174. *By Mr. Mate*: What was the date at which you called at the Surveyor General's Office? It must have been in November, 1859.

175. And you received the letter in December? Yes.

176. Then a Commissioner may have been appointed in the interval between your visit and the receipt of the letter? Yes, that might be.

177. *By the Chairman*: The Committee have learnt that Messrs. Millar and Maxwell did occupy this country in May, 1859? Yes, I believe they did.

178. They repeatedly urged you to look after this business? They did.

179. And to go to the Surveyor General's Office for an answer to their application? Yes.

180. And you did go there repeatedly? Yes. I was there several times.

181. What was the answer you obtained? I was told that nothing had been done in the matter. At last I got a letter which I now produce. I made several applications. I think I was once or twice at the Survey Office before I got this letter. It is from Mr. Sibthorpe, Commissioner of Crown Lands for the District of Wellington, and dated the 10th September 1859. (*Letter read. Vide Appendix A.*)

182. That letter is addressed to Messrs Millar and Maxwell? Yes; and immediately on their receipt of it they forwarded it to me, as their legal adviser, with instructions to take such steps as I might consider necessary.

183. What course did you take? On the 13th October, 1859, I wrote the following reply to Mr. Sibthorpe. (*Letter read. Vide Appendix B.*)

184. Did you take any steps to communicate the contents of this letter to the Surveyor General? Yes, on the same day, the 13th October, 1859, I wrote the following letter to the Chief Commissioner of Crown Lands. (*Letter read. Vide Appendix C.*)

185. Did you get any reply to that letter? No. I received no communication from that office since then.

186. Did they not acknowledge the receipt of the letter? No. Once I went up to the office and saw Mr. Halloran; I asked him what had been done in the matter? He told me that my letter had been forwarded to the Commissioner of the District, but that nothing had been done in regard to it. This was about ten or twelve months afterwards.

187. *By Mr. Morris*: Were Messrs. Millar and Maxwell the first parties to tender for this piece of country? Yes, undoubtedly.

188. You ascertained that at the Survey Office? Yes. The record kept in the Surveyor General's Office shewed my clients to have been the first tenderers. I searched the records and found a memorandum of its having been received, with a statement of what had been done with it, and the particular date of its receipt.

189. *By Mr. Mate*: Has it been yet determined in what particular district this country is situated? No such determination has ever been officially communicated to me or to my clients.

190. *By the Chairman*: Have you ascertained, as a matter of fact, in what particular district it is situated? I have not.

191. Can you state anything more in regard to this case? No, I think I have mentioned all the circumstances in so far as I was connected with them.

192. And, from your knowledge of the circumstances, what is your impression of the case? I think that Messrs. Millar and Maxwell have been very unjustly dealt with.

193. You consider that a great injustice has been done to them? Most unquestionably.

194. Did they take every precaution in their power to guard against mistake? They did.

195. Both by going themselves to the Surveyor General's Office and by employing you to look after the matter? Certainly. They could not have done more than they did. These very letters that were written by me to Mr. Sibthorpe and the Chief Commissioner of Crown Lands ought to have been sufficient to call the attention of the office to the mistake if there were any.

196. They took, to your knowledge, every precaution not to illegally settle down on Crown Lands? They did; every precaution.

197. Your impression then is that it would be impossible, from the state of affairs disclosed

Mr. John
Dunsmure.
21 Feb., 1861.

to you on your visit to the Survey Office, for any one to say in what district the piece of country was situated? I say that we were distinctly told that it was in the Gwydir District; and that the letter from Mr. Sibthorpe and my letter in relation to it ought to have made the office look after the matter.

198. These letters ought, as you conceive, to have been sufficient to have prevented them from giving the country to any other person? Yes, certainly.

199. You took instant action on the receipt of Mr. Sibthorpe's letter? Yes. The dates will shew this, as Mr. Sibthorpe's letter went first to Messrs. Millar and Maxwell, and was then forwarded by them to me.

200. And you conceive that those gentlemen have been very unfairly dealt with? Yes, I think so.

APPENDIX.

A.

*Nileambiddy, Barco's River,
16 September, 1859.*

Sir,

I have the honor to request, that you will forthwith inform me by what authority you are in possession of Crown Lands on the River Biree, or Bellandool, or the Culgoa River, in this district.

As you are liable to a heavy penalty for illegal occupation, it behoves you to acquaint me as early as possible, otherwise I must proceed against you under the Act 4 Wm. 4th, No. 10, known as the Crown Lands Act.

I have, &c.,

L. H. SIBTHORPE,

C. C. L., Dist. Wellington.

Post Town, Molong.

Mr. Lockhart Millar,
Culgoa River,
District Wellington.

B.

Sydney, 13 October, 1859.

Dear Sir,

Our clients, Messrs. Millar and Maxwell, have forwarded to us your letter to Mr. Millar, of the 16th September last, relative to his occupation of land on the Culgoa River. Our clients' tenders for the blocks in question were sent in to the Chief Commissioner of Crown Lands in November last, and were opened on the 6th December, and on the 11th January last we received a communication from the Chief Commissioner, stating that the same awaited the report of the Commissioner of the District, which report we have not yet received, owing, we presume, to recent alterations in the boundaries of the district.

We remain, &c.,

DUNSMURE & STAFFORD.

To the Commissioner of Crown Lands,
District of Wellington,
Molong.

C.

Sydney, 13 October, 1859.

Sir,

Our clients, Messrs. Millar and Maxwell, in November last tendered for certain blocks of country in the District of Gwydir, known by the names of as noted in the margin, and on the 11th January last we received a letter from the Chief Commissioner of Crown Lands intimating that the tenders had been opened on the 6th December last, and that the same then awaited the report of the Commissioner for the District.

A doubt having arisen from recent alterations in the boundaries of the district whether the lands tendered for by our clients might not now possibly form part of the Wellington District, we have the honor to request that you will be pleased to cause copies of the descriptions of the blocks tendered for by our clients to be forwarded to the Commissioner of the Wellington District.

We have, &c.,

DUNSMURE & STAFFORD.

To the Chief Commissioner of Crown Lands,
Sydney.

S. B. Daniel, Esq., M.P., called in and examined:—

S. B. Daniel,
Esq., M.P.

21 Feb., 1861.

201. *By the Chairman:* You were at one time a Crown Lands Commissioner? Yes, for a short time.

202. What were your duties? The principal of them were reporting upon tenders for new runs, valuing and defining them, and assessing their grazing capabilities.

203. In what district? In the district of Bligh.

204. Do you consider the present system of tendering for runs to be an efficient one? I think it is one that might be improved very considerably.

205. Would you be good enough to point out what you conceive to be the principal objections in the present system? I had rather not speak about objections, but, if the Committee will permit me, I will submit to them what I conceive would be an improvement upon the present system.

206. Perhaps you will first state what you consider to be the defects of the system, and then the mode by which you would remedy them? The principal defect in the system is, in my opinion, the mode in which the system of tendering for runs is carried out, by means of sealed tenders. This causes proprietors of runs not only to suffer great loss, but also to experience great uncertainty. For instance—a person having a run adjoining a piece of country that was open for tender, and requiring it perhaps for some particular purpose, would be induced to offer a very large premium, for fear of its falling into other hands. In order

order not to lose the place, and not knowing who was offering against him, he might perhaps be led to offer as high a premium as £200; and yet when the tenders come to be opened he will find that there has been no competitor against him, and that the large amount of premium he has offered has been virtually thrown away, so far as he is concerned. This all arises from the system of sealed tenders being employed instead of open competition. And again—let a person be ever so anxious to obtain a piece of country, and let it be ever so manifest that it ought to go to him, yet if another tenderer exceeds the amount he has offered, if only by one penny, that tenderer will have it. Now, the remedy I propose for this is, that all forfeited runs shall be put up for sale by public auction, at some place within the district in which they are situated; so that the persons most interested, or most desirous of obtaining the runs, may do so openly, and without having to resort to the secret system of sealed tenders.

S. B. Daniel,
Esq., M.P.
21 Feb., 1861.

207. These remarks of yours have reference to forfeited runs only? Yes, not to new runs.

208. What system would you propose with respect to new runs? With regard to new runs I think that the plan now established in Queensland is an admirable one; in fact, it is almost our old system that we had here. The selector goes out and chooses the piece of land he requires. He then puts down his own marks of the boundaries of his selection, and applies by letter to the Commissioner of the District, describing the locality and the boundary marks, for permission to occupy. A duplicate of this application is sent in at the same time, to the Chief Commissioner of Crown Lands. That is the Queensland plan; but I think that the Commissioner of the District ought to have it in his power, if he should find that the land applied for is not in the occupation of any other person, and that it will not interfere with any other selection, at once to give the applicant permission to occupy. The selector would then occupy the land, and if he did not stock it within six months or some reasonable period after selection, the land should be forfeited, and be open to be taken up by any other person; and further, to prevent irregularities, applications for new runs made to the Commissioners of Districts; they should be instructed to make monthly returns to the Chief Commissioner in Sydney of all applications for runs sent in to them.

209. I proposed the same thing, but my suggestion was that the returns should be sent in fortnightly? Yes, but I think monthly would be better, because it might happen that the Commissioner would be absent when the application arrived. Commissioners are liable to be called away from home on duty, and are sometimes absent for a fortnight together.

210. Your proposition then is in fact that the first occupant should have the land? Yes.

211. Of course then you would allow them to occupy before sending in their application and getting regular permission to do so? Yes, certainly. The Queensland Regulations say that the selector may occupy land for two months previous to tendering for it, and that such occupation shall not be illegal.

212. So long as he put in his tender within a reasonable time after taking up the land, you would allow the selector to occupy? Yes; and, further than this, I would allow persons having water frontages to rivers or creeks to be able to take up the back country behind them in a similar manner by going upon it and stocking it. In all cases I would insist upon the land being stocked within a certain time.

213. *By Mr. Morris:* You would allow the owners of water frontages to come in the same as any others upon the back country? Yes, in exactly the same way.

214. Have you not found that there has been immense delay in reporting upon tenders for runs; so much so that applicants have been kept for years out of the runs for which they have applied? Yes; I know from my own experience, that, when I took office as Commissioner of Crown Lands, there were lying in the office tenders for runs to be reported on that had been sent in five and six years previously.

215. Tenders for runs in your district? Yes; in the district of Bligh.

216. So long as six years? Yes; and in that time the applicants had repeatedly written to the Commissioner requesting to be put in possession of the runs. They were in fact anxious to pay the rent and assessment in order that they might have legal possession, and yet their applications had been neglected, and they had been allowed to enjoy the occupation and use of the land without paying a penny, because no other person would apply for it as it was well known that the parties occupying were the first applicants; at the same time the parties occupying would make no improvements on account of the absolute uncertainty of their tenure.

217. To what do you attribute this excessive delay? To favouritism in some instances, and design; as by not being reported on, and valued, and assessed, the occupiers were exempt from the payment of the rent and fees which rightly they ought to have paid. Sometimes it occurred from other reasons.

218. But what prevented you from reporting on them? I did report on them, and thence the inferences I drew in regard to the causes of delay. In many instances I found land for which application had been sent in to be vacant country, and put other parties in possession.

219. *By the Chairman:* Is it not your opinion that the roundabout, circumlocutory system of dealing with the tenders after they have been sent in causes very unnecessary delay? There can be no question about it.

220. For instance—the tender is sent in to the office in Sydney, and there it lies for perhaps nearly two months before it is opened; then, when opened, it is sent to the resident Commissioner? Not always; sometimes tenders are kept for a month before they are forwarded to the resident Commissioner.

221. But even suppose they are sent off directly, with orders that they shall be reported upon at once, the Commissioner may be in a different part of his district when they arrive, or he may have a press of business which demands his prior attention, and so be prevented from replying? Yes, no doubt such often happens; but the plan I have just sketched out would prevent all that.

S. B. Daniel, Esq., M.P.
21 Feb., 1861.

222. *By Mr. Watt:* But persons might desire to go and look out for land before they were ready to occupy it, as no man would like to drive stock about with him whilst engaged in selecting a piece of new country? What I would recommend is, that persons should be compelled to go upon the land they were going to take up, and see it for themselves before doing so. That, when they had satisfied themselves of its suitability, they should make a rough sketch of the land, describing where it is situated, and the natural features which may exist on its boundaries. This should be sent in to the resident Commissioner, with a duplicate copy for the Chief Commissioner in Sydney. These sketches could be roughly transferred to the map of the district, and by that means persons in Sydney could, by looking at the map, see what lands had been applied for and what were vacant. In this way applications could be decided upon at once, instead of being kept, as they now are, to be reported upon, for months and years, and then, after all, to be perhaps reported on unfavourably. One glance at the map will suffice, under my plan, to prevent a very great deal of inconvenience and delay.

223. *By the Chairman:* I think you said that the application and sketch should be sent in in the first instance to the resident Commissioner, and not to the head office in Sydney? Yes, sent to him in duplicate, one copy to be forwarded to the head office. The matter appears to me to be very simple. A rough lithographed map of the different squatting districts, shewing all the lands granted under lease, and all those open for selection, could easily be furnished by the Surveyor General, and obtainable at about a shilling each; and every person in the district might be possessed of one. On this could be sketched out the position of the run selected and applied for, and being forwarded to the head office in Sydney could be transferred to their general map of the district by the aid of the written descriptions accompanying the sketch. In this way, I conceive, all mistake would be prevented. Most of the districts are not very clearly defined. Wellington and Bligh, I know, are partly marked off.

224. *By the Chairman:* They are old districts and their boundaries are well known, but where new runs are likely to be taken up the exact position of the land would not be known? That is true, but it could be marked off upon the map so soon as it was known.

225. You are aware that the only chance of obtaining new runs is by pushing into new country? Yes; but there is one thing with regard to New South Wales, and that is that we have not now that large extent of territory that would be any serious inconvenience likely to arise from persons going upon unknown country. We have now no extent of unexplored country within our boundaries. Nearly every creek, river, and watercourse is now known, and almost the whole available territory is taken up already.

226. *By Mr. Mate:* Are you aware of any case in which injustice has been done in consequence of two tenders clashing—of their taking in the same land? I am, and I have very good reason for knowing it to be the case. And besides this, from the frequent alterations of the boundaries of districts, applicants have frequently lost runs for which they tendered in consequence of putting in their tender for land—describing it as situated in one district when, in fact, it is situated in another. This has been the case, and in some of the cases, I believe, the information upon which the parties acted, and which afterwards proved to be incorrect, was obtained from the Surveyor General's Office in Sydney. For instance, parties about to tender for a run have been told at the Survey Office that it was situated in the District of Bligh, when, in reality, it was in the District of Wellington.

227. *By Mr. Morris:* These boundaries of districts are not surveyed or marked in any way? No. The natural features of the country are taken as boundaries as nearly as possible. For instance, the District of Bligh adjoins the Districts of Gwydir, Liverpool Plains, and Wellington. Lately, however, a portion has been taken off the Bligh District, in order to form the new District of Warrego, so that persons not aware of this, and knowing the old boundaries, and not having seen the *Gazette* in which the new boundaries are set out, would be led to apply for land in the Bligh District, but would be refused on account of its being in the Warrego. They might describe all the natural features and boundaries of the run quite correctly, but would yet have their tender thrown out in consequence of describing the land to be in the "Bligh" District, when by the recent change it would be in the Warrego. Now, this is manifestly a great hardship upon applicants, and yet I have known equal uncertainty even in the Survey Office, within the Settled Districts. I happen to be aware that the Government have sold land which they described as being in the County of Cumberland, when it was, in fact, in the County of Cook; and yet, notwithstanding this mis-description, the parties who purchased were put in possession of the land, as its position was well known. The same thing ought to be done in the case of applications for runs, for if the natural boundaries of the land applied for be properly described, a mere mistake in the name of the district ought not to be allowed to affect the validity of the tender. These imaginary lines by which the country is cut up into districts have been adopted for the sake of official convenience, and they ought not to be turned into a means of inflicting injury upon applicants.

228. *By Mr. Mate:* Can you suggest any system by which persons tendering for runs can ascertain the exact district in which the land they apply for is situated? There is no system by which it can be done exactly at present, and that has led me to make the suggestions I have done in reference to the mode of sending in and dealing with the applications.

229. There is now no system by which the boundaries can be absolutely defined? None whatever. There is nothing further to guide the applicant than the plan of the district issued from the Survey Office.

230. *By Mr. Morris:* This is only on paper. There is no actual marking on the land itself? No, not generally.

231. So that, from having no landmarks on the ground itself, even though the person has the

the lithographed plan in his hand, he would find it very difficult to fit in the plan to the ground in such a way as in some cases to be sure that his land is in the right district? No doubt he would; but there are also other evils which I have found out in the course of the performance of my duties. For instance, persons have sent in tenders for runs stating that the boundary commenced at such a point of a river or creek and terminated at such another, and that the area contained a certain quantity of acres; and yet, when I have come to examine the land for the purpose of estimating its grazing capabilities, I have found double the quantity of land contained in it to what the application had asked for. By this means these persons have been for a series of years in the occupation of twice the quantity of land they were entitled to, to the exclusion of others who might have come in had the application been properly framed.

S. B. Daniel,
Esq., M.P.

21 Feb., 1861.

232. You mean that the parties have taken up very much more in quantity than they have applied for? Yes; the area within their described boundaries being greater than stated in their tender. Their doing this completely shuts other people out, because the Chief Justice and the juries of the Supreme Court have decided that, where a person's cattle feed there, it is his run, and that he can maintain an action for trespass on it, pleading prior possession.

233. What would you advise in such a case as that? I have recommended that, where a person was found to have a larger area than he had applied for, an additional rate of license and assessment should be charged him in proportion to the extra quantity of land, or else that the extra quantity should be put up to public competition. I do not think that these persons should be altogether deprived of the opportunity of getting possession of this extra land, which has evidently fallen to them through the fault of the Government officials, the grazing capabilities of the runs not having been assessed as the land regulations direct; then, again, the grazing capabilities of runs vary very much; there are instances in which I have assessed the grazing capabilities of a run at twice the amount fixed by the leases, and in which the lessees have perfectly agreed in the correctness of my doing so. In these instances the runs were nearly all old ones, and the original grazing capabilities had been returned by the occupier on first taking possession, when the runs were new, and not of so much value in regard to the quantity and quality of the grass, as they are now, that they are older and more eaten off. Most of the Committee must be aware that runs in some kinds of country are greatly improved by having stock put on them, as the grass is never so good before sheep are placed on it as it is after it has been eaten off. For this reason, then, I would recommend a periodical adjustment of the assessment, so that where runs may have been assessed at a low grazing capability, the assessment may be increased as the capability of the run improves.

234. *By the Chairman:* You are aware, perhaps, that whilst some runs improve by having stock on them, others have greatly deteriorated? Yes, certainly; and I would suggest that the Government, at the expiration of the present leases, should re-value these runs, and that a reduction should be made in favour of those of which the grazing capabilities have been over-estimated.

235. Are you not aware that the boundaries of old runs—runs long taken up—have been altered? Yes, in the manner I have described; that is the only way.

236. *By Mr. Morris:* That is from being in excess of the quantity applied for in the first instance? Yes.

237. You did not take away from these parties the excess in their quantity of land? No; in no one instance. I merely reported the matter to the Government.

238. Have there been any instances of the Government acceding to the retention by these parties of the excessive quantity of land? I cannot say what the Government plan of action has been in the matter.

239. *By the Chairman:* Do you not think, that, in those cases where a larger quantity of land has been taken up than has been applied for, it would be better that the value of the extra quantity should be assessed, and the occupier be made to pay it, rather than that it should be taken away from him after long occupation? Undoubtedly. I would also mention to the Committee that a very great deal of inconvenience to stockholders arises from licensed surveyors going through the country measuring the runs. In doing this, they find pieces of vacant land lying perhaps between two runs, thence causing serious disturbances, and then give the information acquired to other persons, who at once put in an application for the land thus left. By these means, parties get themselves wedged in between two runs, to the perfect destruction of the two between which they get.

240. What remedy would you apply? I would recommend that whenever a licensed surveyor was occupied in laying down the boundaries of a run, he should be compelled to send in a duplicate of his map to the Chief Commissioner's Office, in order that it might be verified. These different maps could then be fitted to each other on the general map in the office, and thus any person would be able to see at a glance whether there was vacant land or not.

241. It is within my knowledge that portions of runs which have been marked for the last twelve years have been taken from the occupiers by the Government. These parties, however, say that they will resist the Government and go into Court, if there is any attempt made to dispossess them? I am aware that there have been such cases.

WEDNESDAY, 27 FEBRUARY, 1861.

Present:—

MR. MATE,
MR. WATT,MR. HOSKINS,
MR. MORRIS,

MR. LUCAS.

FRANCIS TOWNSEND RUSDEN, ESQ., IN THE CHAIR.

Mr. J. B. Rundle called in and examined:—

- Mr. J. B. Rundle.
27 Feb., 1861.
242. *By the Chairman*: I believe you know a great deal about the present system of tendering for runs? I do.
243. As agent or as principal? In both capacities.
244. Have you found that any great or vexatious delays have been experienced in getting answers to tenders after they have been sent in? That has been very much the case.
245. And persons have been prevented from getting their runs after they have applied for them? Exactly.
246. For any long period? Yes. In some cases for years.
247. It has been years after the tender has been sent in that they have been put in possession of the run tendered for? Yes.
248. Can you specify any particular instances in which this has been the case? Yes. I could mention three or four cases in which nearly five years have elapsed since the tenders have been sent in, and they have not yet been reported upon. Now I think of it, fully half-a-dozen cases of this kind have occurred on the Narran, and also in the new district of Warrego, formerly part of the Wellington District. Some of these were runs of another party, in which I have an interest.
249. And in those cases did you get no answer at all for five years? No answer at all.
250. Nothing, I suppose you mean, beyond the usual formal letter acknowledging the receipt of the tender? Nothing more. I need not say that these delays have been most vexatious, and that they have led to very great confusion, jealousy, and uncertainty, and that, in some instances, may be the cause of involving parties in heavy lawsuits.
251. Can you name any of these runs, concerning which there has been such great delay? I am not prepared to give the names of the runs, as I have not the necessary memoranda with me for doing so; but they are all out in the Warrego District. I can recollect that the name of one of the runs on the Narran was Will Bill.
252. Was that run occupied before the tender was accepted? It was, partially.
253. *By Mr. Watt*: By the person who tendered, or by other parties? By the tenderer.
254. *By the Chairman*: Is that run likely to be claimed by any other person? Yes. I believe there are three or four other parties expecting to get it, as from the way business is conducted each person imagines himself to be the first applicant.
255. And you attribute the difficulties that have arisen in this and other similar cases to the delay that has arisen in getting an answer to applications, and in being put in possession of the run applied for? Undoubtedly.
256. Have any difficulties arisen from the recent adjustment of the boundaries of old runs? Yes. On the Darling this adjustment, as it is called, has caused a perfect revolution, in consequence of the District Commissioner having shifted the whole of the boundaries up and down the river; he has shifted whole stations, one after another, until what was before the run of one man became the run of another. This has caused innumerable difficulties, and will be the source of endless lawsuits between the parties concerned.
257. How long have these runs that you speak of on the Darling been occupied? For the last ten years, at least.
258. And they have, in almost every case, I believe, defined boundaries? Yes, defined in so far as marking the trees on the frontages is concerned. They have not been regularly surveyed and measured frontages, but they have been sufficiently defined by marking the trees.
259. And in the recent adjustment these defined boundaries have been completely ignored? Yes, stations have been moved down entirely clear of their marked boundaries. For instance, for Mr. T. G. Dangar's run of Bunna Wunna has been moved a distance of six miles up on to Mr. G. Loder's run. This sort of thing causes inconceivable confusion.
260. In addition to this it causes a vast amount of injury to the occupant in regard to the shifting of the stock? Most decidedly. The moving stations in this manner necessitates the breaking up of the cattle camps on the old run, and this has a very injurious effect upon the cattle. It will also be next to impossible to break in cattle to a new run so near to the old run on which they were born, and the result will be perpetual quarrelling and impounding. Besides this, if we attempt to go up upon Mr. Loder's run we shall render ourselves liable to an action at law, with which Mr. Loder threatens us; and I believe he has gone so far as to take counsel's opinion upon the point.
261. Have any new runs been put in, in consequence of this shifting of the old runs? Yes; one has been put in between Bunna Wunna and the next run.
262. Has only one new run been put in, or have there been more than one? I believe there have been two new runs made by the shifting of the old ones.
263. *By Mr. Morris*: Has not this shifting been caused by the actual frontages not corresponding with the amount contained in the original tender; and on account of its being found that the occupants had taken possession of more country than they were entitled to under their tender? In so far as the country we took up is concerned, this was not the case, for we measured it as as nearly as we could without actual survey. There is a tree marked

marked W. L., five miles from that tree the Bunna Wuuna station commences, and runs for five miles west. The Turee station has another five miles frontage, and between these two it is said there has been discovered by the Commissioner, a small portion having only two miles frontage, but in consequence of all this shifting backward and forward, it has now been made eight or nine miles frontage.

Mr. J. B.
Rundle.

27 Feb., 1861.

264. But are not these runs shifted in accordance with the description given in the tender? No; I do not see that.

265. *By Mr. Hoskins*: Do all parties in tendering give a precise and accurate description of the runs they apply for? Yes; and these tenders and descriptions are afterwards gazetted.

266. But it has been said, and we have it in evidence, that parties tendering do not give accurate descriptions of the boundaries of the runs applied for, but merely a rough outline? That may be the case with new runs, but these I speak of are all old runs, that have been occupied for the last twelve years, and the boundaries of which are well known and clearly defined. There could be no mistake about them, and yet they have all been shifted and changed, and everything thrown into confusion, to such an extent, as to make space enough for a new run between the old ones.

267. *By Mr. Lucas*: I suppose that by shifting one run in one direction, and another in another, a vacancy has thus been made between the two? Yes, something of that sort. Though, in some cases, one run has been moved upon what was formerly another.

268. *By the Chairman*: And this is certain to give rise to lawsuits, inasmuch as the law courts have held that actual possession gave the right to the land, and that any person coming in and trespassing, was liable to an action by the occupant? Yes; it has been decided that the occupant only was entitled to hold possession.

269. *By Mr. Hoskins*: You have said that these runs were taken up some twelve years ago? I was not acquainted with the district at that time, but I believe so. Certainly they have been taken up more than ten years.

270. When the parties who originally took up the land got possession, did they send in a full description of the boundaries of the run they occupied? Yes, I suppose as nearly as they could do so. Like all the old runs, however, they were only particular about the frontage. They never said more in the application than that they desired to take up a certain run, five miles by so many miles, particularly describing the frontages. These, however, were never perfectly accurate.

271. Would the descriptions thus given lead it to be inferred that there was not sufficient room for an intermediate station between the applicant and the next nearest occupant or tenderer—are they of such a kind as to shew that the whole frontage is taken up? Yes, certainly; because, when a person applies for, say, four blocks of country, he is supposed to take up all the country to the extent he claims, commencing at some known point of land previously occupied or claimed. It is never expected that vacant land will be left between any of the blocks applied for.

272. *By Mr. Lucas*: Are not the persons who tender in this way bound to send in a description of the boundaries of the blocks they apply for? They are.

273. And then these boundaries are gazetted, from the descriptions so given in the tender? The tenders, I believe, are first looked into, to see that they correspond with other tenders that have been sent in from the same district, and to ascertain that they do not clash with these—that two tenders are not sent in for the same country. Upon these tenders the land is afterwards taken up. The great drawback is, that parties sometimes send in tenders for the same country, but with different descriptions, thus causing disputes.

274. Do you not think it would be an advantage if persons were to be allowed to take possession of a run before tendering for it? That was what was done under the old system. Yes, I think it would be very much better. The first occupant would then have the right to tender.

275. Would not that have the effect of preventing two persons from putting in a tender for the one piece of country? Certainly.

276. In the tender, I believe, you usually state the length of each line, and the distance of some point from the boundary of the nearest station? Yes.

277. And in the case you refer to, on the Darling, your boundary is described as extending a certain distance from another station, that other station extending for a certain distance from a marked tree? Exactly.

278. Those distances are supposed to be five miles each? Yes, but it may be more.

279. But if it should happen that instead of five miles those distances should be seven miles and a half, it must be evident to you that you would have two and a half miles more frontage than you would be entitled to, and that the owner of the next station would be in the same position, consequently it would be no more than right that this extra amount should be taken off each, and that another person should be allowed to come in upon the new run thus obtained? That has not been the case, for we applied and took up only a frontage of five miles; but where more country has been occupied for a period, it is usual to re-assess and not dispossess the occupier, or shift long established boundaries.

280. Supposing that to be the case in any instance, do you not think the Commissioner would be justified in taking off the extra amount? I think that what a man has been given possession of he has a right to maintain. Those who tender for a piece of country will not obtain it unless the blocks follow on in succession, so that vacant land cannot occur.

281. Suppose you tender for five miles of frontage commencing five miles distant from a marked tree, and that another party tenders for a similar frontage commencing on the other side of the tree, and running in the other direction, there would then be a space of five miles between the two runs that any person might tender for if he thought proper? No, I think not. It would be optional with the parties adjoining to take it or not as they thought proper

- Mr. J. D. Randle.
27 Feb., 1861.
282. Suppose the outside boundaries of two stations to be A and B, and that they are fifteen miles apart; that the one has a frontage of five miles from A, and the other a frontage of five miles from B; the whole distance being fifteen miles, and only ten miles being accounted for, there must be left a vacant frontage of five miles between the two? Certainly.
283. That being the case, do you not think it would be a very proper thing for the Commissioner to make a new run of this vacant frontage, and to receive a new tender for it? No, certainly not; because if an occupant have by accident a mile or so more frontage than he has stated it ought not to be taken from him. It must be remembered that these frontages are not measured off by the chain, but are merely approximated. At the same time the measurement by the Commissioner is nothing more, for he does not measure by the chain.
284. How does he do? He generally walks his horse over the ground. He knows the pace of his horse, as for instance that he walks five or six miles an hour, and in this way the frontage is given. If, when the ground comes to be measured accurately, the party is found really to have more than he is entitled to, he would in all cases be very ready to pay a sum in addition proportionate to his increased quantity of land. This would meet all the objects of the Government, and prevent very much inconvenience. In fact it makes very little difference, because the occupant pays for it in paying for the increased number of cattle kept on the run.
285. Yes, but there is a rent as well as an assessment to be paid? The rent is of very little object, because payment is made on the estimated capability of the run, and that is assessed by the Commissioner. On this assessed grazing capability they pay the rent, and on this account many runs pay a larger rent than others, though they have the same amount of country. Some runs pay as high a rent as £10 and £12 for a section.
286. *By the Chairman:* All the evils you have enumerated have arisen from the delay of the Commissioners in reporting upon tenders? That is my opinion.
287. And this in many instances may be the cause of lawsuits? It may.
288. The law will have to decide in the cases you have mentioned? Yes.
289. *By Mr. Mate:* Is not the tenderer allowed to take more than five miles if he believes that the country is of so poor a character that five miles frontage will not keep 4,000 sheep? I am not certain on this point. I believe that the tenderer is allowed to take up more if he puts the reason for his so doing in his tender. This must depend, however, to a great extent, upon the nature of the country taken up.
290. That is if he thinks that the ordinary frontage will not keep 4,000 sheep, he is entitled to include more in his tender? I am not certain upon that point, but I believe he is.
291. Might it not be upon this account that the quantities now clash, in the cases you have mentioned on the Darling; as the person, in taking up the country in the first instance, may have thought it so poor that the usual quantity would not carry 4,000 sheep; and now, that the Commissioner is proceeding to adjust the frontages, these extra quantities being taken off, throw all the others into confusion? That is the effect of it, but I cannot speak as to the original cause.
292. *By Mr. Lucas:* Are all runs assessed prior to possession being given? I believe not, but assessed by Commissioner afterwards.
293. And the rent of all is fixed upon their grazing capability? Yes.
294. *By Mr. Morris:* I believe, as a matter of fact, that the grazing capabilities of the greater part of the runs are under-estimated? Yes, in some instances; but I know other instances again in which they are over-estimated.
295. *By Mr. Hoskins:* That is generally the case with small runs, I believe? Yes, chiefly with small runs.
296. Owing to the facility with which the Commissioner can make an examination of them as compared with larger runs? Yes, no doubt. But I know several large runs that have been over-estimated. I had some runs on the head of the Castlereagh that were excessively over-estimated. We have since had them re-estimated, and they are now placed upon a somewhat more equitable footing.
297. You say that different persons give different descriptions of the same land; now has not this been the chief cause of the lawsuits you speak of? No. I said lawsuits might arise, but I know of no case in which this has been the cause.
298. Is it not within your knowledge, that occupants of runs have to apply to the local Commissioner to define their boundaries? Certainly they have; but then it takes years to do this.
299. Why? Because of the difficulty there is in getting the Commissioner on to the run, to examine and report upon it.
300. You are aware that these Commissioners are appointed for the performance of these duties? I am.
301. If they do not perform them, if they so persistently neglect to attend to the applications of occupants of runs, how can they possibly pass their time? That would be hard for me to say.
302. It is a fact, however, that comes within your knowledge, that the local Crown Lands Commissioners are very remiss in the performance of their duties? I should say so.
303. Have you any doubt upon the subject? I have no hesitation whatever in saying that they are exceedingly remiss, especially in reporting upon runs.
304. So that it has repeatedly happened that parties have applied for and taken possession of public lands, and then have not been able to get the Commissioner to come and attend to them and their claim? Yes. That has been the case for years past.
305. Has it not happened that persons have applied for blocks of land in a new country to the Chief Commissioner of Crown Lands, that they have received notice that their application has been received and referred to the local Crown Lands Commissioner, that they have thereupon

thereupon taken up and occupied these blocks, and yet that they have been afterwards dispossessed by the local Commissioner? Yes. I have seen one or two cases of that kind latterly in the Warrego District.

Mr. J. D.
Rundle.

306. Can you mention them? The particular case that I remember just at this moment is that of Messrs. Millar and Maxwell. 27 Feb., 1861.

307. The Committee have had that case before them. Can you mention any other? Yes. There are two runs there, one occupied partially by cattle, and the other by horses. We have stocked them, and have been in possession for some years, and yet we do not now know whether or not we shall be dispossessed.

308. You hold no authorization from the Government or their officers for your occupation? No; but if we had not occupied the runs they would have remained idle for years past.

309. Have five years elapsed since you sent in your application? Yes, about that time. We applied for the blocks in August, 1856.

310. And during that time no Commissioner has visited the runs to report upon your tenders? No.

311. *By Mr. Morris:* Are you paying any revenue to the Government for your occupation, either by way of rent or of assessment? No. We have been considered as being illegally in occupation, and have been ordered off. I believe that some of the neighbouring settlers complained of us to the Commissioner, informing him that we were trespassers. Upon this information the Commissioner ordered our stock to be impounded.

312. And were they impounded? They were not.

313. You are still on the ground, in possession and occupation? We are.

314. And are paying no rent or assessment to the Government? None.

315. I believe that there are many cases similar to yours throughout the country? Yes; I believe it is a case of every day occurrence.

316. *By Mr. Haskins:* Then, in consequence of the neglect on the part of the local Commissioners, there are numerous blocks of country taken up for which no rent or assessment is paid, because of there being no official on the spot to report on the land, and to hand over formal possession to the applicant? There are, no doubt, such cases.

317. And this, you say, has been the case for years? What I say is this, that there is one particular instance in which a number of applications for new runs sent in three, four, and five years ago, have not yet been reported on; and that this neglect has caused very considerable loss to the revenue.

318. Then you know as a fact that very great delay has been experienced in reporting upon applications for new runs, and in the applicants receiving authority to occupy? I do.

319. And you think that if there were some alteration of the present system it would tend to increase the revenue, would give more satisfaction to the pastoral tenant, and would largely enhance the stability of pastoral pursuits? Most undoubtedly. The present system has been attended with very great evils, and has been the cause of loss both to the Government and to the occupier of the lands.

320. The country to which you allude is, I believe, very badly watered? It is in many places.

321. At the same time, however, it is a very fine fattening country? It is a very good country when it can be occupied.

322. Do you imagine that if there had been more attention paid to the applications for runs, and a more prompt habit of replying to these applications, that many persons would have been induced to invest their capital in this district, in making dams and reservoirs, or in sinking wells, and thus making this country fully available? Undoubtedly they would.

323. Then the Government have been losers, in a revenue point of view, by these delays? They have.

324. And the resources of the country have suffered by the impetus which they would have received in this direction having been checked? Most certainly.

325. *By Mr. Lucas:* How long have you been engaged in squatting pursuits? I have had to do with stock for the last twenty years.

326. Could you suggest any mode of removing the grievances that exist in reference to the points you have mentioned? I do not know that I am prepared at the present moment to make any suggestion, more than that the local Commissioner should be required to send in fortnightly returns to the Chief Commissioner of Crown Lands, in Sydney; and that, in all applications for new runs, a duplicate of the application lodged with the Chief Commissioner should be sent in at the same time, to the local Commissioner, by the party tendering. By this means a check would be obtained upon the local Commissioner, as duplicates of all applications being sent simultaneously to the Chief and the local Commissioner, and the latter having to make fortnightly returns of all applications received and reported on, it could at once be seen how he was getting on in the matter; and there would not be so much danger of applications being mislaid and forgotten as there is when they go only to one office.

327. *By Mr. Morris:* You propose then to send, as well as the tender to the Chief Commissioner, a duplicate to the local Commissioner? Yes.

328. *By Mr. Lucas:* Do you not think that it is the duty of the local Commissioner to give immediate information to any person desirous of occupying or of applying for vacant Crown Lands? I hardly think that part of his duty.

329. Under the present system the application or tender is sent in to the Chief Commissioner of Crown Lands, in Sydney, and not to the local Commissioner? It is.

330. The tender is sent in to the Chief Commissioner, and he forwards it at once to the local Commissioner for his report, and it is here that all the delay occurs? I believe so, and perhaps the tender remains in the local Commissioner's office for five years, as ours have done.

331. So that all this delay is entirely the fault of the local Commissioner? Yes, undoubtedly; that is to say, if the tenders have been sent to him and he does not report on them.

Mr. J. B.
Bundie.
27 Feb., 1851.

332. Then you think by sending a duplicate of the tender to the local Commissioner at the same time that the original is sent in to the Chief Commissioner, the local Commissioner could at once forward his copy on to the Chief Commissioner by return of post, with his remarks upon it? No, I do not think that, because the local Commissioner is supposed to go upon the run applied for, with the tender in his hand, to see if the description there given corresponds with the actual boundary, so that some considerable time must necessarily pass before he could make his report; but in a new country, where there are so many tenders coming in, there is such a demand upon the time of the Commissioner, that, for years past, there has been more work than one, or even two Commissioners in a district, could get through within a reasonable time.

333. Then, after receiving the tender from the Chief Commissioner, the local Commissioner has to examine the run and decide upon its estimated grazing capabilities? Yes, and to report upon the boundaries also.

334. And it is your impression that one Commissioner to each district is not sufficient to do all the duties required, and that that has been the cause of delay? That has been one cause; but beyond that there appears to have been great neglect; the duties seem to have been neglected altogether.

335. You consider that even as it is, the duties have not been attended to? They have not.

336. Is the suggestion you have just made the only one you have to offer? I do not think you can improve on that, as you obtain the only check you can have upon the local Commissioner. It then remains for the Government to have an efficient staff of Commissioners, so as to report upon these tenders for new runs with as little delay as possible.

337. *By Mr. Watt:* From the general tenor of your observations, I am inclined to think that it is your impression that the present dissatisfaction which exists in regard to the occupation of new country refers rather to the want of a proper administration of the Crown Lands Regulations than to any inherent fault in the regulations themselves? That would be hard for me to say. I do not feel disposed to say whether the Crown Lands Regulations are good and efficient, or whether they are the reverse.

338. What I mean is, that the evils you have enumerated have, in your opinion, arisen not so much from the regulations themselves, as from their not being properly administered? Probably they have to some extent, but I do not feel disposed to say more than that in favour of the regulations, as it cannot but be admitted that some of them are bad in themselves.

339. *By Mr. Hoskins:* Do you not think that a great deal of the present difficulty has arisen from persons being allowed to hold runs without putting any stock on them? It is quite certain that there has been a very great abuse in this respect.

340. Has not that been the primary cause of many of these difficulties? No doubt it has led to very great abuses; because parties have taken up country that they could not and never intended to stock.

341. *By Mr. Watt:* By not properly carrying out the regulations have not the officials prevented much land from being occupied? Numerous persons have no doubt been debarred from taking up country, because of its not having been reported on.

342. *By Mr. Hoskins:* If the regulations were so altered as to provide that no tender should be accepted unless the person tendering had first occupied the run tendered for with stock—do you think that would be an improvement—giving in fact the right of tender to the first occupant? Yes; but a certain time ought to be given for stocking a country newly taken up—three, six, nine, or twelve months—I do not say what time, but some time should be given.

343. I believe it has been the plan for persons who have no stock to take up runs, and then afterwards to sell them at a good price to others who required them for their stock? Yes, this has been done, and is a very objectionable practice—very much so.

344. Such a practice is calculated most materially to retard the development of the resources of the Colony? No doubt.

345. What remedy would you suggest for this particular evil? It could be prevented in a very simple way, by providing that if, after the tender has been accepted, the run is not stocked within some reasonable time—though I am not prepared to say within what time, but say within twelve months—then that it should be competent for any other person to go upon the run, stock it, and take possession.

346. *By the Chairman:* Would not the better plan be the adoption of the Queensland system, which is this:—that a person should be allowed to occupy vacant Crown Land before tendering for it, and if he tenders within two months after such occupation, then such occupation shall not be considered illegal. So that a person could at once go on the land with his stock, provided he tendered for it within two months after occupation; so that the applicant is saved from that vexatious waiting for occupation that is now so much complained of? Yes, that would be a very good plan; in fact it is just a matter of opinion between this and the plan I have proposed, of making it imperative that a run shall be stocked within six, nine, or twelve months of the acceptance of the tender. There is one system something similar to this in Queensland, under which the tenderer has a certain time given him to occupy and stock the run tendered for. If this is not done within that period, then it is open for any person to take stock upon the land and occupy it, provided that he reports his having done so immediately to the Commissioner of the district.

347. *By Mr. Hoskins:* These remarks apply specially to new country, but as there is very little of such country in New South Wales, they are, I presume, more applicable to Queensland than to this Colony? Not at all; it is a great mistake to fancy that there is no new country in this Colony, for there is very much more unoccupied country in this Colony than people are generally aware of. To my knowledge there are millions of acres on the Narran,

but

but unfortunately there is no water, and the result is that only the frontages are taken up. And here I would desire to make one or two observations in reference to unwatered country. I have had many conversations with different persons, amongst others with Mr. Robertson, on this subject. It may be in consequence of what I and others have represented to him that he has introduced a clause in his Crown Lands Occupation Bill, to give a ten years' occupation of unwatered country to such persons as shall bring the land into use, either by raising water by machinery or by collecting the surface water by dams or reservoirs. Now, I believe that it would be a very great benefit to the country generally if an inducement were held out to men of capital to take steps for occupying all this immense area of unwatered country, by giving them, in all cases where there was no standing water within five miles of their run, a longer tenure of lease than on the other watered runs, in order to induce them to make improvements, either by sinking Artesian wells, or by other methods. I myself know plenty of country that never will be occupied unless by persons who are prepared to raise water by machinery or to make dams; but then these works cost money, and no man will occupy and go to the necessary expense, unless he has a certain tenure of lease. Mr. Robertson proposed five years in the first instance, but I shewed him that this would form no inducement at all, that it would hold out no encouragement whatever; he then proposed that he would give fourteen years. I had at first suggested twenty-one years, but afterwards, on thinking over the matter, I said that perhaps parties would be content with fourteen years' leases. This term has now been reduced in the Bill to ten years, and I do not really believe that any person will be found willing to go on the land and make improvements for a less tenure than fourteen years. All the best and the finest fattening country in the interior is unwatered country, as honorable gentlemen no doubt know, and unless some inducement is offered, it must to a great extent be lost, for it can only be fed over now during a comparatively short portion of the year.

348. In making this suggestion, do you propose to confer this right to occupy for fourteen years absolutely upon these persons, without allowing others a right to come in also? It would be of very little use unless it were so. The land would be occupied for grazing purposes only, for it is utterly valueless for agriculture, you cannot grow so much as a cabbage there; so that if a person lays out, say a thousand pounds, for the purpose of watering five miles of country, it is very evident that this would bring up his cost to a pretty heavy sum, and unless he is prepared to lay out that amount, it would be no use at all for him to think of taking up country of this kind. At present, and under existing regulations, this class of country is entirely lost to the Colony, whilst if it can be brought into use for grazing purposes, even if the terms of occupation were as liberal as could be, it must be beneficial for the Colony at large, since it must tend to increase its resources.

349. *By Mr. Morris:* You do not think it likely that any person would invest capital in improvements on such country as this, unless he was insured such a reasonable length of tenure as would be likely to repay his outlay? That is the great difficulty that the pastoral tenants labour under at the present moment. The tenure is so uncertain that no one cares about improving.

350. *By Mr. Hoskins:* It is quite certain that no person would settle on these lands if he thought he could not make them remunerative, and in that respect, if the lands are such as you describe, there would not be much danger from the free selectionists; but then, suppose that a person should feel inclined to settle there,—suppose he should be disposed to make the necessary outlay for watering a small patch, say enough to feed a small flock of sheep, you would not prevent him from doing so, if he went to the trouble and expense of sinking a well or making a dam to provide water for his own use? Most assuredly I would. I would put it to yourself whether, providing you had spent a large sum of money—and nothing less than a thousand pounds would be of any use—in making a useful land that was previously worthless, and on the understanding that you were to have five miles each way for a definite period, you would not think it a hard case indeed if, at the end of two or three years, a person was allowed to come on your run, and take three or four thousand acres off it.

351. I presume, then, you would make it entirely a question of amount, that is, would fix the tenure by the amount expended in improvements; so that if a person expended only a small sum in making a dam, for instance, he should not be allowed so long a tenure as another who goes to the cost of sinking an Artesian well? The extent of improvements would be a question solely for the decision of the person occupying the country. He would have to say whether it would be worth while or not; and my impression is that the decision on this point would turn mainly on the tenure of lease given. The system and duration of lease in unwatered country should be the same to all, and I would recommend long tenure.

352. *By Mr. Morris:* And when the lease is granted, whatever the term may be, it should be inviolably secured for that term? Yes, more especially in unwatered country.

353. Has any calculation been made as to how much capital would be likely to be invested yearly if this arrangement you speak of were made? Yes, the calculation has, I believe, been made.

354. *By Mr. Hoskins:* And a calculation of the profits also? Well, whatever money men make, no matter in what industrial pursuit, it must be by so much better for the country at large, since no one pursuit can flourish without benefiting the whole community. The land I speak of is now, perhaps, unoccupied for nine months in the year, as it can only be made use of in wet seasons; and there are millions of acres besides that are never occupied at all.

355. *By the Chairman:* To prevent speculations in runs, would it not be a good plan not to allow the licensed occupant to alienate a run unless it shall have been first, at all events, partially stocked? Yes, that would be a very good arrangement if it be confined to new runs. I would not, however, apply it to old runs, because they very frequently change hands without stock.

Mr. J. B.
Kundle.

27 Feb., 1861.

Mr. J. B. **356.** And for new runs you would insist upon their being stocked within a certain time
 Bundle. after the lease has been granted? Yes, and if not stocked within that time that any other
 person should have the right to come in and occupy.

27 Feb., 1861. **357.** *By Mr. Watt:* I believe, though, that these run hunters are rather of service than
 otherwise to the squatters, since they discover and open up new country, which the squatters
 themselves would not have time to do for themselves,—in this respect they prevent the loss
 of time to the settlers? Yes; to some extent this is so. I would now only mention, that
 it would, perhaps, be very well worth the attention of the Committee to decide upon the con-
 ditions under which unwatered country should be leased, and more particularly with regard
 to the tenure of lease. I can assure the Committee that ten years' lease, as proposed in Mr.
 Robertson's Bill, will not be sufficient to induce parties to take up this country, and make
 the necessary improvements, seeing the heavy expenses that such improvements must involve.

W. H. Suttor, Esq., M.P., called in and examined:—

W. H. Suttor, **358.** *By the Chairman:* You are aware of the manner in which runs are obtained under the
 Esq., M.P. present system of tender? I am.

27 Feb., 1861. **359.** Do you think that that system is a good one, or do you fancy it needs improvement?
 My idea is that the system is very bad, and that it can very easily be improved.

360. You are doubtless aware that very great delays have occurred in reporting upon tenders?
 Yes, I know that they have occurred in a great number of cases. So much so that there is
 nothing but disappointment and uncertainty in connection with the tender system. There
 are many tenders which to my knowledge have been sent in for ten years, and to which no
 answer has yet been received. They are very seldom answered under twelve months or two
 years from the time of their being sent in; so that a person tendering for a run is left all
 that time in a state of uncertainty awaiting the answer to his application.

361. That you consider to be the great evil of the system? Yes, the suspense in which the
 applicant is kept for so long a time is the great evil of the system; and besides there is no
 certainty after all, for after waiting patiently for a couple of years for an answer, he is told
 that some one else has a prior claim.

362. Knowing these evils, can you suggest a remedy for them? What I should recommend
 would be the adoption of one of two courses. The first is this:—That a person should be
 allowed to go out and discover a run—much in the same way as is proposed to be done
 under the free selection principle—that, having discovered the run, he should give a rough
 description of it to the Commissioner of the District, and obtain from him an order to take
 possession; and that having obtained this he should go and mark off the boundaries of the
 run, and send a written description of them to the Commissioner.

363. In order to prevent run hunting, would it not be advisable to insist that a run thus
 taken up should be at once occupied with stock? I think the present Assessment Act will
 meet all difficulty in this respect. For instance, if a person taking up a run at once stocks
 it with cattle, he is released from the payment of assessment for two years. If he does not
 stock it, he is called upon at once for payment of assessment on the estimated capability of
 the run.

364. You consider the present Assessment Act sufficient, without the necessity of calling
 upon persons to stock their runs at once? I do; for I know there has been very little of
 that system of run hunting since these Assessment Regulations have been in force. At one
 time there was a little speculation of this kind, but it never went to any extent in this
 Colony compared to what it did in the Moreton Bay District. The other course I would
 propose would be to put up the runs to public auction, for any system would be better than
 the present one of tendering, seeing the delay and uncertainty that attend it; and, even if
 the runs were put up to auction, it would be an improvement, because parties would, at all
 events, know what they had to depend on.

365. *By Mr. Watt:* Do you not know instances of runs having been put up to public
 auction by the Government, after having been surveyed, and of persons who have purchased
 them having had actions of trespass commenced against them after they had taken possession?
 No; I do not know of any runs having been sold by auction; the only way in which they
 can be let is by tender. The only runs thus put up to public tender by advertisement are
 those which have been forfeited, with the exception of the blocks of country on the Bogan,
 and these were let in this manner in consequence of their having been originally reserved
 for the Aborigines. The blocks were surveyed, and then tenders were called for by advertise-
 ment, though I hardly think the Government acted legally in doing so.

366. And there are instances of parties occupying the blocks thus leased having had actions
 of trespass commenced against them? I am not aware whether such is the case; but, as I
 said before, there is no doubt that in the case of these runs on the Bogan the Government,
 by calling for tenders, altogether ignored the Orders in Council, for they should have left
 the country to be tendered for in the usual way.

367. *By Mr. Mate:* You consider that they ought to have been regarded as new runs, and
 so to be tendered for in the regular way? Yes; and I expect that if there is any dispute
 about them it is on this account; that the persons who have tendered for them in the mode
 prescribed by the regulations consider themselves entitled to the occupation.

368. *By Mr. Lucas:* I believe these are very good stations? No, they can hardly be called
 so. It is a very fine country, but badly watered.

369. There were very many applicants for these blocks? I have heard so.

370. In that case the only way in which the Government could act fairly was to call for public tenders for them? I think not. The Government should have allowed them to be taken up, as in ordinary cases.

371. Do you think that the tender or the auction system would be the best mode of disposing of runs? I have said that I consider the auction system would be better than that now followed, but I have already suggested a mode which I consider would be the best to adopt, that is, if the Government and the Legislature really are anxious to induce people to take up and occupy the waste lands of the Colony.

372. What is that plan? That a person should go out and find country for him-self; that, on finding it, he should take possession and record his claim with the Commissioner of the District; and that then he should mark out his boundary. In fact, just the same mode of procedure as is provided for in the selection clause of the Crown Lands Alienation Bill. At the same time I say that selling the runs by auction would be preferable to the present system.

373. From your experience how do you think the grazing capabilities of runs are estimated—fairly or otherwise? A great many of them are over-estimated. I think, as a rule, they are over-estimated, and it occurs in this way: There are many of these runs consisting of blocks of say from five to ten miles square. These may be assessed at perhaps two thousand head of cattle, and the owners may pay for that number, and actually have the number on the run, but then they feed many miles back from the run for which they are assessed. Of course the squatters pay nothing for this back country, except the assessment on the cattle which feed over it, and on this ground they make no objection to the capability of their actual run being over-estimated.

374. *By Mr. Mate:* Many of them have latterly taken up these back runs, and that must necessarily increase the amount paid for rent and assessment? I am aware of the fact, and of course the amount paid would, under those circumstances, be increased.

375. I believe some particular regulations in regard to taking up these back runs were passed some short time back? No, I think not. They have to be tendered for in the usual way.

376. *By Mr. Lucas:* Are there any other suggestions you would wish to offer, particularly with regard to the working of the local and the Chief Commissioner's departments? I do not know what instructions the local Commissioners get in reference to their duties, but I consider it to be the duty of the local Commissioner to report at once upon all tenders sent to him—that is, the moment he receives a tender to report upon, he ought to go at once, see the run, and send in his report. I believe that the orders given to the local Commissioners are to go upon all new runs and inspect them, before reporting on them, and this has, no doubt, been the cause of very much of the delay that is complained of, as when the tenders come in it may not be convenient to go just at the time, and thus the work accumulates, and the tenders are left unreported on year after year.

377. Do you think that under any circumstances there ought to be a delay of twelve months in answering a tender? No, nor of two months. These local Commissioners have not so much to do that they might not report within two months of receiving a tender.

378. Then they have not so much work as to prevent them from attending to these tenders better than they appear to do? Certainly not; they have little enough to do beyond this; and besides, in nine cases out of ten, they might report upon a tender without going upon the land at all. For instance, if they last year visited a particular part of their district to report upon a series of tenders, they would in their inspection see the country, and know its capabilities sufficiently to enable them to report upon the next series of tenders without again visiting it; and it need only be when the tenders pushed further on, whether different country might be expected, that the Commissioner need again go in that direction.

379. Would you require duplicate tenders to be sent to the local and the Chief Commissioners? I have said that I would not tender at all. The person should select his run, put in his claim with the local Commissioner, and get from him an order to occupy at once.

380. *By the Chairman:* It has been suggested that the local Commissioner should be required to report fortnightly to the Chief Commissioner? Yes; that would provide a check upon him, as I do not think it would be advisable to leave too much power in the hands of the local Commissioners.

381. *By Mr. Lucas:* With reference to unwatered country, what arrangements would you recommend? As far as that is concerned, I may say that I know some large tracts of the finest grazing country in the Colony which is unwatered. There are many millions of acres of this description of country in different parts of the Colony; between the Lachlan and the Darling, there is a long belt of country without a drop of water on it, and yet it is all good grazing land.

382. And persons will not take up runs here because of the want of water? They will not.

383. Do you think that if some inducement were held out, such as giving a fixity of tenure for a certain period, persons would be induced to take up and occupy this country? I have no doubt but they would.

384. Would leases for fourteen years be sufficient to offer an inducement? I hardly think that fourteen years would be long enough, because it would be a very expensive job to make this country available. A man would have to lay out £700 or £800; dam-making is a very expensive work.

385. Would not a great portion of this kind of country be taken up under fourteen years' leases? I think not; the term is not long enough to form an inducement, more particularly in the country I have spoken of, between the Lachlan and the Darling. I mention this country, because it is a part that never can be applied to any other than grazing purposes.

386. Is it not fit for agriculture? No; there is no chance of the free selector coming there.

387.

W. H. Suttor,
Esq., M.P.

27 Feb., 1861.

- W. H. Suttor, Esq., M.P. 387. On account of its distance from any market? No; but because the soil is so impregnated with salt or alum that it will grow nothing, not even a cabbage; and yet it produces herbs and salt bush, upon which cattle thrive amazingly.
- 27 Feb., 1861. 388. What term of lease would you propose to give? I should say twenty-one years, and the reason I do so is, that the squatters generally are beginning to lose all confidence in the promised renewals of their leases. You may give them fourteen years with a right of renewal, but after you have passed your Act, the next Parliament may repeal it, and there is at once an end to the renewal of the lease. From what I know of the country to the west, there is more land there than will be taken up for the next twenty years, if it was well watered; and this it would very soon be, if a liberal system is adopted.
389. And there are very large tracts of country that would be thus occupied? Yes, millions of acres; for any localities where the land is suitable for agricultural purposes I would not recommend the granting of long leases, but only where the country was fit for nothing but grazing would I give them. These agricultural lands however may be said to be within two hundred miles of the coast; there is no good land beyond that.
390. *By the Chairman:* And you believe that a great deal of this fine grazing country will be made available? Yes, if something like a liberal inducement is offered to occupy.
391. And it can only be occupied by being watered through artificial means? Yes, by means of tanks or dams.
392. There is no natural water there? No, none.

TUESDAY, 5 MARCH, 1861.

Present:—

MR. HOSKINS,	|	MR. MATS,
MR. MORRIS,	|	MR. WATT.

FRANCIS TOWNSEND RUSDEN, Esq., IN THE CHAIR.

George William Lord, Esq., M.L.A., called in and examined:—

- G. W. Lord, Esq., M.L.A. 393. *By the Chairman:* I suppose, Mr. Lord, you have often tendered for runs? Yes.
394. Can you state whether you have experienced any delays in obtaining answers to tenders? Yes, I have experienced very great delays.
- 5 Mar., 1861. 395. Can you state any particular instance with regard to runs you have applied for, and where you have not received answers to your tenders? I can state three instances of the kind. I tendered for a run in 1848, called Lower Billangerimble; it was reported upon by the Commissioner, in March, 1850, and declined in consequence of there being no vacant country.
396. *By Mr. Morris:* Where was that? It was in the Lower Darling District at that time.
397. *By the Chairman:* You tendered in 1848? Yes; in fact I may state that I went to look at this run myself, and was one of the first parties on that part of the country. I selected it, and tendered for it at the time. I tendered again for this very same run in 1858, giving exactly the same description.
398. Exactly the same description? Yes; and I believe that the Commissioner has reported favourably upon it now in 1860.
399. Then you are not in possession of the run, but you believe the report to be in your favour? I have not received official information, but I heard in the office that the Commissioner had reported that the country was vacant. In 1850 I tendered for another run in the same district that was not reported on till March, 1855, and was also declined in consequence of there being no vacant country. In 1850 I tendered for another station called Comedic, and that was declined in March, 1855,—about the same time.
400. For what reason? In consequence of there being no vacant country. These two latter tenders I have never taken any interest in, because I know that they have been given to another party.
401. *By Mr. Watt:* Did the other party tender first? No; he has tendered since.
402. *By the Chairman:* But there must have been vacant country if it has been given to another; they have found it since? No doubt.
403. Do you consider that the Commissioners do their duty in the districts, then, in returning answers to references made to them? Well, I think some of them do, and that others do not.
404. You imagine that a better plan might be substituted for the present system, which is extremely round-about: the tender being opened in Sydney and referred to the Commissioner, for instance, that implies a great delay? I think, on the whole, the present tendering system is bad.
405. Would you state your reasons why you think it bad? One great reason is the vexatious delays.
406. Is there any other reason? It may be in the power of the Commissioner to decline your run.
407. And give it to another? And give it to another.
408. Rumour says that is very often done—is it not so? I cannot vouch for it.
409. Could you suggest any more expeditious method? Well, I would prefer returning to the old system.
410. What old system do you mean? That is of taking up a run yourself, and stocking it.

G. W. Lord,
Esq., M.L.A.

5 Mar., 1861.

411. *By Mr. Watt:* First tendering? I would not have any tendering.
412. *By the Chairman:* First occupation? First occupation.
413. But with stock? I should compel him to stock it.
414. And within a certain time? Within a limited time.
415. In fact, it would not be his until it was stocked, according to your proposition? No; and he might be made to pay a certain sum into the Treasury to shew that he was sincere in his wish to occupy the country; he should pay into the Treasury the amount of his license at once.
416. *By Mr. Morris:* Rent? Rent.
417. *By the Chairman:* Who is to assess it? Let it be an open question until determined by the Government; but he would still pay an annual license.
418. A minimum? A minimum.
419. Leaving it for the District Commissioner appointed by the Government to ascertain what the assessment would be according to the existing regulations by arbitration? Exactly.
420. You propose that it should be by arbitration, as it is now? Yes, under the present system.
421. Do you not think that in these distant countries, where there is so very little to be surveyed, that the Government might manage to survey the water-courses, and so on, that parties might be able to describe more particularly the run they occupy? I should imagine that nearly all the rivers are now surveyed.
422. Yes, but these distant water-courses which are taken up? It would be inconvenient, I should think, for the Government to survey all the different creeks.
423. But a great deal of this delay, with regard to tenders, arises from the indifferent, not to say incorrect, description given? No doubt.
424. So that the Government lie under considerable difficulty in accepting a tender for country so loosely described as many of the runs are of which descriptions are sent in; is not that your opinion? Yes, I think the Government labour under very great difficulty in many cases, or, at least, that the Commissioners labour under such difficulties in reporting.
425. *By Mr. Morris:* You have described to us some of the unsuccessful instances in which you tendered for runs? Yes.
426. Have you, in any of the successful instances, had any difficulty in obtaining the runs—I mean when you have been successful in the end? I have not obtained many; I have not been very successful.
427. But you have obtained some? Yes.
428. Do you remember any circumstances connected with one of the runs you got—any difficulties connected with the obtaining of it? Perhaps you are alluding to two runs which I obtained on the Gulgoa?
429. Yes. Would you be kind enough to describe to the Committee the circumstances which caused the difficulty? I am not aware that I had any difficulty in obtaining the run.
430. Will you be kind enough to tell us the date of your application for these runs on the Gulgoa? I cannot without referring to the Government records; but I think it was in 1858 or 1859 that I tendered.
431. How long after you tendered was it before you received notice from the Government of the acceptance of your tender? I think it was nearly twelve months—I cannot tell the exact date, but it was a very considerable time. When I tendered for this country I was not aware of any one being in possession of it; I never knew of Messrs. Maxwell and Millar being there.
432. Have you ascertained since how long they had been in possession before you tendered? No.
433. You have not ascertained? No.
434. But did you know that they were in possession at all previous to your tendering? I think they were; they were, I believe, in possession of a portion of it only.
435. You have no objection, I apprehend, to state the amount you pay as rent and license? I could not tell you that without reference. I have not at present possession even of the stations.
436. You have not been put in possession then? The Commissioner has put Mr. Yeo (that is my superintendent there) in possession.
437. Would you be kind enough to state what are the exact steps they take to put a person in possession of a run, which is probably occupied by some one else? I have never been with the Commissioner on such occasions, and can only describe it from hearsay.
438. I should like to know? It is a simple matter, I should think. I have been with the Commissioner in cases of disputed boundary, and he has gone across the run with both the proprietors, and settled it in that way, defining the boundary by marking a tree.
439. But I want to know how you are able to dispossess the parties at present in possession? That is the business of the Crown, I imagine.
440. But they will not take any action unless they are put in motion? It must be the Crown who puts them in motion.
441. Puts who in motion? Who puts the Commissioner in motion—it is not I?
442. I want to know who puts the Crown in motion? Supposing Messrs. Maxwell and Millar were in possession of country for which they held no license, and which they had no authority to keep, I tender for that country, and my tender is reported on by the Commissioner, and in the event of no other tenders having been sent in the land is given to me; then I ask to be put in possession of it, and the Commissioner puts me in possession.
443. *By Mr. Hoskins:* Do you know whether your application was anterior to that of Messrs. Maxwell and Millar?

- G. W. Lord, Esq., M.L.A.
5 Mar., 1861.
444. *By Mr. Morris*: He might be able to tell the reason why the Crown puts parties in possession in some cases and not in others? I was in possession before Messrs. Maxwell and Millar; I had 30,000 sheep there before they came on to the country.
445. And you abandoned it? No; I was travelling, and had sheep there some two years before I was in possession. It was from a knowledge of that country that I tendered for it.
446. *By Mr. Hoskins*: How long subsequently to having these 30,000 sheep on that run was it before you put in your application? I dare say two years; I thought it was such a distance away that it was hardly worth while tendering for.
447. Have you known instances in which persons have applied for blocks of new country, where the boundaries have not been marked—where no marks have been made by any persons who might ostensibly have taken them up;—have you known cases where persons have applied for such runs, and where other parties have afterwards been put in possession, although there have been no marks to shew that any persons had previously been over the country? No, I cannot say; when I sent my man down with stock to take possession of this country, he told me that Messrs. Maxwell and Millar were there—that was the first I heard of their being in possession. I then did make some inquiries if there were any tenders for these runs by Messrs. Maxwell and Millar, and I found that there were none in the Wellington District. I afterwards heard that they had tendered in the Gwydir District, but as a matter of course the Gwydir District tenders would not go to the Wellington District; they would be under a different Commissioner, and he would not have known anything of them there.
448. What district were these runs in? They were in the Wellington District when I tendered.
449. *By Mr. Mate*: Are they not in the same district now? No, the name of the district has been known since as the Warrego District.
450. *By Mr. Hoskins*: Who was the Commissioner of the Wellington District at that time? Mr. Sibthorpe is Commissioner now.
451. And he certified to the Government that they were in the Wellington District? He would not have seen these tenders at all—would not see the tenders of Messrs. Maxwell and Millar.
452. Do you know whether Messrs. Maxwell and Millar reported these runs as being in the Gwydir District? I have only heard it by report from the office.
453. How long is it since these runs have been included in the Warrego District? Within the last twelve months—in fact, when my tenders were accepted, they were accepted as in the Wellington District.
454. And how long is it since your tenders were accepted? I think just before the Warrego District was proclaimed—about twelve months ago.
455. *By Mr. Morris*: You are aware that until recently—within the last three or four years—the Gulgoa was in the Gwydir District? Oh! no; no such thing; you are misinformed.
456. Surely you have observed it on maps so included? No, certainly not; if you will take the trouble to refer to the description of the Wellington District in 1851, you will find that the Gulgoa could not have been in any other district than the Wellington; it was from that that I took it; any one would see at a glance that it was not in the Gwydir District. There is the Government alteration of the boundaries of the different districts published in the *Government Gazette*, and you will find that the Gulgoa, even above that portion occupied by Messrs. Maxwell and Millar, was in the Wellington District since 1851; that is not two, three, or even four years ago.
457. *By the Chairman*: Are not the boundaries of these districts imaginary lines? Well I suppose they are in some instances.
458. It must be so, unless a particular river or creek is mentioned—the rest must be imaginary? Yes, but you must know that in 1851 all the districts were then settled, and the boundaries were described and published in the *Government Gazette*.
459. Yes; but still the boundary lines are imaginary? No doubt.
460. *By Mr. Hoskins*: Did you, in your application to the Government for these runs, give any defined boundaries of the runs for which you applied? Oh! yes; certainly.
461. What—mountain ranges? No; I commenced on the Gulgoa at a known point, and went up to the boundary of the Wellington District.
462. *By Mr. Mate*: Is there any part of the Gulgoa in the Gwydir District? Oh! yes; the principal portion. I think it is called the Maranoa up above.
463. *By the Chairman*: This is considerably higher—in Queensland, is it not? Yes, it is in Queensland now.
464. *By Mr. Mate*: It was the lower portion then that Messrs. Maxwell and Millar occupied? Yes; it was evidently in the Wellington District. If they had tendered in the Warrego District they would have had no difficulty in obtaining the runs. It has been their *luck*, in my opinion. As soon as I found out that these parties were in possession I made them a very fair offer. I told my superintendent there to sell them the country, or to buy their sheep, I think I offered them very fair terms.
465. *By Mr. Morris*: Have you had occasion to make any official complaints with regard to the way in which this tendering system is managed? I have.
466. Could you state it? In this first case that I mentioned, in the Lower Billungerimble.
467. What was the reply to this complaint—did you receive it in writing? Yes, that it should be referred to the Commissioner of Crown Lands for his decision.
468. And —? And then further communication would be made to me.
469. And has it been? Yes, in this one case. I believe they find that there is country there to give me what I tendered for in 1848. That is the only case.

470. *By Mr. Hoskins*: From your experience, will you state what length of time has generally elapsed from receiving an intimation from the Crown Lands Office that tenders have been received and referred to the local Commissioner, to the time persons are put in possession of their runs? The usual mode of doing it is this: You send your tender in, and get an official notice stating that it has been received and referred to the Commissioner to report upon; waiting his report it may be some five, six, or seven years; some of the Commissioners, in fact, never think proper to go at all.
471. And you ascribe this delay to dereliction of duty on the part of the Commissioners? I do; I think if the Commissioner did his duty there would be nothing of the kind.
472. The duties of Crown Lands Commissioners are to put persons in possession of runs, to define the boundaries of runs, and to settle disputes? Yes, and to assess the capabilities of runs.
473. Still you know, as a fact, that they are very remiss in the performance of their duty? Yes; I might have made a complaint of this Commissioner in 1848, and stated that he never visited the country, which is a fact.
474. You do not consider this an isolated case? I only speak, of course, of what I know.
475. *By the Chairman*: Have you not a new run, the tender for which has been recently accepted on the Darling, between two old runs called Bunnawonna and Turce? I have got a tender on the Darling accepted, known as East Georgia.
476. I believe that comes in between a run called Bunnawonna and a run called Turce? As far as I recollect the description of it it is bounded by West Bunnawonna.
477. Have not these runs been occupied for a long time? I do not know that they have ever been occupied.
478. That you do not know? I do not.
479. I believe they have been occupied for a considerable period. Parties may have been occupying too much; but do you suppose the owners of these runs will move out quietly, or defend, by law, their previous possession. I know it has been done in one or two instances; some friends of mine, named McCrae and Sheridan, recovered £250 damages. If these runs have been previously occupied, may it not lead to litigation? It may lead to litigation.
480. I ask these questions to shew that greater and ulterior evils may and do arise from the delay in answering tenders? Well, there may be exception taken to that. For instance: the parties owning Bunnawonna and Bunnawonna West may say they were entitled to fifty or sixty miles frontage, and prevent other persons coming in; and then, in rectifying the boundaries, the Government may take off some of the land they have been occupying, which I believe is the case here.
481. But still, where occupation has been had for a considerable time, it may lead to litigation, and that is one of the evils of delay in answering tenders? I think so.

G. W. Lord,
Esq., M.L.A.

5 Mar., 1861.

Alexander Grant McLean, Esq., called in and examined:—

482. *By the Chairman*: You are Surveyor General, Mr. McLean? Acting Surveyor General. For twelve months I was acting also as Chief Commissioner of Crown Lands.
483. During which period you learned more in reference to the system of tendering for runs than you otherwise would have done? Yes.
484. You are aware that this Committee is constituted to inquire into the system of tendering for runs? Yes.
485. Do not delays arise after a tender is sent in before the applicant gets an answer? Very great delays have existed.
486. There have been no answers in the case of some tenders for a very considerable period? I suppose there are some tenders as old as four years. Possibly there may be some as far back as four years ago.
487. Not longer? I am not aware that there are any which have been unacted on for a longer period.
488. *By Mr. Mate*: Do all the tenders go through your office? They all go to the office of the Chief Commissioner of Crown Lands.
489. And are referred to your office? No, they are placed in the tender box, and are opened on the first Monday of each month by the Tender Board.
490. Have you anything to do with defining the boundaries? Nothing, except as a member of the Tender Board.
491. *By the Chairman*: What is done, then, with these tenders by those who open them? They are, as I have remarked, opened on the first Monday of every month. The Board after noting the date of opening look through the whole of the tenders received to see whether any are informal, and if any such be found they are at once rejected or returned to the parties. The receipt of the remainder is then acknowledged, and abstracts from them are referred to the Commissioners of various districts in which the land is said to be by the parties applying.
492. How long is it before reports are returned from the Commissioners? I think it is scarcely possible to mention an average period.
493. You have already said that great delays take place and that in some instances an answer is not received for four years? Yes, I think I am safe in saying four years.
494. Is there anything to prevent Commissioners from making their reports more quickly? There are many obvious causes for the delay which takes place.
495. Without implying negligence or improper neglect on the part of the Commissioner? Yes, I think so.
496. Will you be good enough to state what you consider those causes to be? I think the

A. G. McLean,
Esq.

5 Mar., 1861.

A. G. McLean, Esq.
5 Mar., 1861. first accumulation of arrears resulted partly from the management of the departments not being very efficient, but very much from the Commissioners of Crown Lands being appointed Police Magistrates of the various inland towns, and having two separate duties to attend to. It was not unnatural, under these circumstances, that they should frequently prefer to perform the more easy and perhaps more honorable duty of Police Magistrate than to be travelling about the country.

497. Which would preclude their travelling about? Yes.

498. And, therefore, they would not be able to attend to that particular branch of their duty? That gave them a good excuse for not attending to their more proper duties. And then some years since the services of a large portion of the Commissioners of Crown Lands were dispensed with; and as the business of the department depended very much on the personal knowledge of these gentlemen—there being no map records kept of what had been done in reference to the granting of country—the loss of these gentlemen was felt. When lands were leased a record was of course kept. But the personal knowledge of these gentlemen, whose services were dispensed with, formed really the greatest source of information that was available. It was thought that their duties might be performed by the surveyors of the districts, but it was found after a trial that the surveyors had plenty of business of their own to attend to; and that, moreover, if they were employed in reporting upon tenders for runs the Government were keeping up an establishment of men, with equipments, not necessary for that purpose, and that there was an absolute waste of money. It was then thought (without reverting to the appointment of salaried Commissioners) that Commissioners might be appointed to be paid by the job—so much for each report on a tender. Several of these Commissioners were appointed, but most of them have since resigned. I think all of those who were first appointed have resigned, and with one exception, that none of them have made enough to meet the expenses to which they have been put. The exception to which I allude is that of Mr. Daniel, who having been long resident in the district of which he was appointed Commissioner, had as much personal knowledge as the Commissioner whose services were dispensed with. He started with a thorough knowledge, both of the country and people, and he made a fair living, perhaps, during the time he was employed. Of course those who could not make a living for themselves did not discharge the duties which it was anticipated they would perform. They reported on a few tenders.

499. At what rate were these Commissioners paid that they could not make a living? They were paid at the rate of five pounds for each report on a tender, where the tender was accepted, or the run brought to competition. They were paid five guineas for ordinary sized runs, and seven pounds ten shillings for runs above the ordinary size—sixteen thousand acres.

500. And they were paid nothing for runs in reference to which the tender was not accepted? I ought, perhaps, explain that they were first appointed with the view of assessing the capabilities of runs, and that was the rate at which they were to be paid. The business of reporting on tenders was a subsequent arrangement. The major part of their business was assessing runs.

501. Of course there the fee was certain? Yes.

502. But it was uncertain where a tender on which they reported was declined? The Government did not promise to pay for such cases, but they promised to take them into consideration. If, for instance, a tender was declined, a previous tender for the same land having been accepted on their report, the only trouble in the one case would be the writing of the report. In that case they were not paid. On the other hand, if they assessed two runs and reported on a tender for a part of the country occupied by these runs, they were not paid for it; but if they could shew that they visited a portion of the district solely to report upon a tender and had no other business there, although the report might be unfavourable, they were paid under a special authority.

503. But surely in the out districts Commissioners would have so much to do that they would be well paid by that arrangement—such, for instance, as the Warrego and the Albert? Probably the Warrego District would have paid better than any other. That district, at the time the Commissioners were appointed, was embraced in four other districts. The fact is these four other districts had been bounded by the Darling or Barwan River. They were proclaimed with that as the boundary. This was the limit of the settlement. But the settlers crossed the river and occupied the other side, and then the districts, as they met the river, were carried across it and still further to the Gulgoa and the other branches of the Balonne. When the assessing Commissioners were first appointed their commissions embraced these extensions of the whole districts crossing the Barwan, but shortly afterwards it was found that there was so much to do in this Warrego District that the Government appointed a salaried Commissioner specially for it, and the Warrego District was defined as bounded on the south and east by the Barwan or Darling River.

504. Would you recommend then that the Commissioners should be paid by salaries, or do you think the present system works well—you say the Commissioners could hardly make a living? They certainly could hardly make a living, but it is quite possible that a salaried officer could have done little more towards assessing the runs in these outer districts. The fact is the Government have no power under the present law to enforce the nomination by the holder of a run of his assessor, and if he does not appoint his assessor the assessment cannot go on. That was the great difficulty the Commissioners met with in attempting to assess runs.

505. Persons holding runs would not name their arbitrator? They would not—looking forward, no doubt, to the result being the imposition of a higher assessment than that which they were at present paying.

506. That has been a great difficulty in the way of the Commissioners fulfilling their duties with regard to the assessment? Yes.

507.

507. *By Mr. Hoskins:* Then, in point of fact, if lessees of Crown Lands refuse to appoint an assessor they can prevent any assessment of their runs? They can under the existing law. The assessment cannot be carried out without the appointment of an assessor, which appointment rests with them.

A. G. M'LEOD,
Esq.
5 Mar., 1861.

508. That defect requires remedying; the nomination of an arbitrator should be compulsory? Yes.

509. Have you not experienced great difficulty in ascertaining the position of runs from the loose descriptions sent in? Yes, great difficulties have been experienced in that respect.

510. But no doubt that the Commissioner would have to contend with, being on the place these matters are referred to him? Yes; he is supposed to examine the ground himself.

511. Are you furnished with sufficient charts of those out districts, to be able to see where such runs are tendered for? I could always ascertain the proximate position of any land tendered for. In the great majority of tenders I could determine the proximate position in a few minutes in the office.

512. I suppose there is a good deal of survey required to complete these districts? There is still some survey required, but not a very great amount. The principal features have all been surveyed. There was a large portion of the Darling River unsurveyed, with the exception of a flying survey made by Sir Thomas Mitchell's expedition along its banks, until last year; but that has been surveyed now.

513. And that was necessary to complete the surveys of those districts—the natural features being so very few and far between—by running the watercourses you would get all you could get? Yes, all the most solid part.

514. Do you think it advisable for the Government to have surveyed at once those watercourses which now remain unsurveyed, in order to get a better means of fixing the applications for tenders? They are in process of being surveyed—the Darling River—150 miles in a direct line. Two hundred and thirty or forty miles of survey were completed last year. The Bogan River was surveyed when runs were being laid out for competition. I entered into a contract with a surveyor for the survey of the rivers in the Warrego District. He had been engaged there in surveying runs for different individuals. He had also surveyed in the Gwydir District, and having had an opportunity of comparing his survey with that of an officer of the department, Mr. Galloway (whose survey he had not seen), I found that his work was reliable, and made a contract with him to survey the whole of the rivers of the Warrego District.

515. *By Mr. Morris:* At what rate per mile? £2 10s.; but he had to travel 600 miles to get to the place, and also to take up a large party. He has failed, however, to carry out his contract. Whether he was engaged on private survey and found that more profitable, or whether he failed from want of energy I cannot tell. He has failed, however, from some cause or other, and I am now sending out a salaried surveyor to carry out the same duties.

516. That would greatly assist you in accepting tenders, inasmuch as it would enable you to obtain a better knowledge of the country? No doubt; but the Commissioner (Mr. Fitzwater) has already reported on a very large number of tenders on the Gulgoon, the Bree or Birie, and the Warrego.

517. *By Mr. Hoskins:* Has the junction of the Warrego and the Darling ever been traced? Yes. On this survey of the Darling taking place I instructed the surveyor to survey a few miles of the Warrego, which he did.

518. Do you know of a creek recently discovered, which empties itself into the Darling, between the Warrego and the Darling? Which empties itself into the Darling below the Warrego?

519. Yes? There is a large creek emptying itself there, which was noted in the survey of the Darling River, and which I understand is a tributary—a sort of ana branch from a considerable number of waterholes at some distance back. It is a river which seems to be generally known there by the name of the Paroo. I may mention that the surveyor who surveyed this portion of the Darling, during the last winter, is going up again this winter to survey the Warrego, so far as it lies within the boundaries of this Colony, a large branch of the Warrego called the Irara, and such branches of this Paroo as he may be able to follow.

520. Do you know whether any country has been taken up on this Paroo within a recent period—say the last two years? No tenders have been accepted, I think; I may almost say I am certain that no tenders for land on the Paroo have been accepted, unless they have been accepted as tenders for back Darling runs—runs at the back of the Darling frontage runs. I doubt if even any have been accepted in that way.

521. *By the Chairman:* Will you be good enough to state if you know anything of the non-acceptance of tenders sent in by Messrs. Maxwell and Millar? Yes; it was mentioned to me that probably there would be some inquiry made of me in relation to the tenders of Messrs. Maxwell and Millar, in the Warrego District, and I had a search made yesterday for any tenders made by those gentlemen. I found some. It was suggested to me that the tenders of Mr. Lord had been accepted, for country tendered for by Messrs. Maxwell and Millar, who had misnamed the district in this case; but I found, and have brought the papers with me to shew, that Mr. Lord's tenders were considerably earlier than those of Messrs. Maxwell and Millar. Mr. Lord's tenders are dated on different days—April, 1859, and July, 1859—and Messrs. Maxwell and Millar's tenders are dated Sept., 1859. I may mention to the Committee that supposing Messrs. Maxwell and Millar's tenders to have been sent previously to Mr. Lord's, they having made a mistake in the district, the tenders would have been referred to the Commissioner of the district in which the land was supposed to be; and if the Commissioner for Wellington had acted with greater activity than the Commissioner for Gwydir, and reported first, the tenders might have been accepted at once. The fault of misstatement would be entirely that of the tenderer and the loss would result from his own inadvertence.

A. G. McLean, Esq.
5 Mar., 1861. 522. At the time they tendered they were told that the matter had been referred to the Commissioner of the Gwydir District, but at that time there was no Commissioner for the Gwydir. The Commissioners were being altered and shifted about, so that all the reports in reference to the Gwydir District at that time must have been in abeyance? Yes; the surveyor was nominally Commissioner, but it was not supposed that he would neglect his surveying duties. There was practically no Commissioner.

523. *By Mr. Morris:* Is it a rule in the Crown Lands Office that if a tender misstates the district that that tender is rejected? It was the practice; I do not know whether it may be called a rule. When I came to the temporary occupation of the office I found that it was the practice to reject tenders on account of the district being misnamed.

524. Have you since departed from that practice? The Tender Board, finding that a great many difficulties arose from it, brought it specially under the notice of the Secretary for Lands, who gave a decision (speaking from memory) to the effect that the misnaming of a district should not invalidate a tender.

525. If it be not held as a fixed rule that persons tendering must mention correctly the district in which they apply for runs, how is the office to be guided? Of course the office must refer the tenders to the Commissioner of the district in which the land is said to be unless it should occur to the Board in looking over the tenders to examine as to their formality.

526. But do they thus examine? They do examine as to formality.

527. Is it part of their duties? It has never, as a rule, been the practice of the Board, and I think it is scarcely part of their duty, but still, if in examining into the formality of tenders it should appear that a district was misnamed, they would refer to the proper Commissioner, or otherwise it would go to the District Commissioner in whose jurisdiction the land was stated to be, and if by the delay, which occurs in sending to the wrong Commissioner, some one else obtains the run, it would be the fault of the applicant.

528. *By Mr. Hoskins:* But supposing there is only one application for the land, and that the applicant misnames the district or does not give any accurate definition of the boundaries of the country applied for, he may be kept a long time out of possession from the fact that it is impossible to discover the country? Yes, the Commissioner has often to communicate with the parties to ask if they can point out the land. They sometimes describe it as commencing at a marked tree on some lagoon or creek, the name of which is not known, and the Commissioner finds it necessary that the land should be pointed out.

529. And this difficulty would be increased if the district were misnamed? Yes, but the Commissioner, having a personal knowledge of the district, can frequently tell that land applied for is not in his district, and he reports accordingly. But in the meantime a later tender may have been sent in.

530. *By Mr. Morris:* And the later tender would be accepted? Yes, but not under the recent decision of the Secretary for Lands. If the earlier tender were reported upon before this—if it came to the knowledge of the Board that there was an earlier tender with the district misnamed, that tender would be considered.

531. On whose report? The report, of course, of the Commissioner of the proper district. The Tender Board would refrain from recommending the acceptance of the later tender until the other had been reported on. I should mention, in reference to the question the Chairman put a short time ago about the reports on tenders being much facilitated by the survey of streams, that in the district towards the Lower Darling, on the north side of the Lachlan River, there is a long ana branch of the Lachlan called the Willandra Billabong. The portion of the district in which this stream lies was added to the Lachlan District, in which a clerical officer has remained from its formation, and in which his duties of reporting on tenders have now pretty well closed, the whole of the district nearly having been taken up. It was thought that he would be able to cross and deal with the country on the north bank, but in the absence of survey of any of the features he professed his inability to deal with the very numerous tenders for that part of the country; and during last winter—winter being the only time that country can be traversed, containing as it does so little water—I sent a clerical surveyor, and had him appointed a Commissioner of Crown Lands for the occasion, and he surveyed 150 miles of the Willandra Billabong, and traced it as far as the water would carry him. He reported upon all the tenders on either side of it, and upon the whole of the tenders lying between it and the Lachlan River, so adding, I suppose, 70 or 80 runs to the licensed runs of the Colony. This shews the necessity of having the prominent features of the country surveyed.

532. *By the Chairman:* You said also that you would combine the duties of Commissioner with those of surveyor? Yes.

533. You think it would be a good regulation if these gentlemen had an idea of surveying? That was the idea years ago, in the time of Sir George Gipps. If Commissioners had been surveyors instead of Police Magistrates there would not have been that confusion which now exists.

534. It would be better to combine the duties of surveyor and Commissioner? Yes.

535. A Commissioner may be a very zealous officer, and yet not have sufficient knowledge of a locality and of surveying to enable him to report so well as a person who had that knowledge? Precisely. If he were to go into a new country, for which there were a vast number of tenders, it would be impossible to report satisfactorily without some of the leading features being surveyed. In the case of the Willandra Billabong, before alluded to, this feature forms a great triangle with the Lachlan River and the west boundary of the district. The Lachlan River runs a little south of west, the Billabong breaks out from it, and runs due west.

536. But by running out that leading feature the whole country was, in fact, opened up? *A. G. McLean, Esq.*
 Yes. There is another large piece which was partly surveyed last year, that is the ana branch of the Darling; it has been partly surveyed, and during this ensuing winter the survey will be completed. Tenders for runs have been already accepted, however, on the reports of the Commissioner. *5 Mar., 1861.*

537. *By Mr. Morris:* Have not very many complaints been made in your office of delays in reporting on tenders for runs in the Lower Darling District? I think great complaints have been made.

538. How do you account for these complaints arising, because I am receiving complaints every day? Well, I think it is probably due to the first reason I suggested—the combination of the duties of Police Magistrate with those of Commissioner; but no, that is not the case in this district.

539. No, these reasons do not apply here? I think it is partly owing to the difficulty of inspecting the country in which many of the runs tendered for are situated, and partly to the same difficulty which the Commissioner of the Lachlan District felt, in going into an unknown country where there were no points fixed, and reporting upon tenders.

540. *By the Chairman:* In looking into these tenders of Messrs. Maxwell and Millar, I see that they are for two blocks—the one called Culloden, and the other called Staffa? Yes, there are several other tenders of theirs.

541. Are there any previous to these? There are four or five on the same days as these.

542. I think you will find some previous to these; at least we have it in evidence from Mr. Dunsmore? I relied upon the Chief Commissioner's Office.

543. These two tenders apply to the sixteen miles which are said to be Mr. Lord's? Yes.

544. Would you, from the knowledge you obtained during the twelve months this department was particularly under your supervision, state to the Committee if you see any way in which an improvement can be made in this system of tendering and taking up runs, so that these vexatious delays should not take place? There is no doubt that the delay in occupying might be very much obviated by the adoption of a system similar to that which is now in existence at Queensland; but whether there might not be other disadvantages connected with it which would counteract the benefits to be derived from it, I am scarcely at the present moment prepared to say. I have hardly considered the question sufficiently. There is one material consideration in dealing with questions in reference to tendering for runs. There is very little of this Colony which has not already been tendered for; the whole space between the Darling and Lachlan Rivers has been tendered for. No doubt much of it has been tendered for in blocks of a size that the Government will not grant; for the Government have come to a determination not to grant blocks of more than one hundred square miles. But, as I said before, the whole has been tendered for, and a large extent of the only remaining country, that between the boundary of South Australia and the Darling River, has already been tendered for, so that the adoption of any new system in regard to the tendering for runs would apply only to the remainder of this portion of country between South Australia and the Darling.

545. And do you really consider that there is not much of this country still untendered for? About two-thirds, or upwards, of the extent of available country between South Australia and the Darling may be considered as still untendered for.

546. The boundaries of South Australia are defined now? They are not defined on the ground.

547. But the 29th parallel of latitude meets the 141st degree of longitude, which is the boundary of South Australia? Yes.

548. And therefore the boundary of New South Wales is defined on the west by the South Australian boundary, and on the north by the 29th parallel, which is the boundary of Queensland? Yes; but Queensland does not extend to the west of the 141st degree, and therefore it is contended that the country to the north of South Australia and to the west of Queensland, and that between South Australia and Western Australia, is part of New South Wales, although it does not join New South Wales proper.

549. I understood that the boundary of Queensland went to the 141st degree? Yes.

550. The boundary of South Australia? Yes.

551. Then if the boundary of Queensland be continued to the 141st degree of longitude, that would define the boundaries of New South Wales? Of occupied New South Wales; but then New South Wales consisted originally, with the exception of the parts occupied by Victoria, South Australia, and Western Australia, of the whole of New Holland. Then these boundaries cut off New South Wales from what she is considered to appropriate, such as all round the Gulf of Carpentaria and the river Victoria? Yes; but much of Carpentaria would come within the boundaries of Queensland.

552. To the head of Cape York it would—the 141st degree strikes the head of the Gulf of Carpentaria? Yes.

553. *By Mr. Hoskins:* Is not this country to which you allude between the South Australian border and Western Australia, and the occupied country in New South Wales, the portion in reference to which we had a debate last Session in the Assembly? It is part of that country; that was the part between South Australia and Western Australia, and bounded on the south by the Southern Ocean.

554. That was a portion of country completely cut off from New South Wales proper? Yes.

555. *By the Chairman:* Then, I understand from your remarks that the whole is claimed as part of New South Wales, with the exception of these portions which have been partitioned off as separate Colonies? Yes.

556. That is, Swan River has a particular portion, South Australia has a particular portion, and Victoria and Queensland have their portions, and the remainder of the Continent is called New South Wales? Yes, but the Queensland boundaries are not so distinctly defined as the boundaries of the other Colonies.

A. G. McLean, Esq. 557. *By Mr. Hoskins* : It is not definitely fixed to the northward at all? It is not definite to the northward, nor clearly defined to the westward.

558. *By Mr. Mate* : Where two runs overlap, and the whole of the country included in both tenders is brought to competition, the runs are adjusted, and advertised in the *Government Gazette* for tender on a certain specified day,—are they measured at all—surveyed? They have scarcely ever been surveyed. There is the case of the Bogan runs, for instance, the Bogan River having been reserved on account of the hostility of the aborigines, and thus withdrawn from the ordinary category of waste lands open to tender; before bringing it to tender by competition, Government surveyed the river, marked at every five miles of the river's course a boundary at right angles, marking the boundary from the river for a distance of from a quarter to half a mile, and then described the boundaries merely from paper measurement; the frontages were defined and determined, and the direction of the side boundaries marked, and their length stated.

559. But are all the adjusted runs measured in that way? No.

560. How are the accepted tenderers put in possession of these adjusted runs? Just as they would be put in possession if they had tendered for new country.

561. They are not surveyed at all? No; their occupation is authorized by letter, and they take possession, if the run is unoccupied.

562. And, if any disputes arise, the Government do not interfere? No.

563. They would have to settle it themselves at law? Yes, that has been the course.

564. *By Mr. Hoskins* : Has it not come within your experience that there is an immense inequality in the amounts tendered for runs exactly similarly circumstanced—that is to say, in many instances people tender more than one hundred pounds a block for a piece of country, while in other instances they only tender at ten or twenty pounds for the block immediately adjoining it? Yes, or even less; there are amazing differences; indeed they are quite ludicrous.

565. Arising, I apprehend, from the system of tendering, and the uncertainty felt by the applicant as to the way in which any one else will tender? Yes, as to what rate others might tender, and the greater necessity, no doubt, in some instances, that the country should be secured, that it might be occupied or continue to be occupied with adjacent runs.

566. Do you not think it would be better in reference to these adjusted runs, as well as in the case of vacant pieces of country in these more settled districts, if they were put up to public competition by auction? I think it would, wherever the runs can be well defined; there is no doubt that the system of tendering has led many people to tender so highly, that they were subsequently compelled to relinquish the runs. In the case of the Bogan runs, for instance, the majority of those runs have been forfeited by the original tenderers.

567. *By the Chairman* : They were put up to competition? By tender; but there is a vast difference between the tenders. The first tenderer has failed to pay, and the second tenderer has also sometimes failed to pay, and a third has sometimes come into possession. Others have been occupied the first year by the original tenderers, and then forfeited.

568. *By Mr. Watt* : Does not the difference in the price offered arise in some instances from a want of knowledge of the country applied for on the part of the tenderer? Possibly so; a great many of the tenderers are resident in other Colonies.

569. *By Mr. Huddis* : I gather from your remarks, that you think it would be better for the Crown Lands Commissioners, if possible, to be surveyors? I think it is very desirable.

570. But there is great difficulty in obtaining persons with those qualifications? I do not think there would be any very great difficulty now; there may be difficulty in filling up a number of appointments at once, but I do not think there would be any difficulty in finding officers by degrees.

571. And you think that such an arrangement would be a means of preventing much unnecessary delay, and also inaccuracy in reference to the boundaries of the country? Yes, I think it would have been, and would be still a great advantage in new districts. Of course where a surveyor has already surveyed the principal features, and the Commissioner has a map given him of those features, it becomes less necessary that he himself should be a surveyor; but this instance I mentioned in the Lacblan District, where an officer went for six months and surveyed about two hundred miles, and reported upon sixty new runs, besides defining the boundaries of old runs, clearly shews how much more a surveyor can do.

572. *By the Chairman* : It shews that in a new country, if the duties are not combined, that the surveyor must precede the Commissioner? Yes.

573. *By Mr. Hoskins* : You think that the appointment of surveyors as Commissioners would greatly obviate delays, and also diminish litigation? It would no doubt obviate litigation very much.

574. And delays? And delays, no doubt, too.

575. Do you consider that the appointment of Commissioners to be paid by fees has not worked satisfactorily? It has not proved satisfactory, hitherto, but, as I mentioned before, the great cause of its failure was the inability of the Commissioner to enforce the appointment of an assessor by the run-holder.

576. But you think if there was a power to compel lessees to have their runs assessed, that these Commissioners, paid by fees, would obtain a practice sufficiently lucrative to remunerate them for their services? I think they would, for a time; but in many of the older districts the work would not last an active man more than a year or eighteen months. During that time, however, he would make a living.

577. *By Mr. Morris* : The Occupation Bill provides for that difficulty? Yes.

578. *By Mr. Hoskins* : Would you suggest the continuance of Crown Lands Commissioners, too? I think now that we have lost the Commissioners of Crown Lands, who had personal knowledge

knowledge of these matters, the Government could do the work more economically by paying people by fees than by paying them a salary. But in new districts, such as the Albert, which has recently been proclaimed between the Darling and the South Australian boundary, a salaried officer should be appointed, and I think it would be desirable that he should be a surveyor.

A. G. McLean,
Esq.
5 Mar., 1861.

579. It has been given in evidence that in the older districts, where Commissioners have been appointed for a number of years, that disputes have arisen between lessees of the Crown, and that the same delays as in new countries have been experienced in getting the Commissioner to point out the boundaries? A Commissioner may go and say what he thinks is the boundary, but he had no control over that boundary being assented to by the parties. I do not think it would be safe in all cases to depend upon the descriptions given by men who are not surveyors, and many of whose descriptions are unreliable.

580. It has been given in evidence before this Committee, that persons have gone to the Commissioners of their districts and asked them to point out the boundaries of their runs, and that although they have made frequent applications they have never been able to get these gentlemen to make their appearance? But did the two parties agree to be bound by the decision of the Commissioner? I have known many instances where two parties have agreed to be bound by the decision of the Commissioner, and where he has pointed out the boundary, and sent a description of it, as so defined, to the office to be recorded.

581. But we have it in evidence that persons have applied, and that the Commissioners have never gone to see the place? The Commissioner probably, knowing that he could not enforce the adoption of the boundary, might perhaps have thought that he would be wasting time.

582. Of course—I infer from the tenor of your evidence that you would not combine the duties of Police Magistrate with those of Commissioner of Crown Lands? No, nor other duties which would form sufficient reason for their being resident in one particular locality.

583. So that they would be perambulating the districts during the greater part of the year? Yes.

584. *By Mr. Morris:* When the tender for a new run is accepted what steps do the Government take to put the successful tenderer in possession? They merely write him a letter authorizing him to occupy.

585. But supposing the successful tenderer finds the country occupied by another, and that he refuses to turn out, what steps do they take? I do not know any case in which the Government have taken any steps to place him in occupation. The only step which they can take, under the existing law, is to issue a lease to the man whose tender has been accepted—such a document as would in the Supreme Court override occupation by the other party. But I do not know of any case in which that has been done.

586. *By the Chairman:* We have a letter from Mr. Sibthorpe, before the Committee, threatening Messrs. Maxwell and Millar with proceedings under a certain Act if they did not move off?

587. *By Mr. Hoskins:* We have it given in evidence by a witness that by re-arrangement of boundaries by the Commissioner a spare block has been found, and yet that when persons have applied to the Commissioner for this block and requested him to point out the boundaries for them they could not get him to come? I believe there are Commissioners who have been for years appointed that have never been through their districts from one end to the other. If I knew the locality in which that case occurred I should probably have some knowledge of it.

588. *By the Chairman:* Do you know the particulars of M'Rae and Sheridan's case—on the Castlereagh River? I know some of the particulars of that case.

589. You are aware that they recovered £250? M'Rae?

590. Yes? I believe he did recover.

591. And you are aware that he recovered from a party to whom the Government gave the new run upon their old run? They did recover something.

592. Can you tell how it was that this run was so granted? It was granted on an erroneous report of Mr. Jardine, who was then Commissioner of the district.

593. The report was erroneous? It was an erroneous report. I wrote, as Acting Chief Commissioner, to Mr. Sheridan, or the holder of the run, whoever he may be. He told me he had been threatened by M'Rea with an action for occupying this run, and asked me if there were any grounds for supposing that M'Rae had a right to this land. I wrote to him to say, that there was nothing in the records of the office to shew that he had any right, and that his tender was accepted on the report of Mr. Jardine, who was personally acquainted with the locality. Subsequently, however, it came to my knowledge after Mr. Daniel had been employed for some time assessing runs, that this tender did encroach on M'Rae. I then wrote again to this person, before the action came on, to tell him that there were grounds for doubting whether the land for which his tender had been accepted was really vacant land. And, so far as I recollect, I think I told him that any information which the office could give should be afforded to him, if he would call or send his agent. I did this as a sort of caution to him against going to law on the strength of that previous letter. He persisted, however, in the action, and made no inquiries that I heard of, and I believe the case was given against him. It is a very peculiar case—that of M'Rae's; I believe it is unsettled to this day. I handed it over to the present Chief Commissioner, with one or two others. He (M'Rae) only applied originally for 6,000 acres, but he says that application was a mistake, and that he meant 60,000.

594. *By Mr. Hoskins:* I understand you to admit that you are cognizant of the fact that at present great delays exist in reference to persons obtaining permission to settle? There have been great delays.

A. G. McLean, Esq.
5 Mar., 1861. 595. In general terms, what remedies would you propose for that state of things? The greatest delays are in consequence of the extension of the districts I have mentioned—the Gwydir, the Wellington, and Liverpool Plains. But since the appointment of Mr. Huthwaite, who has been very active in reporting on tenders, much has been done, and twelve months will certainly lead to the settlement of the whole of that district. That will remove a great many of the old cases, as well as the recent cases of delay. People have tendered from paper, and without reference to the land, for the whole country between the Darling and Lachlan Rivers; but some delay in dealing with such tenders is not a matter of much regret.

596. Could you not suggest some alteration in the system to obviate the delays to which you have referred?

597. *By the Chairman:* You did partially suggest the Queensland regulations, but I think you stated that you did not know what new evils might arise from the change? I thought the question had not the same importance that it would have had some years ago, on account of so much of the country being under occupation and tender. I think the adoption of changes—even where they are changes for the better—is always attended with some evils; and it might be well worth consideration, whether it is desirable, at this late period, to adopt any other system than the present for dealing with unoccupied Crown lands.

ADDENDUM.

I beg to add to this evidence, that, since giving it, I induced a further search being made in the Chief Commissioner of Crown Lands Office, for tenders of earlier date than those produced by Messrs. Millar and Maxwell, and that the search has resulted in the discovery of tenders by these parties, opened December, 1853, and which certainly ought to have been found before.

These tenders have been referred to Mr. Commissioner Huthwaite, but have not yet been reported on, and so far as I can learn nothing has occurred in the Crown Lands Office to prejudice the claims of Messrs. Millar and Maxwell, and no delay or inconvenience has resulted from the mis-naming the District in several or all of the tenders of these gentlemen.

A. G. M.

WEDNESDAY, 20 MARCH, 1861.

Present:—

MR. MATE, | MR. MORRIS,
Ma. WATT.

FRANCIS TOWNSEND RUSDEN, Esq., IN THE CHAIR.

Abram Orpen Moriarty, Esq., Chief Commissioner of Crown Lands, called in and examined:—

A. O. Moriarty, Esq.
20 Mar., 1861. 598. *By the Chairman:* Of course you have found that great delays have taken place in persons getting answers to tenders that they have sent in for runs? Yes, of necessity some delay occurs.

599. Have not these delays chiefly arisen from the system of making the first application to the head office in Sydney, the tender having then to be referred to the local Commissioner, and delay taking place in his report? Principally from delay in the Commissioner's inspection of the country and report.

600. *By Mr. Morris:* You say this delay takes place of necessity—why so? Because new runs are applied for on the extreme verge of settlement, in situations little known and very detached, and there is consequently great difficulty in getting a report upon them.

601. Surely that does not account for years elapsing before a report is made? Certainly not.

602. You are aware that years have elapsed in many instances? Yes. I am also aware that runs have been applied for, which, if they are to be treated as *bonâ fide* and inspected by the Commissioner, would never be reported on.

603. *By the Chairman:* For what reason? Because it is very common for people to tender for runs which no man living has seen; they tender from maps without having seen the country, or having any information whatever about it. These are not solitary cases, but cases which occur by hundreds.

604. These are tenders made by speculators in runs? Yes; and by obstructing legitimate business, they operate as causes of delay.

605. A Commissioner is not to know which is a legitimate application and which is not, until he makes inquiry? He is not justified in assuming any application to be otherwise than legitimate, until he has inquired into it.

606. When I say a legitimate application I mean one that can be practically tested? Such an application as is contemplated by the regulations—an application containing a "clear description of the land applied for and of the boundaries of the same."

607. You would suggest, then, as one remedy, that persons tendering should be compelled to give more particular descriptions of runs they apply for? Undoubtedly. I think people can be compelled, ought to be compelled, and must be compelled, under the present law, to do that; and should always have been compelled to do so.

608.

608. For instance, they might send in a rough sketch of the country, and particularly designate certain marked trees which could be found? They should give the actual boundaries, in fact, a description connecting the application with a particular piece of country.

609. In an open country where there are few natural features, if the trees were marked, that would be an assistance? No doubt; a marked tree is a point which admits of evidence.

610. *By Mr. Morris:* Could you not suggest to us some remedy for the whole of this delay and troublesome management of these new runs? I have already taken measures, having that object, in my department.

611. Could you not suggest some change in the law, and in the mode altogether of taking up new runs? I have already suggested to the Government, and the Government have adopted in one of their measures, a means which I think will attain the end we have in view, namely, that there should be a small deposit on each tender, sufficient to guarantee that the tenderer is in earnest in applying for the land, and that the land he applies for is in existence.

612. Do you think that will be sufficient to prevent speculators from applying for those vast tracts of country that they have never seen? I think so.

613. You would return the money if they do not get the runs? No doubt; it would be a mere deposit.

614. *By the Chairman:* What do you think of the Queensland regulation with respect to previous occupation? I do not think it a good one.

615. What is your objection to it? That it places the disposal of the application in the hands of the officer who is in fact chiefly chargeable with the delays of the present system.

616. The local Commissioner? The local Commissioner.

617. I think you told me, on a previous occasion, in conversation, that you thought the local Commissioner, under the Queensland law, has too much power? Yes.

618. Could not the plan be made available, and some system be introduced of curtailing his power? I do not see the advantage of it. There is no delay in the transmission of the tenders to the Commissioner for his report; it is done by the following post. The vital difference in the systems is that in New South Wales the responsibility is with the Government, and in Queensland it is with the local Commissioner. The executive proceedings here are taken by the Government, through an office which is open to the public, and under the advice of a responsible Board; in Queensland they are in the hands of the local Commissioners entirely.

619. If previous occupation were allowed, as is now the case in Queensland, the local Commissioner need have no power conceded to him, excepting that of reporting to the Government that the land is occupied? Occupation is only one of the conditions.

620. The Queensland Act provides that a person can occupy, and that the occupation shall not be considered illegal if he tenders two months after? If any other person applied at the same time for the same run, there would be considerable difficulty in deciding the prior right. For instance, at the very time of the first applicant's application to the Commissioner another party may have been in the process of occupying the country.

621. Then it should be given to the man first on the ground with his stock? I think it is a very cumbersome, very rude, and very roundabout way of determining the right.

622. It does away with all delay? I do not see that it is the best way of doing it. I think the same object may be attained in another way. Another consideration is, that, by making occupation the first step, you prevent any country being rented beyond that which is actually occupied; you prevent a person from renting country for prospective use, which I consider an advantageous process, so long as it is *bonâ fide*.

623. There is this disadvantage, that no one knows what is prospectively rented—there are no means of checking it. For instance, a person looking for a run may be told that country he sees vacant is under rent to Mr. So-and-so, but he has no means of ascertaining the fact or the boundaries of the run said to be rented? If the country is under rent to Mr. So-and-so, I apprehend he is fairly entitled to it.

624. But the public do not know he is in possession? The great grievance that the public have to contend with is that the persons who have sent in these speculative applications have been under no obligation to complete the tenders or to have the boundaries accurately described, so that the Commissioner can make his report. They have, in fact, a direct interest in keeping the tenders unreported on until they can make it profitable to transfer their interest to others. An immense extent of country has, in consequence, remained *not under rent*, but simply tendered for.

625. You say you have recommended that in all cases a certain deposit should be made on sending in the tenders, but although that may possibly prevent speculators from tendering for country they do not want, it will not secure the tenders being reported on more rapidly, and consequently a number of people will be kept out of funds that might be much better employed? It would lead to tenders being more rapidly reported on in this way. The great excuse of the Commissioners for delay at present is their inability to obtain proper information from the tenderers; and under the present system the object of the tenderer frequently is to allow his tender to remain undisposed of as long as he can, because he is under no rent; but if the tenderer were out of his money he would have a direct interest in getting the matter settled one way or other.

626. I have yet to learn that the cause of delay in reporting on runs has been the difficulty of getting information from tenderers, because until lately more speculative tenders were not very common? My attention was very forcibly directed in 1856 to the enormous grievance which speculative tenders had occasioned to the general public. I allude more particularly to the Northern Districts, which are now Queensland.

627. But I wish now to draw your attention to the fact that in the South-Western Districts—

- A.O.Moriarty, Esq.
29 Mar., 1861.
- the Lower Darling District, the Lachlan, and the country back from the Darling—the delays have been quite as vexatious as in any part of the country, and yet the speculative principle has not been carried out in those districts? Not to the same extent in former years, but recently it has grown to a very great extent. I speak of within the last two years.
629. That speculation has been confined in a great measure to the country between the Lachlan and the Darling, which is without water? The country between the Lachlan and the Darling, and back from the Darling also.
630. To the South Australian boundary? Yes.
630. Is the putting down of a deposit with the tender the only improvement you see on the present system? I think it is the most effectual way of getting rid first of the enormous number of speculative tenders which obstruct the business. It will render the tenderer interested in the early disposal of the tender.
631. I assure you that in eight cases out of ten that have come under my notice the tenderer has been most anxious to get a proper title to his run? No doubt there have been some grievances. In fact, the delay was the natural result of some reductions injudiciously made in the department in 1857 or 1858. In 1857 the Commissioners of Crown Lands were removed from the Wellington and Gwydir Districts, and no sufficient provision was made for the performance of their duties, and therefore the public who had applied for runs had to wait, the tenders remaining undisposed of at this moment.
632. *By Mr. Morris*: Do you not think there are difficulties attending the occupation of new country in this Colony in consequence of the greater portion of the country that is available without the expenditure of money for procuring water being already taken up—do you not think that if the Government were to mark out the country now vacant into lots, and put it up to auction, not only would the revenue be benefited, but people would get surer and more regular possession? I do not think so. The country that remains to be taken up in New South Wales is the remotest country in it—all backlying country of an inferior class; and for the Government to undertake to divide it into runs would be an enormous undertaking, attended with great delay and expense.
633. Is it not the practice to do it now? Not so. The present regulations provide for its being done by the applicant.
634. Is it not the fact that you have had to send out a surveyor to mark out runs between the Lachlan and the Darling already? No; the Surveyor General employed a surveyor to survey the frontage of the Darling—to measure off the Darling frontages; he also employed a surveyor on the Willandra Creek; and in course of his operations the surveyor obtained such information as enabled him, on consultation with the Surveyor General and myself in Sydney, to lay out other runs for tender.
635. But practically he was sent down to mark out runs for occupation? The country on the Darling was principally occupied, but no doubt the survey of Willandra Creek, by determining its relative position to the Lachlan, permitted a good number of tenders to be disposed of, which could not otherwise have been done. It gave a fresh starting point.
636. Under the present system of tender has not a person anxious to take up a piece of country very great difficulty in knowing how much to tender so as to secure it—it is impossible for him to say how much he ought to tender, and therefore is it not the case that he often tenders a sum higher than the country itself is really worth, calculating it in reference to country he already possesses? I have seen no such instances. There is no competition between tenders, except between tenders which are opened at the same time; and unless the tenders are opened at the same time the party tendering is under no obligation to offer any premium at all. A later tender will not, by any amount of premium, compete with an earlier one.
637. But of course it is impossible to know whether some person has not tendered in the very same month? I have never seen any tenders containing any high offers of premium for new runs—I do not believe there are any; on the contrary, the rates of premium are ridiculously small.
638. Does not the objection I make apply to country put up to public tender? No doubt it does.
639. Would you not recommend that runs of this kind should be put up to public auction in the district, instead of public tender? I think auction is a preferable mode of competition; but I think better competition exists in Sydney for runs than in the remote squatting districts. It would be no grievance to a person in the country to be obliged to bid at auction in Sydney for a run. In fact, all pastoral properties are sold in Sydney.
640. *By the Chairman*: Do you not think that if the agriculturist is to have free selection by going upon the land and occupying it, as is proposed under the new Land Law, parties wishing to occupy runs (which will themselves be open to free selection) should also have the same facilities afforded them to take up new country by right of occupation? One great objection to the occupation right is, that it practically confines the demand for new country to the stockholders in the immediate neighbourhood; it almost places the adjoining country at their mercy.
641. *By Mr. Morris*: I apprehend it is also an objection to a right by mere occupation, in a country like this, where there is so little water, that large sums of money have to be expended to secure a supply? No doubt. In fact, the greater part of the country in the hands of the Government to dispose of now consists of such country as you speak of.
642. *By Mr. Watt*: In fact, it could not be occupied without expenditure for water? It would not, except, perhaps, in some cases, during the winter.
643. *By the Chairman*: Do you not think that to require previous occupation would tend to check speculation in runs, because then they would not be transferable until they were stocked? It would have that tendency, if you could enforce it. It is the law in Queensland.

land that runs are not transferable unless they have been stocked, but they are practically transferred. A.O.Moriarty,
Esq.

644. How do they evade it? The purchaser obtains from the seller a guarantee against loss, places his stock on the run, and as soon as the time for stocking is past he sends in his transfer. 20 Mar., 1861.

645. *By Mr. Morris:* Is it not provided in the Queensland Act, that unless it is stocked within a limited period the run is forfeited? There is a clause to that effect, but I do not believe it has any effect.

646. But there is also a provision to the effect that, if the lands are not stocked within twelve months, the lessee may, on payment of double the amount of annual rent, obtain six months further grace? Yes. The principal provision is that applicants for runs by tender, whose tenders have been accepted, are obliged to accept leases, and the leases contain a provision requiring occupation.

647. *By the Chairman:* The lease must be taken out in twelve months? The lease must be applied for in twelve months, but inasmuch as in New South Wales the leases of old squatting runs are not yet issued, and are not likely to be, I do not anticipate that they will be issued very rapidly in Queensland.

648. *By Mr. Morris:* I apprehend that is merely from the difficulty of defining the boundaries of runs with sufficient accuracy? No doubt.

649. *By the Chairman:* But that is not to be said in Queensland, where there are no arrears? Yes, great numbers.

650. I presume you are perfectly acquainted with the case of Millar and Maxwell, arising out of a tender for a run? I cannot say I am at this moment, I have not looked fully into it; but I have a general impression that the case is this: that Millar and Maxwell tendered for a certain run, describing it as in the Gwydir District; that some other person also tendered for the same run, describing it properly as in the Wellington District, and that the later tenderer got the run in preference to Millar and Maxwell, whose tender, though first in point of time, had misdescribed the district. (*The Chairman here quoted from the evidence of Mr. Dunsmore, taken on Thursday, 21 February, 1861, and the letters appended thereto.*)

651. There was, I believe, at the time this tender was under consideration, no Commissioner for the Gwydir District? There was a Commissioner of Crown Lands, but he had other duties to attend to. The surveyor of the district, Mr. Oliver, was entrusted with the duties of Commissioner; but, as might have been anticipated, his own duties were quite sufficient to occupy his time, and he gave none to these.

652. *By Mr. Morris:* Do we understand that if a person tendering for a run, although he may otherwise correctly describe it, should apply for it in the wrong district, another person tendering and describing it in the right district would get it in preference, although his tender was subsequent? No. I may mention that shortly after my assuming charge of my present department the Secretary for Lands referred to me a recommendation of the Land Board on that subject. The Board were of opinion that misdescribing the district was a vital objection to a tender, such as should cancel it; but I was of opinion that if it was ascertained before the later tender was disposed of, that the land had been previously tendered for and described so that there could be no doubt about the identity of the land itself, the first application should, in the spirit of the Orders in Council, be granted. Under ordinary circumstances the interval that must necessarily elapse, to insure precision of boundaries, ought to be sufficient, when the department is properly conducted to insure the application made in the wrong district being returned and forwarded to the proper officer in the district in which the land was really situated, in time to prevent injustice to the party who was in point of fact, the first applicant. These applications, in the case of Millar and Maxwell, have been transferred to the proper officer with instructions to dispose of them, but I have not yet received his report. The reason of my recommendation just mentioned was, that in those very districts, in reference to which the Board had made the recommendation I have alluded to, the boundary lines are imaginary lines, and nobody knows the actual position of them; and therefore it would be very hard to make the public bear the inconvenience.

653. *By the Chairman:* It is very difficult to ascertain the boundaries of these outlying districts where they are formed by imaginary lines? Yes.

654. For instance, the 29th parallel forms part of the boundary of the Warrego District and part of the boundary of the Gwydir District, and is also the boundary of Queensland? If I am not mistaken that objection has been removed by the present arrangement of boundaries. I rather think the Warrego embraces the whole of that country. My impression is that imaginary lines now exist only where they are from the nature of the country the best boundaries.

655. But where they cannot be ascertained by parties tendering? And where it is not necessary to ascertain them. They are chiefly confined to situations where the country is not fit for occupation—extreme back country, totally removed from occupation.

656. Then if two persons apply for the same country, one applying to one Commissioner, and the other to another Commissioner, in different districts, which may happen from their not knowing in which district the land really is, the circumstance of one Commissioner reporting earlier than the other would put out the man who perhaps had first applied? That has arisen in some instances. But I defend these imaginary boundaries only when they pass through lands which do not admit of being occupied—lands lying at extreme distances back from water, where no question can arise as to boundary, because no runs can exist near it. However, wherever there has appeared any doubt, on inspection of the tender, or from the statement of the party, my practice has been to refer the tender to both Commissioners.

657. You object to placing too much power in the hands of the local Commissioners; but do you not think that the local Commissioners might be entrusted with the decision of these matters,

A.O. Moriarty, Esq.
20 Mar., 1861.

matters, the applications or tenders being sent to them in the first instance, provided they were required to furnish fortnightly returns to the head office in Sydney,—would not that check favouritism or land speculating? No returns can give information so precise as to the state of the business as the business itself. The head office is open to constant applications from all quarters, and it is therefore absolutely necessary that we should have a good system, if only to be able to give every information at once.

658. Under the present system there must necessarily be great delay. A person sends in to you a tender for certain country; you send it off to the Commissioner for his report, but the Commissioner may be away from his office travelling, and may not get the letter for some time; then he has to visit the place before he can report, and press of business may prevent him doing that immediately, so that altogether great delay must occur, although there may be no neglect in any office; whereas, if occupation is allowed at once, it does away with all delay? You would substitute priority of occupation for priority of tender. I think priority of tender is the simpler mode of determining the right. Suppose two men discover the same country about the same time, the first man lives at some distance, the second nearer; and the second who has perhaps profited by the other's discovery is, in consequence of his greater vicinity to the spot, enabled to crowd his stock on to the land to the injury of the actual discoverer.

659. I look upon it that in most cases the man who goes out for new country, under a system of occupation, would know by hearsay the general character of the country, and would travel with his stock towards it? The old squatting system of New South Wales was very nearly that—the prior occupant retained possession; but that old system has left the legacy of squatting actions which we see day after day tried in the Supreme Court. More occupation, to my mind, is a rude method of getting possession of country. It might have answered better in former days when the land was not so valuable and stock were few; but now, when stock are in such enormous masses and country is so valuable, the competition between contending applicants is so great that it would be reduced to a race between flocks of sheep, for which flocks of sheep were not by nature intended. I have known, in the Northern Districts, the actual discoverer of country to bring his sheep from a distance, and when he got to the land he found somebody else was on it, who perhaps had not heard of it for months after he had discovered it. No doubt it would be a great saving of labour at the head office if the responsibility were thrown on the local Commissioners, but I think it would be very unsatisfactory, and it would be impossible to insure so good a system as we are necessarily obliged to keep up when we are open to daily inquiries from the public and the Minister who is immediately responsible to the Legislature.

660. There are some runs on the Darling that have been recently visited by Mr. Commissioner Huthwaite, and he has found an excess of ground occupied by certain parties to the extent of three miles in some instances, but some of the trees have been marked as boundaries for from twelve to nineteen years, and the parties have been in occupation all that time, and they have been paying assessment, though perhaps not full assessment. Now the system he seems to have pursued is to make new runs in between these old established occupied runs, and I am told it is almost certain to lead to lawsuits. Some of these runs have changed hands by sale. For instance, I will mention the case of Mr. George Loder and Mr. Dangar, of Bunnawonna; I think Messrs. Lord and Mackenzie have got two new runs in between the old established runs. Now would it not have been better for the Government, in such instances as these, to have re-assessed the runs and insisted upon their paying back assessment also, and then allowed them to retain the ground—because it actually shifts camps of cattle, and, as the cattle cannot be kept off their old ground, it must lead to impoundings and disputes? The remedy which I think necessary, and which has been adopted in the case you speak of, is about to be taken. I have instructed the Commissioner to ascertain the distance of the frontage, and, if there has been no obvious monopoly of Crown Lands on the part of the first occupier, no extravagant excess of his rights, such as the Government has no right to countenance, I think the existing occupant should not be disturbed. Runs are taken up on estimated distances, and of course these admit of being over or under the actual fact; but wherever the first stockholder in a new country has obviously endeavoured to make it his own all round him, which is a very common idea among stockholders, then it becomes the duty of the Crown, on the part of the public, to step in and prevent this; although the Government would not be justified in keeping every man to the exact number of miles he was estimated to be entitled to. I may mention a case which will show exactly what my impressions are. On the Darling River the Bogan Company have a very large extent of frontage, and it was found by measurement that they had some three miles in excess on the whole of their runs. On consultation with the Surveyor General, we thought that though the measurement shewed that there was a little more than was anticipated, it was just as likely that there would have been a little less, and therefore they were not disturbed in their occupation. But in another case, which occurred on the same river, it was found that the lease of a run, which had been expressly limited to fifteen miles, was in actual occupation of twenty-seven miles; and we thought that a case in which the Government had no right to legalize the occupation.

661. Do you know anything of the case between Mr. Loder and Mr. Thomas Dangar, of Bunnawonna and Turce? From what I have seen, I rather think there has been some interference with Mr. Dangar's runs, arising from a mistake with respect to the two rivers which form the boundary.

662. We have had Mr. Rundle's evidence, and he states that Mr. Druitt would be able to give information with respect to some error into which the Commissioner has been led—he has taken his measurements from some creek which runs into the river seven miles above or below

below the place where he should have commenced, by which means he is seven miles wrong in all the boundaries up the river? If I do not mistake the case, the new tender was reported on by Mr. Daniel, and his statement is directly contrary to that of the tenderer, and he upholds his proceedings and maintains that he is right; but I speak under correction, for I have not the case in my memory at present. A.O.Moriarty,
Esq.
20 Mar., 1861.

663. Mr. M'Lean, in his evidence, seemed to imply that all the country in New South Wales proper was so nearly taken up or tendered for that an alteration in the law was hardly necessary—is that your opinion? The country that remains to be taken up is chiefly that which previous occupants have not thought it worth while to take up.

664. He seemed to imply that there was not a great deal to take up? There is not a great deal.

665. *By Mr. Morris:* I apprehend there is a great deal of country which has been tendered for, that will have to be adjusted and put up to public tender? No doubt.

666. I understood you to say, in answer to a question of mine, that you would recommend that in such cases they should be put up to public auction? I think that would be a better mode of competition. The Bill now before the Assembly provides for such a mode of disposing of vacant runs. It provides for the settlement of conflicting applications by arbitration, and for the disposal of runs which fall into the hands of the Government by auction.

1861.

Legislative Assembly.

NEW SOUTH WALES.

PRE-EMPTIVE RIGHT EXERCISED BY
CLARK IRVING, ESQ.

(RETURN IN REFERENCE TO.)

Ordered by the Legislative Assembly to be Printed, 23 April, 1861.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 23 September, 1859, praying that His Excellency the Governor General would be pleased to cause to be laid upon the Table of this House,—

“ (1.) Copies of all Correspondence between the Government and
“ Mr. Clark Irving, with reference to the exercise by that
“ gentleman of his pre-emptive right to purchase any portion of
“ the Waste Lands of the Crown.

“ (2.) Copies of all Correspondence between the Government and
“ any of its officers, and of all instructions given by the Govern-
“ ment to any of its officers, on the same subject.

“ (3.) Copies of any Minutes of the Executive Council in
“ reference to the same matter.

“ (4.) Copies of all Reports in reference to the same matter.

“ (5.) Plans of all lands purchased by Mr. Clark Irving by the
“ exercise of his pre-emptive right, shewing particularly the
“ water frontage and distance from the sea.”

(*Mr. Martin.*)

SCHEDULE.

NO.		PAGE.
1.	Clark Irving to Chief Commissioner of Crown Lands, to purchase certain Reserves at Casino. 6 November, 1856	4
2.	Chief Commissioner to Commissioner of Crown Lands, Clarence River, for Report on above. 13 November, 1856	4
3.	Chief Commissioner to Clark Irving, same subject. 13 November, 1856	4
4.	Same to Under Secretary for Lands and Works, forwarding schedule of applications under pre-emptive right. 19 January, 1857	4
5.	Chief Commissioner to Commissioner, Clarence River, same subject. 15 May, 1857	5
6.	Same to same, same subject. 12 June, 1857	5
7.	Clark Irving to Chief Commissioner, on the same subject. 18 June, 1857	5
8.	Commissioner of Crown Lands, Clarence River, to Chief Commissioner, explaining the delay in reporting on do. 23 June, 1857	6
9.	Chief Commissioner to Under Secretary for Lands and Works, on subject of do. 14 July, 1857	6
10.	Under Secretary in reply. 31 July, 1857	7
11.	Chief Commissioner to Commissioner of Crown Lands, Clarence River, in answer to his of the 23rd June. 8 August, 1857	7
12.	Report of Commissioner of Crown Lands, Clarence River, on Clark Irving's application to purchase certain Reserves at Casino. 11 September, 1857	7
13.	Report of Chief Commissioner. 13 October, 1857	7
14.	Chief Commissioner to Clark Irving. 14 October, 1857	8
15.	Same to Commissioner, Clarence River. 3 November, 1857	8
16.	Commissioner, Clarence River, in reply. 20 November, 1857	8
17.	Chief Commissioner to Secretary to the Treasury. 7 December, 1857	9
18.	Under Secretary to the Treasury, in reply. 16 December, 1857	9
19.	Chief Commissioner to Clark Irving, Esq. 28 December, 1857	9
20.	Secretary to the Treasury to Chief Commissioner. 23 December, 1857	9
21.	Chief Commissioner to Under Secretary for Lands and Public Works. 3 May, 1858. (Minute of Executive Council thereon. 26 July, 1858)	9
22.	Chief Commissioner to Clark Irving. 6 August, 1858	10
23.	Secretary to the Treasury to the Surveyor General. 28 August, 1858	11
24.	Clark Irving to Surveyor General, to purchase certain land on the Clarence River at Broadwater. 7 August, 1856	11
25.	Chief Commissioner to the Commissioner, Clarence River. 12 August, 1856	11
26.	Same to Clark Irving, Esq. 12 August, 1856	11
27.	Commissioner, Clarence River, reporting on application of Clark Irving. 23 January, 1857	11
28.	Chief Commissioner to Commissioner of Crown Lands, Clarence River. 17 February, 1857	12
29.	Same to Clark Irving, Esq. 17 February, 1857	12
30.	Chief Commissioner to Commissioner, Clarence River. 8 April, 1857	12
31.	Commissioner, Clarence River, in reply. 11 May, 1857	12
32.	Chief Commissioner to Under Secretary for Lands and Public Works, respecting issue of Lease to C. Irving, Esq., for certain land on the Clarence River. 3 June, 1857	13
33.	Memo. of Secretary for Lands and Public Works	14
34.	Chief Commissioner to Clark Irving, Esq. 24 September, 1857	14
35.	R. H. Gordon for C. Irving, Esq., to Chief Commissioner of Crown Lands—application to purchase land at Ashby. 29 October, 1857	14
36.	Same to same, on same subject. 20 November, 1857	15
37.	Surveyor General to Surveyor Greaves. 4 December, 1857	15
38.	Clark Irving, Esq., to the Secretary for Lands and Public Works. 13 February, 1858	15
39.	Surveyor General's Minute thereon. 13 April, 1858	16
40.	Surveyor Greaves to Surveyor General, forwarding plan, &c., of land applied for by Clark Irving at Ashby, on the Clarence River. 18 March, 1858	16
41.	Chief Commissioner to Under Secretary for Lands and Public Works, and Minute of Executive Council thereon. 19 May, 1858	17
42.	Under Secretary for Lands and Public Works to Secretary to the Treasury, intimating approval of applications to purchase under pre-emptive right. 14 June, 1858	18
43.	Chief Commissioner to Clark Irving, Esq., same subject. 22 June, 1858	18
44.	Secretary to the Treasury to Surveyor General. 28 October, 1858	18
45.	Clark Irving, Esq., to Chief Commissioner of Crown Lands—to purchase certain land at Casino under pre-emptive right. 5 June, 1856	18
46.	Chief Commissioner to Commissioner, Clarence District, for his report on the above. 13 June, 1856	19
47.	Chief Commissioner to Clark Irving, informing him of the reference. 13 June, 1856	19
48.	Commissioner, Clarence River, in reply. 16 August, 1856	19
49.	Chief Commissioner to Commissioner, Clarence River. 25 September, 1856	19
50.	Commissioner, Clarence River, to the Chief Commissioner of Crown Lands. 9 October, 1856	19
51.	Chief Commissioner to Surveyor Peppercorne. 24 November, 1856	20
52.	Surveyor Peppercorne, in reply. 26 March, 1857	20

No.	PAGE.
53. Crown Lands Commissioner, Clarence River, to Chief Commissioner (enclosure). 12 October, 1857	21
54. Chief Commissioner to Under Secretary for Lands and Public Works, forwarding for approval a schedule of application to purchase under pre-emptive right. 23 October, 1857; and Minute of Executive Council thereon. 22 March, 1858	21
55. Under Secretary for Lands and Public Works to Chief Commissioner. 31 March, 1858..	22
56. Same to Secretary to the Treasury. 31 March, 1858	22
57. Surveyor General to the Secretary to the Treasury. 16 April, 1858.. .. .	23
58. Chief Commissioner to Clark Irving, Esq. 16 April, 1858	23
59. Secretary to the Treasury to the Surveyor General. 21 July, 1858	23
60. Clark Irving to Chief Commissioner of Crown Lands, to purchase under pre-emptive right. 14 May, 1856	23
61. Chief Commissioner to the Commissioner, Clarence. 19 May, 1856.. .. .	24
62. Same to Clark Irving, Esq. 19 May, 1856	24
63. Commissioner, Clarence River, to Chief Commissioner of Crown Lands. 18 June, 1856	24
64. Chief Commissioner in reply. 18 July, 1856	24
65. Clarence River Commissioner to Chief Commissioner, reporting on application of Clark Irving, Esq. 16 August, 1856.. .. .	24
66. Chief Commissioner to Commissioner, Clarence River. 22 September, 1856	25
67. Same to Clark Irving. 22 September, 1856	25
68. Surveyor General to Surveyor Peppercorne, instructing him to mark out, &c., the land applied for by Mr. C. Irving. 9 October, 1856	25
69. Surveyor Peppercorne, in reply. 4 December, 1856	26
70. Under Secretary for Lands and Public Works to the Surveyor General. 27 February, 1857	26
71. Same to Secretary to the Treasury. 27 February, 1857	27
72. Chief Commissioner to Clark Irving, Esq. 28 March, 1857	27
73. Same to Commissioner, Clarence River. 28 March, 1857	27
74. Secretary to the Treasury to Surveyor General. 7 October, 1857	27
75. Clark Irving, Esq., to the Chief Commissioner of Crown Lands, for purchase of 320 acres of land, Traveller's Rest, Clarence River. 13 August, 1858. (Minute of Surveyor General thereon).. .. .	27
76. Chief Commissioner to Clark Irving, in reply. 12 November, 1858.. .. .	28
77. Surveyor Greaves to Surveyor General, in reference to Clark Irving's application. 20 May, 1859.. .. .	28
78. Chief Commissioner to Under Secretary for Lands. 27 June, 1859	28
79. Acting Surveyor General to Surveyor Greaves. 18 August, 1859	29
80. Surveyor Greaves, in reply. 6 September, 1859.. .. .	29
81. A. Lardner and Joseph Sharp to Valuation of land applied for by Clark Irving, Esq. under pre-emptive right. 26 December, 1859	30
82. Acting Chief Commissioner to Under Secretary to the Treasury. 4 April, 1860	30
83. Acting Chief Commissioner of Crown Lands to Clark Irving. 3 April, 1860	30
84. Same. Minute recommending remission of fine, on non-payment by Clark Irving of amount of pre-emptive purchase. 24 July, 1860. (Minute of Executive Council thereon. 14 September, 1860)	30
85. Under Secretary for Lands to Under Secretary for Finance and Trade. 16 October, 1860	31
86. Same to Clark Irving, Esq. 16 October, 1860	31
87. Clark Irving to the Acting Chief Commissioner of Crown Lands. 9 July, 1859. (Minute of Acting Chief Commissioner thereon. 13 April, 1860).. .. .	31
88. Clark Irving to Surveyor General. 24 December, 1859	32
89. Acting Chief Commissioner of Crown Lands, in reply. 31 July, 1860. (Plan of all lands purchased by Clark Irving under his pre-emptive right)	32

PRE-EMPTIVE RIGHT EXERCISED BY CLARK IRVING, ESQ.

No. 1.

CLARK IRVING, Esq., to CHIEF COMMISSIONER OF CROWN LANDS.

Sydney, 6 November, 1856.

SIR,

I have the honor to apply for the purchase of the following reserves, made in the township of "Casino," part of my run, known as "Casino," on the Richmond River and District of Clarence, and on which valuable improvements were made previously to the township being surveyed and laid out, viz. :—

1. Reserve, marked 24 A, 5a. 2r. 18p.
2. Ditto, adjoining, 8a. 1r. 10p.
3. Ditto, bearing no mark, bounded on the south by the river.
4. A cultivation allotment, eastward of Wheat-street, south of the Richmond River, and bounded by it east by a creek north by North-street.

Three reserves to the west of that marked 24 A, 5a. 2r. 18p., and bounded on the south by the Richmond River.

On the plan of the township I saw some time ago, at your office, I observed that where improvements had been made was reserved, I now find that several of the allotments recently sold are within that reserve. Under these circumstances, I trust you will see the justness of permitting me to purchase the reserves I now apply for, as compensation for the portions sold, and on which are improvements.

I may further state that I applied under my pre-emptive right of purchase of 320 acres of land where the township is laid out, in 1854, which was long before it was contemplated that the reservation should be made.

I have, &c.,
CLARK IRVING.

No. 2.

CHIEF COMMISSIONER OF CROWN LANDS to COMMISSIONER OF CROWN LANDS,
CLARENCE RIVER.

(No. 56-2728.)

*Crown Lands Office,
Sydney, 13 November, 1856.*

SIR,

I have to request that you will report in the usual manner upon Mr. Clark Irving's letter of the 6th November, 1856, applying to purchase portions of his run, known as "Casino," which contain valuable improvements.

I have, &c.,
GEO. BARNEY,
C. C. C. L.

No. 3.

CHIEF COMMISSIONER OF CROWN LANDS to CLARK IRVING, ESQ.

(No. 56-1416.)

*Crown Lands Office,
Sydney, 13 November, 1856.*

SIR,

I do myself the honor to inform you that it has been found necessary to refer to Mr. Commissioner Bligh your letter of the 6th instant, applying to purchase portions of your "Casino" Run, in the District of Clarence River, containing valuable improvements.

I have, &c.,
GEO. BARNEY,
Chief Com. Crown Lands.

No. 4.

CHIEF COMMISSIONER OF CROWN LANDS to UNDER SECRETARY FOR LANDS AND
PUBLIC WORKS.*Crown Lands Office,
Sydney, 19 January, 1857.*

SIR,

I have the honor to submit, for the approval of His Excellency the Governor General, a Schedule of Lands leased, or under promise of lease, under Her Majesty's Order in Council, for the purchase of which, under the right of pre-emption, applications have been received from the lessees.

PRE-EMPTIVE RIGHT EXERCISED BY CLARK IRVING, ESQ. 5

2. The necessary inquiries have been made into the validity of the several claims, which are found to be regular; and in all cases in which the land has been considered to be worth more than the minimum price, the value has been ascertained by assessment, in the usual manner.

3. I have, therefore, the honor to request that the Honorable the Colonial Treasurer may be authorized to receive the price of the land in each case, as within stated, and that I may receive His Excellency's instructions to call upon the several applicants to complete their purchases by payment of the purchase money.

I have, &c.,
GEO. BARNEY,
Chief Commissioner of Crown Lands.

These require the advice of the Executive Council.—M. F.

Transmit accordingly.—J. H. Blank Cover, 2 February, 1857.

The Council advise that the several purchases particularized in the within Schedule be approved and confirmed.

Appd.—W. D.

EDWARD C. MEREWETHER,
Clerk of the Ex. Council.

SCHEDULE.
CLARENCE RIVER.

APPLICANT.	NAME OF RUN.	AREA.	PRICE.	COST OF MEASUREMENT.	REMARKS.
Clark Irving.....	Casino.....	Acres. 3,504	£2,504.	NIL.	NIL.

No. 5.

CHIEF COMMISSIONER OF CROWN LANDS to COMMISSIONER OF CROWN LANDS,
CLARENCE RIVER.

(No. 57-996.)

Crown Lands Office,
Sydney, 15 May, 1857.

SIR,

I have the honor to draw your attention to my letter requesting you to report relative to the improved allotments of land at Casino, in your district, which Mr. Clark Irving may have a claim to purchase; and I now beg to request that you will favour me with an early reply.

I have, &c.,
GEO. BARNEY,
C. C. C. L.

No. 6.

CHIEF COMMISSIONER OF CROWN LANDS to COMMISSIONER OF CROWN LANDS,
CLARENCE RIVER.

(No. 57-1532.)

Crown Lands Office,
Sydney, 12 June, 1857.

SIR,

I beg to draw your attention to my communication of the 13th November last, forwarding for your report an application from Mr. Clark Irving to purchase portions of lands containing his improvements, on the Reserve at Casino, and to request the favour of your immediate reply.

I have, &c.,
GEO. BARNEY,
C. C. C. L.

No. 7.

CLARK IRVING, ESQ., to CHIEF COMMISSIONER OF CROWN LANDS.

SIR,

Sydney, 18 June, 1857.

With reference to my repeated applications for the purchase of the reserves made at the Township of Casino, and forming part of my run known as Casino, and on which are valuable improvements, I have now the honor to annex an extract from a letter received from the District Surveyor, F. S. Peppercorne, describing three of the reserves applied for by me, and which he states I am entitled to purchase at the upset price of £8
per

6 PRE-EMPTIVE RIGHT EXERCISED BY CLARK IRVING, ESQ.

per acre. I shall, therefore, feel obliged by your causing the grants for these three reserves to be made out at once, leaving the remaining reserves applied for by me to stand over until the Commissioner's report be received.

I have, &c.,
CLARK IRVING.

The first portion described has been measured, and although Mr. Bligh's report has been determined to be essential, there can be little doubt that the pre-emptive right is in Mr. Irving; the pre-emptive right to the second is also probably in Mr. I., and this will be decided by Mr. Bligh's report; but the portion has been reserved as embracing the road leading to the crossing-place at the falls, and it is probable that a portion only of this can, without injury to the public, be sold.

If it be necessary to public convenience to preserve the whole reserve in question for access to the crossing-place at the falls, it is obvious that Mr. Irving cannot be allowed to purchase any part of it, and when instructions are issued to Mr. Peppercorne, his special attention must be drawn to this question, and he must be told that the question of the improvements and their sale is quite a secondary consideration to the public convenience now and hereafter in access to the crossing-place.

The third portion described is occupied, at all events partly, by huts, and erected by or occupied by the police, and although these are on Mr. Irving's run, special care must be taken that the interests of the public servants, who, in the performance of their public duties, have been obliged to erect residences on a licensed run, are not allowed to suffer by pre-emptive sales to the licensee.

This must await the report recently called for again from Mr. Bligh.

A. G. M.
24th.

No. 8.

COMMISSIONER OF CROWN LANDS, CLARENCE RIVER, to CHIEF COMMISSIONER OF CROWN LANDS.

(No. 57-66.)

*Crown Lands Office,
Clarence River, 23 June, 1857.*

SIR,

In reply to your letters of the 15th of May and 12th instant, calling for my report upon Mr. Clark Irving's application to purchase certain improved allotments at "Casino," I have the honor to state, in explanation of the delay which has occurred, that I wish to make an examination of the land before furnishing my report.

2. I have been prevented from doing this partly by the constant wet weather, which has kept the rivers here in a state of flood for the last six months, and also by the fact that I have been for some months past suffering from a painful complaint, which has incapacitated me for riding.

3. The floods appear now to have ceased, and I will report as early as possible upon this and other matters, but at this moment I am without either horses or men. You are aware that I have neither quarters or paddocks, and on the sudden discharge of the troopers the whole of the horses made their escape, and I have not been since able to recover them, nor have I been able to obtain men for myself, as the rate of wages now demanded here is 30s. a week and rations, which would absorb the greater part of my salary.

4. I will do my best to furnish you with a report on this application as early as I possibly can.

I have, &c.,
RICHARD BLIGH.

No. 9.

CHIEF COMMISSIONER OF CROWN LANDS to UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

(57-6359.)

*Crown Lands Office,
Sydney, 14 July, 1857.*

SIR,

I do myself the honor to transmit, for the information of Mr. Secretary Hay, the enclosed letter from Mr. Commissioner Bligh, reporting that, from illness in the first place, and from loss of his horses, and inability to procure servants, he cannot at present report upon Mr. Clark Irving's application to purchase land at "Casino." Mr. Bligh intends to perform this duty as early as possible.

I have, &c.,
GEO. BARNEY.
C. C. Crown Lands.

I am disposed to rely upon Mr. Bligh's explanation.—J. H.

No. 10.

No. 10.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to CHIEF COMMISSIONER OF CROWN LANDS.

(No. 230.)

*Department of Lands and Public Works,
Sydney, 31 July, 1857.*

SIR,

In acknowledging the receipt of your letter of the 14th instant, inclosing a communication from Mr. Commissioner Bligh, in which that officer represents that illness in the first place, and the loss of horses, and his inability to procure servants, prevented him from reporting upon Mr. Clark Irving's application to purchase land at Casino, I am directed to inform you that the Secretary for Lands and Public Works is disposed to rely upon Mr. Bligh's explanation.

I have, &c.,
MICHL. FITZPATRICK.

No. 11.

CHIEF COMMISSIONER OF CROWN LANDS to COMMISSIONER OF CROWN LANDS,
CLARENCE RIVER.

(No. 57-2053.)

*Crown Lands Office,
Sydney, 8 August, 1857.*

SIR,

In reference to your letter of the 23rd June last, reporting the reasons which caused the delay in reporting upon Mr. Clark Irving's application to purchase at Casino, I have to inform you that the Secretary for Lands and Public Works is disposed to rely upon your explanation.

I have, &c.,
GEO. BARNEY,
C. C. C. L.

No. 12.

COMMISSIONER OF CROWN LANDS, CLARENCE RIVER, to CHIEF COMMISSIONER OF CROWN LANDS.

(No. 57-91.)

*Crown Lands Office,
Clarence River, 11 September, 1857.*

SIR,

I have the honor to report upon the application of Mr. Clark Irving to purchase certain portions of land in the town of Casino, being portions of his "Casino" Run.

1. That the land applied for forms part of the reserve for a township at Casino, and was originally part of the "Casino" Run in the licensed occupation of Mr. Irving, and is not the subject of dispute, save as hereafter mentioned.

2. The reserve first applied for by Mr. Irving's letter (5a. 2r. 18p.) contains a good dwelling-house used as an inn, with garden, stables, cultivation paddock, erected, I believe, by Mr. Irving.

3. The second (8a. 1r. 10p.) contains a house, stockyard, and garden, erected and inhabited by one Grimes, a shoemaker.

4. The fourth, which seems incorrectly described (being on the north side of the river), contains a house and garden, occupied by one Nattean Taylor, a constable, and erected as he states by himself.

Also, a house and kitchen, with a garden, occupied and claimed by Mr. Moore, Clerk of the Petty Sessions.

Also, a house occupied and claimed by one Thompson, a mail contractor and postman. Another house occupied and claimed by Welch, a constable; and a large house built it is said by Alcock, late Chief Constable, and now occupied and claimed by one Grans, a German.

5. The three reserves "unmarked," thirdly mentioned by Mr. Irving, do not appear to contain any improvements, except the fence of the Government paddock.

6. The three reserves on the west of the inn lastly mentioned in Mr. Irving's letter are also unimproved, except that nearest the inn includes some part of the paddock.

I have, &c.,
RICHARD BLIGH,
Com. of Crown Lands.

No. 13.

REPORT of Chief Commissioner.

THE first portion, 5a. 2r. 18p., may now be sold to Mr. Irving under pre-emptive right, and after the issue of a lease under Regulations of the 11th February, 1851, which should only be general, "of lands containing improvements, the property of Clark Irving, at Casino." The 5a. 2r. 18p. should be charged at £8 per acre, at which price it would have been put up in small allotments, had it not been for the existence of the improvements. Description herewith for completion of purchase.

8 PRE-EMPTIVE RIGHT EXERCISED BY CLARK IRVING, ESQ.

In reference to the second portion, instructions may issue to Mr. Peppercorne with the provisions specified in my memo. on 57-6152.

Grimes' claims cannot, under the existing Regulations, be recognized by the Government, and he may now be so informed, in reply to 57-9879.

The improvements of Thompson, the mail contractor and postman, being on the "Casino" Run, must also fall within the pre-emptive right claim of Mr. Irving, but those of the Clerk of Petty Sessions and constables, including that sold by the late Chief Constable, cannot be allowed to Mr. Irving under pre-emptive right, unless that gentleman can shew that he erected the buildings in question, and that the Clerk of Petty Sessions and constables are merely his tenants; otherwise, under the precedent of Thompson, at Wogga Wogga, the buildings, with allotments on which they stand, should be sold to the Clerk of Petty Sessions and constables, under lease of Regulations of 11th February, 1851, and the one sold to Grans should be sold with sixty days for the removal of the improvements. Mr. Peppercorne may be instructed to measure the lands on which these improvements stand, in allotments to embrace the improvements of each person, and in as convenient and regular forms as the positions of the improvements will admit of.

A. G. M.
13 Oct.

No. 14.

CHIEF COMMISSIONER OF CROWN LANDS to CLARK IRVING, ESQ.

(No. 57-1225.)

*Crown Lands Office,
Sydney, 14 October, 1857.*

SIR,

With reference to your application for the purchase of certain portions of the Casino Reserve containing improvements, I beg to inform you that on the issue of a lease under the Order in Council, of 19th June, 1850, your claim to the first portion of 5ac. 2r. and 18 perches will be allowed. Further inquiry is necessary respecting the second portion.

The improvements of Thompson, the mail contractor, will also come within your pre-emptive right, but those of the Clerk of Petty Sessions and constables, including that sold by the late Chief Constable, cannot be allowed to you under pre-emptive right, unless you can shew that you erected the buildings, and the occupants are merely your tenants.

I have, &c.,
GEO. BARNEY,
C. C. C. L.

No. 15.

CHIEF COMMISSIONER OF CROWN LANDS to COMMISSIONER OF CROWN LANDS, CLARENCE RIVER.

(57-2471.)

*Crown Lands Office,
Sydney, 3 November, 1857.*

SIR,

I do myself the honor to draw your attention to the report required upon Mr. Clark Irving's application to purchase portions of his "Casino" Run, on the Clarence River, and to urge your immediate attention thereto.

I have, &c.,
GEO. BARNEY,
C. C. C. L.

No. 16.

COMMISSIONER OF CROWN LANDS, CLARENCE RIVER, to CHIEF COMMISSIONER OF CROWN LANDS.

(No. 57-133.)

*Crown Lands Office,
Clarence River, 20 November, 1857.*

SIR,

In reply to your letter of the 3rd instant, desiring my immediate report upon an application of Mr. Clark Irving's, to purchase portions of his "Casino" Run, I have the honor to state that no such application remains in my hands for report.

2. The last of Mr. Irving's applications (being for land in the town of Casino, No. 11,683) was reported upon by my letter to you, No. 57-91, dated 11 September, 1857, and my report will, no doubt, be found in your office on further inquiry.

I have, &c.,
RICHARD BLIGH,
Com. C. Lands.

No. 17.

No. 17.

CHIEF COMMISSIONER OF CROWN LANDS to SECRETARY TO THE TREASURY.

(No. 57-758.)

*Crown Lands Office,
Sydney, 7 December, 1857.*

SIR,

I beg to forward particulars for a lease under the Regulations of the 11th of February, 1851, to be granted to Mr. Clark Irving for one year, for land at Casino, Clarence River District.

2. The rent will be, as usual, £10.

3. Will you be good enough to inform me when the lease is ready for issue, that I may intimate the same to Mr. Irving.

I have, &c.,
GEO. BARNEY,
C. C. C. L.

No. 18.

SECRETARY TO THE TREASURY to CHIEF COMMISSIONER OF CROWN LANDS.

*The Treasury, New South Wales,
16 December, 1857.*

SIR,

In reply to your letter of the 7th instant, No. 758, requesting the preparation of a lease of certain land at Casino, in favour of Mr. Clark Irving, I am directed to inform you that the lease is ready for issue.

I have, &c.,
HENRY LANE.

No. 19.

CHIEF COMMISSIONER OF CROWN LANDS to CLARK IRVING, ESQ.

(No. 57-1532.)

*Crown Lands Office,
Sydney, 28 December, 1857.*

SIR,

I beg to inform you that your lease under the Regulations of the 11th February, 1851, for land at Casino, is ready for issue at the Colonial Treasury. The rent payable is £10.

I have, &c.,
GEO. BARNEY,
Chief Com. Crown Lands.

No. 20.

SECRETARY TO THE TREASURY to CHIEF COMMISSIONER OF CROWN LANDS.

*The Treasury, New South Wales,
23 December, 1857.*

SIR,

I have the honor to inform you that Mr. Clark Irving has this day taken up the lease granted to him under the Regulations of the 11th February, 1851, for land at Casino containing his improvements.

I have, &c.,
HENRY LANE,
Secty. to the Treasury.

No. 21.

CHIEF COMMISSIONER OF CROWN LANDS to UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

(No. 58-175.)

*Crown Lands Office,
Sydney, 3 May, 1858.*

SIR,

I have the honor to submit, for the approval of His Excellency the Governor General, a Schedule of Lands leased, or under promise of lease, under Her Majesty's Order in Council, for the purchase of which, under the right of pre-emption, applications have been received from the lessees.

2. The necessary inquiries have been made into the validity of the several claims, which are found to be regular; and I have therefore the honor to request that the Honorable the Colonial Treasurer may be authorized to receive the price of the land in each case, as within

10 PRE-EMPTIVE RIGHT EXERCISED BY CLARK IRVING, ESQ.

within stated, and that I may receive His Excellency's instructions to call upon the several applicants to complete their purchases by payment of the purchase money.

I have, &c.,
GEO. BARNEY,
Chief Commissioner of Crown Lands.

This appears to be a Town purchase. T.—Governor General and Ex. Council.—
J. Ro. 8 July.

The necessary papers are enclosed—to be returned.

The Executive Council advise that the purchase particularized in the annexed Schedule be approved and confirmed, and that the applicant be now called upon to complete his purchase, by the payment of the value of the land, and the cost of survey where any such have been incurred.

Appd.—W. D. 30 July.
EDWARD C. MEREWETHER,
Clerk of the Council,
Confid., 26 July, 1858.

For the Chief Commissioner of Crown Lands—be dealt with in terms of my letter of the 31st March last.—B. C. 2 August, 1858. M. F.

SCHEDULE.
CLARENCE DISTRICT.
(Regulations of 11th February, 1851.)

APPLICANT.	NAME OF RUN.	AREA.	PRICE.	COST OF MEASUREMENT.
		a. r. p.	Per Acre.	
Clark Irving	At Casino	5 2 18	£8 0 0	Nil.

No. 22.

CHIEF COMMISSIONER OF CROWN LANDS to CLARK IRVING, ESQ.

Crown Lands Office,
Sydney, 6 August, 1858.

SIR,

Acres
5 2 18

£8 18 0

I have to inform you that His Excellency the Governor General, with the advice of the Executive Council, has been pleased to approve of your being allowed to purchase under your pre-emptive right, the portion of land containing five acres two roods and eighteen perches, measured for you out of your run at Casino, in the district of Clarence, and I request that you will have the goodness to pay into the Colonial Treasury the amount specified in margin, being the price of the land in question, inclusive of deed fee.

Unless the required payment be made within three months from this date, a fine of 10 per cent. will be added for every three months, or part of three months, that payment is delayed.

I have, &c.,
GEO. BARNEY,
C. C. C. Lands.

SCHEDULE OF PRE-EMPTIVE PURCHASES APPROVED.
(Regulations of 11th February, 1851.)
CLARENCE RIVER DISTRICT.

APPLICANT.	NAME OF RUN.	AREA.	PRICE.	COST OF MEASUREMENT.
		a. r. p.	Per Acre.	
Clark Irving	At Casino	5 2 18	£8 0 0	Nil.

Copy forwarded to the Secretary to the Treasury, under B. C. 2 August, 1858.—M. F.

PRE-EMPTIVE RIGHT EXERCISED BY CLARK IRVING, ESQ. 11

No. 23.

SECRETARY TO THE TREASURY to SURVEYOR GENERAL.

*The Treasury, New South Wales,
28 August, 1858.*

SIR,

I am directed to inform you that Clark Irving, of Sydney, has paid into this office the sum of Forty-four pounds eighteen shillings, being the amount of purchase money for five acres two roods and eighteen perches of land at Casino, in the district of Clarence. paid on 18 August, 1858. £44 18s.

2. The sum of one pound, being the cost of deed fee, has also been paid.

I have, &c.,

HENRY LANE,

Secretary to the Treasury.

No. 24.

CLARK IRVING, ESQ., to SURVEYOR GENERAL.

Sydney, 7 August, 1856.

SIR,

In pursuance of the Regulations relating to the occupation and purchase of Crown Lands, I do hereby apply to purchase, under my pre-emptive right, seven hundred 700 acres of land situated on my run at Broadwater, a sketch and description of which is annexed.*

The run, in virtue of which I claim to exercise a right of pre-emption, is as follows, and is now in my licensed occupation, viz.:—Commissioner's District, R. Bligh, Esq.; name of run, Broadwater or Ashby; general locality, Clarence River.

*Appendix A.

I have, &c.,

CLARK IRVING.

No. 25.

CHIEF COMMISSIONER OF CROWN LANDS to COMMISSIONER OF CROWN LANDS,
CLARENCE RIVER.

(No. 2,000.)

*Crown Lands Office,
Sydney, 12 August, 1856.*

SIR,

I have to request that you will report, in the usual manner, upon Mr. Clark Irving's letter of the 7th August, 1856, applying to purchase seven hundred acres of land at Broadwater.

I have, &c.,

GEO. BARNEY,

C. C. C. L.

No. 26.

CHIEF COMMISSIONER OF CROWN LANDS to CLARK IRVING, ESQ.

*Crown Lands Office,
Sydney, 12 August, 1856.*

SIR,

I have the honor to inform you that it has been found necessary to refer to Mr. Commissioner Bligh your letter of the 7th instant, applying to purchase land at Broadwater, in the district of Clarence.

When the required report shall have been received, I will further communicate with you.

I have, &c.,

GEO. BARNEY.

C. C. C. L.

No. 27.

COMMISSIONER OF CROWN LANDS, CLARENCE RIVER, to CHIEF COMMISSIONER OF
CROWN LANDS.

(No. 57-8.)

*Crown Lands Office,
Clarence River, 23 January, 1857.*

SIR,

In reply to your letter of the 12th August last, calling for my report on the application of Mr. Clark Irving to purchase 700 acres of land at Broadwater, in this district, I have the honor to report,—Dated 7th August, 1856, returned.

1. That this land is part of the "Ashby," or "Broadwater," Run, in the licensed occupation of Mr. Clark Irving.

2. That it is not the subject of any unsettled dispute.

I have, &c.,

RICHARD BLIGH.

Com. C. Lands.

The

The water frontage seems excessive, but as it is only on the Broadwater, a shallow estuary, and portions which may adjoin the back line will have good frontage in the main river, the measurement may be made by Mr. Greaves. The land being within 2 miles of the Clarence River, is within the Settled Districts, and should have been held under lease of 11th February, 1851, under which lease only Mr. Irving can purchase.

A. G. M.,
11 March.

No. 28.

CHIEF COMMISSIONER OF CROWN LANDS to COMMISSIONER OF CROWN LANDS, CLARENCE RIVER.

(No. 343.)

*Crown Lands Office,
Sydney, 17 February, 1857.*

SIR,

Referring to your report of the 23rd ultimo, No. 57-8, I do myself the honor to inform you, that the disposal of Mr. Clark Irving's application to purchase seven hundred acres (700 acres) of his run, known as "Broadwater" or "Ashby," in the district of Clarence River, awaits the measurement of the land.

I have, &c.,
GEO. BARNEY.
C. C. C. L.

No. 29.

CHIEF COMMISSIONER OF CROWN LANDS to CLARK IRVING, ESQ.

(No. 160.)

*Crown Lands Office,
Sydney, 17 February, 1857.*

SIR,

With reference to your letter of the 7th August last, I do myself the honor to inform you that the disposal of your application to purchase 700 acres of your run, known as "Broadwater" or Ashby, in the district of Clarence River, awaits the measurement of the land.

I have, &c.,
GEORGE BARNEY,
C. C. C. L.

No. 30.

CHIEF COMMISSIONER OF CROWN LANDS to COMMISSIONER OF CROWN LANDS, CLARENCE RIVER.

(No. 620.)

*Crown Lands Office,
Sydney, 8 April, 1857.*

SIR,

With reference to your letter of the 23rd January last, reporting on an application from Mr. Clark Irving, to purchase 700 acres of land at Broadwater, I beg to inform you, that the land is situated within the Settled Districts, and cannot be held under lease, in pursuance of the Order in Council of 19th June, 1850.

2. I request that you will prepare, and send to this office, a description of the land held by Mr. Irving under the old license for "Ashby," now within the Settled Districts, in order that the necessary steps may be taken to issue a lease to him. You should report, also, why no notice has been taken by you of the fact of no lease being held for this land by Mr. Irving.

I have, &c.,
GEO. BARNEY.

No. 31.

COMMISSIONER OF CROWN LANDS, CLARENCE RIVER, to CHIEF COMMISSIONER OF CROWN LANDS.

*Crown Lands Office,
Clarence River, 11 May, 1857.*

SIR,

I do myself the honor to enclose a description of the settled portion of the Ashby Run (occupied by Mr. Clark Irving) as directed by your letter of the 8th ultimo.

2. In reply to your inquiry as to why the fact that the land which Mr. Irving desired to purchase was within the Settled Districts was not noticed in my report of the 23rd January last, I have to state that, not having been accustomed to a district including settled lands,

lands, the matter escaped my notice at the time of reporting, and I was writing at the time in much difficulty and confusion, in consequence of the bad state of the building at the Red Rock, from which I was then on the eve of removing.

There is no doubt that I ought to have noticed the matter, and I beg to apologize for the omission.

I have, &c.,
RICHARD BLIGH,
C. C. Lands, Clarence River.

No. 32.

CHIEF COMMISSIONER OF CROWN LANDS to UNDER SECRETARY FOR LANDS AND
PUBLIC WORKS.

*Crown Lands Office,
Sydney, 3 June, 1857.*

SIR,

I do myself the honor to request that I may receive authority to issue to Mr. Clark Irving a lease, under the Regulations of 11th February, 1851, for thirty-five sections of land, forming portion of the "Ashby" Run, brought within the Settled Districts. I have to explain that this lease was not issued at the proper time, owing to the neglect of the late Commissioner (Mr. Fry), to return the land as within the Settled Districts, but as Mr. Irving is clearly entitled to a lease, whilst the land is not required for public purposes, I now bring the case under notice.

I have, &c.,
GEO. BARNEY,
C. C. C. L.

This is submitted in a very bald way. How was the run occupied in the meantime, and what rent was paid for it?—10.

Were the sections deducted from the estimated area of "Ashby" Run? Have they been occupied as a portion of that run ever since? Is there any report of Mr. Fry relating to it, or any report from Mr. Bligh, shewing that none of the sections are required for public purposes?

Let me have from the Surveyor General information required to form a decision upon.—J. H.

Returned to the Surveyor General for the within-named purpose accordingly.—To be returned. B.C., 11 June, 1857.—M. F.

REPLIES to Queries by Mr. Secretary Hay, indorsed upon my letter of 3rd June, 1857, relative to Mr. Clark Irving's application to purchase 700 acres out of the Settled Districts, portion of the "Ashby" Run, at the Clarence River.

QUERIES.	ANSWERS.
1. Were the sections deducted from the estimated area of the "Ashby" Run?	I conclude they were, for the description which accompanied the estimated area, 64,000 acres, excluded the Settled Districts.
2. Have they been occupied as a portion of the run ever since?	No doubt they have, for Mr. Irving, in applying to purchase (7th August, 1856) the land in question, describes it as a part of his run, which he conceives, erroneously, he is entitled to purchase under the pre-emptive right; and Mr. Bligh, in reporting on the application (23rd January, 1857), calls it part of "Ashby," overlooking that a portion has been converted into Settled Districts.
3. Is there any report from Mr. Fry relating to it?	Yes. See application for lease, and letters enclosed, dated 14th June, 1849; 19th October, 1850, with description; 2nd August, 1853, with description and estimate of the area and grazing capabilities. When Mr. Fry sent in this last report he should also have sent in, as customary, a description of the portion which he had excluded in consequence of its being within the Settled Districts, and therefore subject to lease under the Regulations of 11th February, 1851.
4. Any report from Mr. Bligh, shewing that none of the sections are required for public purposes?	The local Commissioner has not generally been called upon to report upon lands coming within the Settled Districts. The Surveyor General has, from time to time, recommended the cancelling of any sections, which, being leased under the 11th February rules, were found to be required for public purposes.
5. What rent is paid?	£45 per annum, estimated on 3,000 sheep.

*Crown Lands Office,
Sydney, 30 June, 1857.*

GEO. BARNEY,
C. C. C. L.

No. 33.

MEMO. of Secretary for Lands and Public Works.

ALL the arrangements with respect to the Lands brought within the Settled Districts on the Clarence and Richmond Rivers seem to have been egregiously mismanaged. The Commissioner should have given a Return of the number of sections abstracted from each run, and the licensee had the option of renting these under the Regulations.

Until July, 1853, Mr. Irving does not seem to have had any official intimation of any change of his holding of any portion of his run of Ashby, and even, in July, 1853, when by the assessment of the run in which his nominee joined he must have become so, he was still without any knowledge of the number of sections he might have to rent, and without any intimation that it was necessary for him to rent it, except he should at any time desire to exercise his right of pre-emptive purchase.

I think Mr. Irving ought to have the leases issued to him on paying the arrears on all he desires to hold, as it appears to have been from Mr. Fry's neglect that they have not been under lease throughout. But he ought to be informed that no pre-emption, except so far as to cover valuable improvements, will be granted, except on special report shewing that the land is not required for public purposes, and, as there is some reason to believe that the land is of more than average value, upon valuation.

J. H.

No. 34.

CHIEF COMMISSIONER OF CROWN LANDS to CLARK IRVING, ESQ.

(No. 57-1182.)

*Crown Lands Office,
Sydney, 24 September, 1857.*

SIR,

Having requested that I might be favoured with the authority of the Honorable the Secretary for Lands and Public Works to cause to be issued to you a lease under the Regulations of the 11th February, 1851, for thirty-five sections of land forming part of the "Ashby" Run, brought within the Settled Districts, I have been honored with this instruction, that you ought to have the leases issued to you on your paying the arrears on all which you desire to hold, but that no pre-emption, except so far as to cover valuable improvements, will be granted, and except on special report shewing that the land is not required for public purposes, and on valuation.

2. On therefore your paying into the Treasury the rent for the thirty-five sections, and arrears of rent, or for such sections you may desire, I will send either the description for the thirty-five sections to the Secretary to the Treasury for the issue of the lease required, to enable your purchase to be considered and proceeded with as directed; or, should you desire to retain only portions of the thirty-five sections, descriptions of such sections, in order that the leases may issue,—your application of August, 1856, being in the meantime suspended.

I have, &c.,
GEO. BARNEY,
C. C. C. L.

No. 35.

CLARK IRVING, ESQ., to CHIEF COMMISSIONER OF CROWN LANDS.

Sydney, 29 October, 1857.

SIR,

I beg reference to your letter of the 17th February, relative to my application for the purchase of 700 acres of land, on my run at "Ashby," in the district of Clarence, wherein you state, that "it awaits the measurement of the land." May I again bring the matter under your notice.

I have, &c.,
(For Clark Irving.)
R. H. GORDON.

It appears that Mr. Greaves has not yet been instructed: for immediate instructions, and return.—2.

The instructions cannot issue until Mr. Irving replies to the letter addressed to him of the 25th September last.—3 Nov.

The measurement and the valuation may be made, the purchase cannot be completed until the lease is in existence.—13.

No. 36.

CLARK IRVING, ESQ., to CHIEF COMMISSIONER OF CROWN LANDS.

Sydney, 20 November, 1857.

SIR,

I beg to apply for a lease of an area of land of my station, known as "Ashby," in the district of Clarence River, situated in the tongue of land north of Woodford Island, and on which are erected houses and other valuable improvements, and containing about two sections.

I have, &c.,
(For Clark Irving,)
R. H. GORDON.

Immediate steps should be taken for the issue of the lease to Mr. Irving of the two sections of land herein described, and for expediting the measurement of the 700 acres still in the hands of Mr. Greaves: *vide* instructions dated 4th December, 1859.

This was done on the 2nd December last, but we have never heard whether Mr. Irving has taken up the lease. I suppose his name will be included in the list expected from the Treasury.—13 April, 1858.

Mr. Irving (I learn at the Treasury) took up this lease on the 23rd December, 1857; it will be reported in an official letter immediately; he was charged £1 per section.—14 April.

No. 37.

SURVEYOR GENERAL to MR. SURVEYOR GREAVES.

(No. 57-1513.)

Surveyor General's Office,
Sydney, 4 December, 1857.

SIR,

I have to request that you will measure and mark out the portion of land described in the margin, applied for under pre-emptive right by Clark Irving, Esq., in virtue of his licensed run, provided that the land specified be situated within the boundaries thereof, and that its alienation will not give an undue command over water required for the beneficial occupation and cultivation of the adjoining country; to which latter point your attention was more particularly directed by my circular of the 7th May, 1857,—(57-534.)

Under the 7th section of the 2nd chapter of Her Majesty's Order in Council of the 9th March, 1847, it is directed, that, "Each lot (so measured) must be rectangular, unless the features of the country, or the course of any river or stream, render a deviation from the rectangular form necessary, and in every case two sides at least of the lot must be directed to the cardinal points of the compass;" and secondly, that, "The two opposite sides of any stream or watercourse, which according to the practice of the Department of the Surveyor General ought to form a boundary between different sections or lots, shall in no case be included in the same lot," and you will, therefore, in making this survey, be guided as to the form of measurement strictly by the foregoing conditions, and by the circular above alluded to of 7th May, 1857.

In reference, however, to that portion of the 3rd condition of section 7 of the Orders in Council, which determines the maximum extent of water frontage to which each portion shall be entitled, it has been considered expedient to adopt, in lieu, the rule that the breadth in chains, of any portion measured at right angles to the side lines, shall bear a proportion to the area in acres of 1 to 8.

You will, at the same time, ascertain the name and address of respectable parties resident in the neighbourhood, who would be willing to value the lands measured on behalf of the Government, and submit the same for selection (per separate letter, together with your own opinion of the value) in order that one may be appointed as Assessor, under the 8th and 3rd sections of chapter 2 of Her Majesty's Order in Council of the 9th March, 1847.

I have, &c.,
GEO. BARNEY,
Surveyor General.

No. 38.

CLARK IRVING, ESQ., to SECRETARY FOR LANDS AND PUBLIC WORKS.

Sydney, 13 February, 1858.

SIR,

On the 7th August, 1856, I applied to purchase 700 acres of land on my run, known as "Ashby," on the Clarence River, and on the 17th February, 1857, the Chief Commissioner of Crown Lands reported that my application awaited the measurement of the land; and after applications to get the matter finally arranged, I received another letter from the Chief Commissioner of Crown Lands of the following tenor:—

(No. 57-1182.)

Crown Lands Office,
Sydney, 24 September, 1857.

Sir,

Having requested that I might be favoured with the authority of the Honorable the Secretary for Lands and Works, to cause to be issued to you a lease under the Regulations of 11th February, 1851, for

for thirty-five sections of land forming portion of the "Ashby" Run, brought within the Settled Districts, I have been honored with this instruction, that you ought to have the leases issued to you, on your paying the arrears on all which you desire to hold; but that no pre-emption, except as far as to cover valuable improvements, will be granted, and except on special report shewing that the land is not required for public purposes, and on valuation.

2. On therefore your paying into the Treasury the rent for the thirty-five sections, and arrears of rent, or for such sections as you may desire, I will send either the description of the thirty-five sections to the Secretary to the Treasury, for the issue of the lease required, to enable your purchase to be considered and proceeded with as directed; or, should you desire to retain only portions of the thirty-five sections, descriptions of such sections, in order that leases may issue,—your application of August, 1856, being in the mean time suspended.

I have, &c.,
GEO. BARNEY,
S. G.

Clark Irving, Esq.

In conformity with the above letter, I have paid the rent on two sections of the said run of "Ashby," to enable me, under my pre-emptive right, to secure the 700 acres I wish to purchase, and on which are erected my buildings and other valuable improvements; and, in consequence of that payment, I received another letter from the Chief Commissioner of Crown Lands, of which the following is a copy:—

(57-12,584.)

Crown Lands Office,
7 December, 1857.

Sir,

I beg to inform you that you have been returned to the Treasury for a lease under the Regulations of 11th February, 1851, for two sections of the "Ashby" Run, brought within the Settled Districts; the lease to date from 1st January, 1849, and to be subject to payment of arrears, at one pound a section.

2. I am directed, however, to inform you, that no pre-emption, save as regards the valuable improvements, will be granted to you except on special report shewing that the land is not required for public purposes; and, as there is reason to believe, the land is of more than average value upon valuation.

I have, &c.,
GEO. BARNEY,
C. O. C. L.

Clark Irving, Esq.

From all the correspondence you will observe that I have in every respect complied with the Land Regulations, and doubt not but you will at once order the purchase to be completed.

I have, &c.,
CLARK IRVING.

The Chief Commissioner of Crown Lands is requested to report.—M. F.
B. C., 17 Feb., 1858.

No. 39.

(No. 58-484.)

MINUTE of Surveyor General.

THE measurement of the land in question has been received from Mr. Greaves, who reports that it is not worth more than £1 per acre; it will, therefore, be submitted for completion of purchase without delay.

GEO. BARNEY,
S. G.

Surveyor General's Office,
13 April, 1858.

Perhaps the Surveyor General will be so good as to submit these papers with the case.—M.F.

B. C. No. 58-144.

No. 40.

MR. SURVEYOR GREAVES to SURVEYOR GENERAL.

(No. 58-10.)

Dovedale, Clarence River,
18 March, 1858.

SIR,

According to your instructions of the 4th December, 1857, No. 57-1513, I have the honor to forward herewith, a plan* and description of 700 acres at the Broadwater, applied for to purchase, under the 11th February Regulations, by Mr. C. Irving, in virtue of his "Ashby" Run, in the Clarence River District.

2. This land is of a very inferior quality, the soil is composed of a very sharp white sand, the ranges are very high, precipitous, and rocky, thickly timbered with stringy bark, box, and bloodwood, and covered with a coarse kind of kangaroo-grass.

3. The improvements consist of a slab-house and several out-buildings, a good stock-yard and paddock, also a small garden.

4. The water of the Broadwater is very shallow—small boats can only get up to the station. The water of the Clarence is deep and rocky, but unapproachable on account of the steepness of the ranges.

5. I do not consider this portion of land worth more than One Pound per acre, and, therefore, have not taken any steps towards obtaining an assessment of it by Mr. Commissioner Bligh.

I have, &c.,
W. A. B. GREAVES,
L. S.

*Appendix D.

I was under the impression that there was some reason to suppose that a Reserve might be required here for a shipping place from the Richmond River, but on Mr. Greaves' Report on the land, and as there is plenty of Crown land adjacent to the eastward, this may go on without inquiry.

I have consulted Mr. Darke, and find that if there be a road from Richmond to the Lower Clarence, it will meet that river below the Broadwater, and the map has been noted accordingly. This may now be charted.—A. G. M. 19.

Now ready for completion of purchase.—A. G. M.
Mr. Pretious, now forward, carefully noting.

No. 41.

CHIEF COMMISSIONER OF CROWN LANDS to UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

(No. 58-193.)

*Crown Lands Office,
Sydney, 19 May, 1858.*

SIR,

I have the honor to submit, for the approval of His Excellency the Governor General, a Schedule of Lands leased, or under promise of lease, under Her Majesty's Order in Council, for the purchase of which, under the right of pre-emption, applications have been received from the lessees.

2. The necessary inquiries have been made into the validity of the several claims, which are found to be regular, and I have therefore the honor to request that the Honorable the Colonial Treasurer may be authorized to receive the price of the land in each case, as within stated, and that I may receive His Excellency's instructions to call upon the several applicants to complete their purchases by payment of the purchase money.

I have, &c.,

GEO. BARNEY,
Chief Commissioner of Crown Lands.

These appear to be regular, and may be submitted to the Executive Council as usual. See remarks of the surveyor on Russell's and Taylor's purchase of 228 acres. 25 May. Appd.—JOHN R. 26 May.

Clerk of the Executive Council.—M. F. B.C., 26 May.

Executive Council advise that the purchases particularised in the annexed Schedule be approved and confirmed, and that the several applicants be now called upon to complete their purchases, by the payment of the value of the land, and the costs of survey when any such have been incurred.

EDWARD C. MEREWETHER,

Clerk of the Council.

Appd.—W. D. 11 June, '58.

7 June, 1858. No. 58-320.

Forwarded to the Chief Commissioner of Crown Lands to be dealt with, in terms of my letter of 31st March last.

To be returned.

B.C., 14 March, 1858.—M. F.

SCHEDULE.

APPLICANT.	NAME OF RUN.	AREA.	PRICE.	COST OF MEASUREMENT.	REMARKS.
		Acres.	£	£ s. d.	
Clark Irving.....	Ashby.....	700	700	58-494 herewith.
Russell and Taylor	Cecil Plains	160	160	8 6 3	
Do.	"	320	..	.....
Do.	"	160	160	8 6 3	
Do.	"	228	228	8 6 3	
Do.	"	160	160	8 6 3	
R. E. and F. Tooth	Jondaryan.....	160	160	8 6 3	

The parties have been informed accordingly.

G. BARNEY.

B.C., *Crown Lands Office,
Sydney, 22 June, 1858.*
No. 58-243.

No. 42.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to SECRETARY TO THE TREASURY.

*Department of Lands and Public Works,
Sydney, 14 June, 1858.*

Usual letter to the Secretary of the Treasury, intimating approval of the pre-emptive purchases in the annexed Schedule.

SCHEDULE.

APPLICANT.	NAME OF RUN.	AREA.	PRICE.	COST OF MEASUREMENT.	REMARKS.
		Aeres.	£	£ s. d.	
Clark Irving	Ashby	700	700	58-484 herewith.
Russell and Taylor	Cecil Plains	160	160	8 6 3	
Do.	"	320	320	.....
Do.	"	160	160	8 6 3	
Do.	"	228	228	8 6 3	
Do.	"	160	160	8 6 3	
R. E. and F. Tooth	Jondaryan	160	160	8 6 3	

No. 43.

CHIEF COMMISSIONER OF CROWN LANDS to CLARK IRVING, ESQ.

(No. 58-597.)

*Crown Lands Office,
Sydney, 22 June, 1858.*

SIR,

I have to inform you that His Excellency the Governor General, with the advice of the Executive Council, has been pleased to approve of your being allowed to purchase under your pre-emptive right the portion of land containing seven hundred acres measured for you out of your run, Ashby, in the district of Clarence River; and I request that you will have the goodness to pay into the Colonial Treasury the amount specified in margin, being the price of the land in question, inclusive of survey and deed fee.

Unless the required payment be made within three months from this date, a fine of 10 per cent. will be added for every three months, or part of three months, that payment is delayed.

I am, &c.,
GEO. BARNEY.
S. G.

No. 44.

SECRETARY TO THE TREASURY to SURVEYOR GENERAL.

*The Treasury New South Wales,
28 October, 1858.*

SIR,

I am directed to inform you that Clark Irving, of Sydney, has paid into this office the sum of *seven hundred pounds*, being the amount of purchase money for *seven hundred acres* of the run called *Ashby*, in the district of Clarence.

2. The sum of *three pounds*, being the deed fee, has also been paid.

I have, &c.,
HENRY LANE.
Secretary to the Treasury.

No. 45.

CLARK IRVING, ESQ., to CHIEF COMMISSIONER OF CROWN LANDS.

Sydney, 5 June, 1856.

SIR,

Referring to my letter to you of the 2nd May, 1855, applying for the purchase of five sections of land, part of my run known as "Casino," on the Richmond River, and District of Clarence, I have the honor again, as that application was not acceded to, to apply for three sections of the same run, under my pre-emptive right, and which are bounded as follows, viz. :—

Commencing at the north-west corner of the reserve, at the junction of the Richmond River and North Arm, and extending in a westerly direction two miles, to the eastern boundary of another reserve; thence, on the west, by the eastern boundary of the said reserve, to the Richmond River; on the south by the Richmond River; and on the east by the boundary of the reserve first above mentioned, to the point of commencement.

I have, &c.,
CLARK IRVING.

No. 46.

CHIEF COMMISSIONER OF CROWN LANDS to COMMISSIONER OF CROWN LANDS,
CLARENCE RIVER.

*Crown Lands Office,
Sydney, 13 June, 1856.*

SIR,

I have to request that you will report in the usual manner upon Mr. Clark Irving's letter of the 5th instant, applying to purchase three sections of his run "Casino."

I have, &c.,
GEO. BARNEY,
C. C. C. L.

No. 47.

CHIEF COMMISSIONER OF CROWN LANDS to CLARK IRVING, ESQ.

(No. 56-659.)

*Crown Lands Office,
Sydney, 13 June, 1856.*

SIR,

I have the honor to inform you that it has been found necessary to refer to Mr. Commissioner Bligh your letter of the 5th instant, applying to purchase land at "Casino," in the district of Clarence River.

When the required report shall have been received I will further communicate with you.

I have, &c.,
GEO. BARNEY,
C. C. C. L.

No. 48.

COMMISSIONER OF CROWN LANDS, CLARENCE RIVER, to CHIEF COMMISSIONER OF
CROWN LANDS.

(No. 56-59.)

*Crown Lands Office,
Clarence River, 16 August, 1856.*

SIR,

With reference to Mr. Clark Irving's application of the 5th June last, for permission to purchase three more sections of his "Casino" Run, near the reserve at the junction of the Richmond River and North Arm, extending from the north-west corner of that reserve, westerly, I have the honor to request that, if convenient, I may be furnished with a tracing shewing the position of the reserves alluded to.

I have, &c.,
RICHARD BLIGH,
C. C. L.

No. 49.

CHIEF COMMISSIONER OF CROWN LANDS to COMMISSIONER OF CROWN LANDS,
CLARENCE RIVER.

(No. 56-693.)

*Surveyor General's Office,
Sydney, 25 September, 1856.*

SIR,

In compliance with the request contained in your letter of the 16th ultimo, I beg to forward herewith, for your present and future guidance, a tracing shewing all the proposed reserves at the Richmond River.

I have, &c.,
GEO. BARNEY,
S. G.

No. 50.

COMMISSIONER OF CROWN LANDS, CLARENCE RIVER, to CHIEF COMMISSIONER OF
CROWN LANDS.

(No. 56-83.)

*Crown Lands Office,
Clarence River, 9 October, 1856.*

SIR,

With reference to the application of Mr. Clark Irving to purchase three sections of his "Casino" Run, in this district, referred to me by your letter of the 13th June last, I have the honor to report that the land applied for is part of the "Casino" Run, in the licensed occupation of Mr. Irving, and is not the subject of any dispute.

I have, &c.,
RICHARD BLIGH,
Com. C. Lands.

ated 7th Jun.
55, returned.

No. 51.

CHIEF COMMISSIONER OF CROWN LANDS to MR. SURVEYOR PEPPERCORNE.

(No. 56-1961.)

*Surveyor General's Office,
Sydney, 24 November, 1856.*

SIR,

"Casino," 1,920
acres, Clarence
River District.

I have to request that you will measure and mark out the portion of land described in the margin, applied for under pre-emptive right by Clark Irving, Esq., in virtue of his licensed run, provided that the land specified be situated within the boundaries thereof, and that its alienation will not give an undue command over water required for the beneficial occupation and cultivation of the adjoining country; to which latter point your attention was more particularly directed by my circular of the 7th May, 1857,—(57-534.)

Under the 7th section of the 2nd chapter of Her Majesty's Order in Council, of the 9th March, 1847, it is directed, that, "Each lot (so measured) must be rectangular, unless the features of the country, or the course of any river or stream, render a deviation from the rectangular form necessary, and in every case two sides at least of the lot must be directed to the cardinal points of the compass," and secondly, that, "The two opposite sides of any stream or watercourse, which according to the practice of the Department of the Surveyor General ought to form a boundary between different sections or lots, shall in no case be included in the same lot," and you will therefore, in making this survey, be guided as to the form of measurement strictly by the foregoing conditions, and by the circular above alluded to of 7th May, 1857.

In reference, however, to that portion of the 3rd condition of section 7 of the Orders in Council, which determines the maximum extent of water frontage to which each portion shall be entitled, it has been considered expedient to adopt, in lieu, the rule that the breadth in chains, of any portion measured at right angles to the side lines, shall bear a proportion to the area in acres of 1 to 8.

You will, at the same, ascertain the name and address of respectable parties resident in the neighbourhood, who would be willing to value the lands measured on behalf of the Government, and submit the same for selection (per separate letter, together with your own opinion of the value), in order that one may be appointed as assessor, under the 8th and 3rd sections of chapter 2 of Her Majesty's Order in Council of the 9th March, 1847.

I have, &c.,

GEO. BARNEY,
Surveyor General.

P.S.—You will make this measurement with the same caution as to reservation of ways of access to the river as intimated in my letter No. 56-1730, in which letter a reserve was inadvertently termed the "Codrington" Reserve, which was in reality that next above it.—G. B.

No. 52.

MR. SURVEYOR PEPPERCORNE to CHIEF COMMISSIONER OF CROWN LANDS.

(No. 57-10.)

*Richmond River,
26 March, 1857.*

SIR,

In accordance with the description transmitted to me, and your instructions to survey 1,920 acres of the licensed run called "Casino," for Mr. Clark Irving, I have the honor to forward herewith the plan* and description of the land so applied for.

2. The land described includes the whole frontage of the Richmond River, between the "Codrington" Reserve and that near Mr. Irving's head station. This frontage embraces three miles in an east and west direction, although in the description transmitted to me it is called only two miles, evidently by inadvertence. I have, therefore, measured the three miles, which was required in order to give the approximate quantity.

3. In other respects I have adhered to the description, by commencing at the north-west corner of the "Codrington" Reserve; in this manner the actual gross content is 2,256 acres, which, after deducting 26 acres for a reserved road of 1 chain in width, leaves the net quantity of 2,230 acres.

4. The land I do not value at more than £1 per acre, the whole of it being flat, and, in some parts, swampy.

5. There are no mineral indications on the land described.

6. The cost of measurement may be estimated at £20.

I have, &c.,

FREDK. S. PEPPERCORNE,
A. S.

* Appendix C.

PRE-EMPTIVE RIGHT EXERCISED BY CLARK IRVING, ESQ. 21

MEMORANDUM for Completion of Pre-emptive Purchase.

Registration No. of Measurement.	NAME OF APPLICANT TO PURCHASE UNDER PRE-EMPTIVE RIGHT.	NAME OF RUN OUT OF WHICH IT IS INTENDED TO PURCHASE.	DISTRICT AND CLASS.	AREA MEASURED.	PRICE PER ACRE.	COST OF SURVEY.
57-3822	Clark Irving, of Sydney	"Casino"	Clarence	Acres. 2,230	—	—
			(Intermediate.) To be assessed.			

Tracing herewith for Commissioner.

Surveyor General's Office,
Sydney, 4 June, 1857.

H. H.

No. 53.

COMMISSIONER OF CROWN LANDS, CLARENCE RIVER, to CHIEF COMMISSIONER OF CROWN LANDS.

(No. 57-117.)

Crown Lands Office,
Clarence River, 12 October, 1857.

SIR,

In accordance with the instructions given by your letter of the 6th June last, I have the honor to transmit a memorandum of assessment, of the value of 2,230 acres of land, part of the "Casino" Run, applied for as a purchase under pre-emptive right by Mr. Clark Irving.

The tracing enclosed in your letter is herewith returned.

I have, &c.,

RICHARD BLIGH,
C. Crown Lands.

[Enclosure in No. 53.]

District of Clarence River,
12 September, 1857.

Memorandum.

We, the undersigned, Richard Bligh, Commissioner of Crown Lands, acting as valuer on behalf of the Crown, and William Wilson, Esq., J.P., of Richmond River, acting as valuer on behalf of Clark Irving, Esq., licensed occupant of the "Casino" Run, do hereby estimate and assess the value of a certain piece of land, containing 2,230 acres, or thereabouts, part of the "Casino" Run, and now applied for by the said Clark Irving, as a purchase under pre-emptive right, at twenty shillings per acre.

RICHARD BLIGH,
Com. Crown Lands.
WILL. WILSON,
Valuer for C. Irving.

No. 54.

CHIEF COMMISSIONER OF CROWN LANDS to UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

(57-437.)

Crown Lands Office,
Sydney, 23 October, 1857.

SIR,

I have the honor to submit, for the approval of His Excellency the Governor General, a schedule of lands leased, or under promise of lease, under Her Majesty's Order in Council, for the purchase of which, under the right of pre-emption, applications have been received from the lessees.

2. The necessary inquiries have been made into the validity of the several claims, which are found to be regular, and I have therefore the honor to request that the Honorable the Colonial Treasurer may be authorized to receive the price of the land in each case, as within stated, and that I may receive His Excellency's instructions to call upon the several applicants to complete their purchases by payment of the purchase money.

I have, &c.,

GEO. BARNEY,
Chief Commissioner of Crown Lands.

For the Executive Council.—26. A.

The Reports of the Surveyor and Commissioner should accompany. B. C. 27
October.—M. F.

Enclosed as desired. It may perhaps be explained that the papers were not omitted inadvertently, but that it has not been the practice to send them on; this however will be done in future in all cases.

Crown Lands Office,
13 November, 1857.

No. 57-465.

GEO. BARNEY,
C. C. L.

This

22 PRE-EMPTIVE RIGHT EXERCISED BY CLARK IRVING, ESQ.

This is now ripe for the Executive Council. B. C., 17 Nov., 1857—M. F.
W. D. 23 Nov., 1857.

The Executive Council advise that the several purchases particularized in the annexed schedule be approved and confirmed.

EDWARD C. MEREWETHER,
Clerk of the Council.
Con. 22 March, 1858.
No. 58-174.

Appd., W. D.
26 March, 1858.

SCHEDULE.

APPLICANT.	NAME OF RUN.	AREA.	PRICE.	COST OF MEASUREMENT.	REMARKS.
Wm. Wilson	Lismore	Acres. 494	£ s. d. 494 0 0	£ s. d.	{ Assessed at 22/6 per acre.
Do.	"	163	163 7 6	8 6 3	
Clark Irving	Casino	2,230	2,230 0 0	.....

No. 55.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to CHIEF COMMISSIONER OF CROWN LANDS.

(No. 36.)

*Department of Lands and Public Works,
Sydney, 31 March, 1858.*

SIR,

In returning to you the enclosed schedules of applications to purchase under pre-emptive right, duly approved by His Excellency the Governor General and Executive Council, I am directed to request that you will notify the same in the *Government Gazette*, in accordance with the 3rd paragraph of the notice of the 23rd January last, and intimate the decision in each case to the parties interested as usual.

2. A schedule of purchases has been furnished to the Secretary to the Treasury, and I am to request that you will be so good as to invite his attention to the notice when it appears, in order that a note may be taken of the time within which payments should be made.

3. The Secretary to the Treasury will, of course, apprise you in those cases where parties may fail to purchase within the time prescribed, in order that steps may be taken for having their permission to do so cancelled.

I have, &c.,
M. FITZPATRICK.

No. 56.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to SECRETARY TO THE TREASURY.

(No. 64.)

*Department of Lands and Public Works,
Sydney, 31 March, 1858.*

SIR,

I am directed to enclose to you a schedule of applications for permission to purchase under pre-emptive right, duly approved by His Excellency the Governor General and Executive Council, and to request that payment may be received in each case, if tendered within the time prescribed by the 3rd paragraph of the notice from this department of the 23rd January last.

2. I am at the same time to state that the Chief Commissioner of Crown Lands has been instructed to apprise the parties interested, and to publish a list of their names in the *Government Gazette*, inviting your attention thereto, in order that a note may be taken of the time within which payment should be made.

3. I am also to request that you will, at the end of the three months from the date of the notice, apprise the Chief Commissioner in those cases where payment has not been made, in order that steps may be taken for having the permission to purchase cancelled.

I have, &c.,
M. FITZPATRICK.

No. 57.

SURVEYOR GENERAL to SECRETARY TO THE TREASURY.

(No. 58-408.)

*Surveyor General's Office,
Sydney, 16 April, 1858.*

SIR,

I have the honor to draw your attention to the notice in this day's *Gazette*, signifying the approval of His Excellency the Governor General of certain pre-emptive purchases, and I request that you will have the goodness to receive the amounts therein specified when tendered, informing me, of course, of each payment, and furnishing at the end of three months, from the present time, a list of those persons who have failed to avail themselves of the privileges now conferred upon them.

I have, &c.,
GEO. BARNEY,
S. G.

No. 58.

CHIEF COMMISSIONER OF CROWN LANDS to CLARK IRVING, ESQ.

(No. 58-388.)

*Crown Lands Office,
Sydney, 16 April, 1858.*

SIR,

I have to inform you that His Excellency the Governor General, with the advice of the Executive Council, has been pleased to approve of your being allowed to purchase, under your pre-emptive right, the portion of land containing two thousand two hundred and thirty acres measured for you out of your run, "Casino," in the district of Clarence River, and I request that you will have the goodness to pay into the Colonial Treasury the amount specified in margin, being the price of the land in question, inclusive of deed fee.

Unless the required payment be made within three months from this date, a fine of 10 per cent. will be added for every three months, or part of three months, that payment is delayed.

I am, &c.,
GEO. BARNEY,
C. C. C. L.

No. 59.

SECRETARY TO THE TREASURY to SURVEYOR GENERAL.

(No. 758.)

*The Treasury,
Sydney, 21 July, 1858.*

SIR,

I have the honor to enclose the accompanying return of purchases under pre-emption which have duly completed.

I have, &c.,
HENRY LANE.

Some of these payments appear to have been made three months ago, and this delay in reporting keeps back the preparation of deeds the same length of time.

Now ready for noting on maps and preparation of deeds.

A. O. P.
27 July.

No. 60.

CLARK IRVING, ESQ., to CHIEF COMMISSIONER OF CROWN LANDS.

(No. 1.)

Sydney, 14 May, 1856.

SIR,

I have the honor to apply for the purchase of four sections of land on my run known as "Casino," on the Richmond River, and district of Clarence.

You are aware that, some time ago, I made several applications for the purchase of portions of land on that run, none of which have been acceded to.

Since my applications were made, I find the resident surveyor has reserved portions of the land applied for by me, and the land I now apply for lies between two of these reserves, and embraces all my buildings, and other extensive improvements made by me.

The surveyor informs me that the quantity of land between the two reserves is barely four sections, but, under the circumstances of my former applications not being complied with, I trust you will see the propriety of permitting the surveyor to allow such portion of one of the reserves to be granted to me as will make the four sections conterminous.

I have, &c.,
CLARK IRVING.

No. 61.

CHIEF COMMISSIONER OF CROWN LANDS to COMMISSIONER OF CROWN LANDS,
CLARENCE RIVER

(No. 2.)

*Crown Lands Office,
Sydney, 19 May, 1856.*

SIR,

To be returned. I have the honor to request the favour of your report, in the usual manner, upon the enclosed letter of Mr. Clark Irving, applying to purchase four sections of his "Casino" Run, in your district.

I have, &c.,
GEO. BARNEY,
C. C. C. L.

No. 62.

CHIEF COMMISSIONER OF CROWN LANDS to CLARK IRVING, ESQ.

(No. 3.)

*Crown Lands Office,
Sydney, 19 May, 1856.*

SIR,

I have the honor to inform you, that it has been found necessary to refer to Mr. Commissioner Bligh your letter of the 14th instant, applying to purchase four sections of your "Casino" Run, in the district of the Clarence River.

I have, &c.,
GEO. BARNEY,
C. C. C. L.

No. 63.

COMMISSIONER OF CROWN LANDS, CLARENCE RIVER, to CHIEF COMMISSIONER OF
CROWN LANDS.

(No. 4.)

*Crown Lands Office,
Clarence River, 18 June, 1856.*

SIR,

In acknowledging your letter of the 19th ultimo, calling for my report upon the application of Mr. Clark Irving to purchase four sections of his "Casino" Run, I have the honor to request that I may be furnished with a tracing shewing the portion of the land applied for by Mr. Irving, and of the reserves alluded to by him as contiguous to his proposed purchase.

I have, &c.,
RICHD. BLIGH,
C. C. L.

No. 64.

CHIEF COMMISSIONER OF CROWN LANDS to COMMISSIONER OF CROWN LANDS,
CLARENCE RIVER.

(No. 5.)

*Surveyor General's Office,
Sydney, 18 July, 1856.*

SIR,

I beg to forward herewith, in accordance with the request conveyed by your letter of the 18th ultimo, a tracing of certain land applied for by Mr. Clark Irving at Casino, and of the adjacent reserves.

I have, &c.,
GEO. BARNEY,
S. G.

No. 65.

COMMISSIONER OF CROWN LANDS, CLARENCE RIVER, to CHIEF COMMISSIONER OF
CROWN LANDS.

(No. 6.)

*Crown Lands Office,
Clarence River, 16 August, 1856.*

SIR,

With reference to the application of Mr. Clark Irving, for permission to purchase four sections of his run, named "Casino," referred for my report by your letter of the 19th May last, I have the honor to state, that this land is in the licensed occupation of Mr. Irving, and is not the subject of any dispute.

I have, &c.,
RICHARD BLIGH,
C. C. L.

No. 66.

No. 66.

CHIEF COMMISSIONER OF CROWN LANDS to COMMISSIONER OF CROWN LANDS,
CLARENCE RIVER.

(No. 7.) *Crown Lands Office,
Sydney, 22 September, 1856.*

SIR,

With reference to your report of the 16th ultimo, No. 56-58, I have the honor to inform you, that the disposal of Mr. Clark Irving's application to purchase four sections of his run, known as "Casino," in your district, awaits the measurement of the land.

I have, &c.,
GEO. BARNEY,
C. C. C. L.

No. 67.

CHIEF COMMISSIONER OF CROWN LANDS to CLARK IRVING, ESQ.

(No. 8.) *Crown Lands Office,
Sydney, 22 September, 1856.*

SIR,

With reference to your letter of the 14th May last, I do myself the honor to inform you, that the disposal of your application to purchase four sections of your "Casino" Run, in the Clarence River District, awaits the measurement of the land.

I have, &c.,
GEO. BARNEY,
C. C. C. L.

No. 68.

SURVEYOR GENERAL to MR. SURVEYOR PEPPERCORNE.

(No. 9.) *Surveyor General's Office,
Sydney, 9 October, 1856.*

SIR,

I have to request that you will measure and mark out the portion of land described in the margin, applied for under pre-emptive right by Mr. Clark Irving, in virtue of his licensed run; provided that the land specified be situated within the boundaries thereof, and that its alienation will not give an undue command over water required for the beneficial occupation and cultivation of the adjoining country; to which latter point your attention was more particularly directed by my circular of the 7th May, 1857.—(57-534.)

2,500 acres, being the space on the Richmond River between the "Casino" and the next reserve. Of these reserves no portion is to be included in the measurement.

Under the 7th section of the 2nd chapter of Her Majesty's Order in Council of the 9th March, 1847, it is directed, that "Each lot so measured must be rectangular, unless the features of the country, or the course of any river or stream, render a deviation from the rectangular form necessary; and in every case, two sides (at least) of the lot must be directed to the cardinal points of the compass;" and, secondly, that "the two opposite sides of any stream or watercourse which, according to the practice of the Department of the Surveyor General, ought to form a boundary between different sections or lots, shall in no case be included in the same lot;" and you will, therefore, in making this survey, be guided as to the form of measurement strictly by the foregoing conditions, and by the circular above alluded to of 7th May, 1857.

In reference, however, to that portion of the 3rd condition of section 7 of the Orders in Council which determines the maximum extent of water frontage to which each portion shall be entitled, it has been considered expedient to adopt in lieu, the rule—that the breadth in chains, of any portion measured at right angles to the side lines, shall bear a proportion to the area in acres of 1 to 8.

You will, at the same time, ascertain the name and address of respectable parties resident in the neighbourhood who would be willing to value the lands measured on behalf of the Government, and submit the same for selection (per separate letter, together with your own opinion of the value), in order that one may be appointed as assessor, under the 8th and 3rd sections of chapter 2 of Her Majesty's Order in Council of the 9th March, 1847.

I have, &c.,
GEO. BARNEY,
Surveyor General.

P.S.—Should you be of opinion that public interests may hereafter require that access should be left through the land now applied for to the river, you will preserve as many ways of access as you may consider to be desirable.

No. 69.

MR. SURVEYOR PEPPERCORNE to SURVEYOR GENERAL.

(No. 10.)

Richmond River,
4 December, 1856.

SIR,

In attention to your communication, No. 56-1730, directing me to measure and mark out 2,560 acres of the licensed run called "Casino," for Mr. Clark Irving, in accordance with the Regulations, I have the honor to transmit herewith, the plan* and description of the land so applied for.

Appendix D.
C18-1539

2. It will be perceived that the actual quantity measured is a little under the quantity applied for, which is partly owing to the fact of a public road being required to be reserved throughout the block, in order to give access from Casino to Codrington, and partly to the irregular form of the southern boundary.

3. The land in its natural state I do not consider to be of higher value than one pound per acre. There are some valuable improvements upon it, but these I understand are not to be taken into account.

4. There are no mineral indications upon the land measured.

5. The cost of measurement may be estimated at £30.

I have, &c.,

F. S. PEPPERCORNE,
Asst. Surveyor.

No. 70.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to SURVEYOR GENERAL.

(No. 12.)

Department of Lands and Public Works,
Sydney, 27 February, 1857.

SIR,

His Excellency the Governor General having been pleased, with the advice of the Executive Council, to approve of the several pre-emptive purchases particularized in the annexed schedule, I am directed to request that you will have the goodness to call upon the different parties to pay the amount due on their respective purchases into the Colonial Treasury, to which effect the Secretary to the Treasury has been apprised, and requested to receive the amounts in question when tendered, and to inform you when the required payments have been made, in order that the deeds of grant may be prepared.

Amended.

I have, &c.,

MICHL. FITZPATRICK.

SCHEDULE.

APPLICANT.	NAME OF RUN.	AREA.	PRICE.	COST OF MEASUREMENT.
		Acres.	£	£ s. d.
	MORETON DISTRICT.			
North J., and F., and W.	Fromey Lawn.....	640	640	
Kent, Wm., junr.....	Passifern.....	320	320	
	LACHLAN DISTRICT.			
Broughton, Thos.	Gundagai.....	327	327	
	CLARENCE RIVER DISTRICT.			
Irving, Clark	Casino	2,504	2,504	
	NEW ENGLAND DISTRICT.			
Mossman, Archibald	Glen Innes	273	273	8 15 0
Do.	Do.	203	203	8 15 0
Bloxsome, Oswald	Ranger's Valley	170	170	8 15 0
Do.	Do.	160	160	8 15 0
Do.	Do.	160	160	8 15 0
Campbell, Alexr.	Inverell	160	160	8 15 0
Gordon, Hugh.....	Strathbogie	160	160	8 15 0
Robertson, R. R. C.....	Wollington Vale.....	360	360	
	GWYDIR DISTRICT.			
Gillman, J. E.....	Singapoora	320	320	
Do.	Do.	320	320	
	BLIGH DISTRICT.			
Walker, Jas.	Yarragtan	320	320	
Brown, Andrew	Caigan	320	320	
Do.	Cattaballoo	640	640	
Do.	Do.	320	320	
Do.	Do.	641	641	
Do.	Do.	640	640	
Do.	Do.	320	320	
	MURRUMBIDGE DISTRICT.			
Jenkins, F. and J.	Gillinbah	160	160	8 15 0

No. 71.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to SECRETARY TO THE TREASURY.

(No. 13.)

*Department of Lands and Public Works,
Sydney, 27 February, 1857.*

SIR,

His Excellency the Governor General having been pleased, with the advice of the Executive Council, to approve of the pre-emptive purchase named in the margin, I am directed to request that you will have the goodness to receive the amount due on the same when tendered, apprising the Surveyor General when the payment shall have been made, in order that the Deeds of Grant may be prepared.

Clarence River
District.
"Casino."
Clark Irving.
2,504 acres.
£2,504 0 0.

I have, &c.,

MICHL. FITZPATRICK.

No. 72.

CHIEF COMMISSIONER OF CROWN LANDS to CLARK IRVING, ESQ.

(No. 14.)

*Crown Lands Office,
Sydney, 28 March, 1857.*

SIR,

I have to inform you that His Excellency the Governor General, with the advice of the Executive Council, has been pleased to approve of your being allowed to purchase, under your pre-emptive right, the portion of land containing 2,504 acres measured for you out of your run, Casino, in the district of Clarence River, and I request that you will have the goodness to pay into the Colonial Treasury the amount specified in margin, being the price of the land in question, inclusive of survey and deed fee,—Two thousand, five hundred and four pounds.

2,504 acres.

£2,504 0 0.

Unless the required payment be made within three months from this date, a fine of 10 per cent. will be added for every three months, or part of three months, that payment is delayed.

I am, &c.,

GEO. BARNEY,

C. C. C. L.

No. 73.

CHIEF COMMISSIONER OF CROWN LANDS to COMMISSIONER OF CROWN LANDS,
CLARENCE RIVER.

(No. 15.)

*Crown Lands Office,
Sydney, 28 March, 1857.*

SIR,

I beg to inform you that Mr. Clark Irving has this day been called upon to pay into the Colonial Treasury the sum of two thousand five hundred and four pounds, being the amount of purchase money for the portion of his "Casino" Run, named in the margin, purchased by him under the pre-emptive right.

Under your Report of the 16th August, 1856.
£2,504 0 0.
2,504 acres.

I have, &c.,

GEO. BARNEY,

C. C. C. L.

No. 74.

SECRETARY TO THE TREASURY to SURVEYOR GENERAL.

(No. 16.)

*The Treasury, New South Wales,
7 October, 1857.*

SIR,

I am directed to inform you that Clark Irving, of Sydney, has paid into this office the sum of two thousand five hundred and four pounds, being the amount of purchase money for 2,504 acres of the run called "Casino," in the district of Clarence River.

Paid on 24 Sept., 1857.
£2,504 0 0

I have, &c.,

H. LANE,

Secy. to the Treasury.

No. 75.

CLARK IRVING, ESQ., to CHIEF COMMISSIONER OF CROWN LANDS.

Sydney, 13 August, 1858.

SIR,

I have the honor to apply for permission to purchase under my pre-emptive right 320 acres of land, being part of my run known as "Traveller's Rest," in the District of Clarence River, and on which are houses, fences, yards, and other improvements; and I shall feel much obliged by your causing the same to be surveyed as early as possible.

I have, &c.,

CLARK IRVING.

The

The precise position of the run is not apparent from the maps of this office; but it lies somewhere between the Clarence and Richmond Rivers, and probably on the road between the new town of Lawrence on the Clarence, and Casino on the Richmond.

The traffic from the Richmond River, at least the passenger traffic, will, it is believed, all come by Lawrence so soon as that town shall have become occupied and possessions, &c.

In this case it seems probable that the locality in which this pre-emptive purchase is applied for may be required as a village site, which probably is proved by the circumstance that an inn was once in existence there.

Mr. Greaves will, therefore, give this matter his consideration before measuring to meet the application, and, should he be of opinion that this spot is peculiarly suited for a village site, will report fully on the subject with his measurement.

Forwarded to Mr. Greaves accordingly. Mr. Greaves to attend to this matter with the least possible delay.

G. B.

Immediate,—GEO. BARNEY, S.G.,
Surveyor General's Office,
15 November, 1858.

No. 76.

CHIEF COMMISSIONER OF CROWN LANDS to CLARK IRVING, ESQ.

(No. 1,293.)

Crown Lands Office,
Sydney, 12 November, 1858.

SIR,

In reference to your letter of the 13th August last, applying to purchase 320 acres of your "Traveller's Rest" Run, under pre-emptive right, I have to inform you that it has been found necessary to refer it to Mr. Commissioner Greaves for report.

I have, &c.,

GEO. BARNEY.

No. 77.

MR. SURVEYOR GREAVES to SURVEYOR GENERAL.

Grafton, 20 May, 1859.

SIR,

In reference to your blank cover letter of 15th November, 1858, No. 58-1678, I have the honor to forward, herewith, a plan of 320 acres of land, measured on the application of Mr. Clark Irving to purchase, of his licensed run of "Traveller's Rest."

2. From the position and character of the land measured, I do not consider it worth above £1 per acre.

3. The improvements consist of an old slab cottage, used as an inn, with several detached huts, several small paddocks, garden, and stockyard.

4. I do not consider it desirable to form a village at this spot, when there is a reserve at Camira, about three miles off, but I would recommend a reserve to be made at the crossing of Sportsman's Creek, on both sides of the creek, being at a point situated about midway between Camira and Grafton, and the head of the tide of that creek.

I have, &c.,

W. A. B. GREAVES.

1st Class Surveyor.

P.S.—This survey was laid on one side, with other pre-emptive measurements, waiting your instructions. Your reminder reached me when from home, on the Rocky River; I have, however, lost no time in my survey of it.

W. A. B. G.

No. 78.

CHIEF COMMISSIONER OF CROWN LANDS to UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

(No. 59-284.)

Crown Lands Office,
Sydney, 27 June, 1859.

SIR,

I have the honor to submit, for the approval of His Excellency the Governor General, a Schedule of Lands leased or under promise of lease, under Her Majesty's Order in Council, of the 19th June, 1850, for the purchase of which, under the right of pre-emption, applications have been received from the lessees.

2. The necessary inquiries have been made into the validity of the several claims, which are found to be regular, and I have therefore the honor to request that the Honorable the Minister for Finance and Trade may be authorized to receive the price of the land in each case, as within stated, and that I may receive His Excellency's instructions to call upon the several applicants to complete their purchases by payment of the purchase money.

I have, &c.,

GEO. BARNEY,

Chief Commissioner of Crown Lands.

Return

PRE-EMPTIVE RIGHT EXERCISED BY CLARK IRVING, ESQ. 29

These appear to be regular. 29th.

Return these cases to the Surveyor General, in order that the value of the lands may be assessed in accordance with the decision conveyed to him in my letter of this date.

B. C., 9 August. M. F.

The land applied for by Mr. Clark Irving has now been assessed at £1 per acre, and the purchase is now re-submitted for approval.—A. G. McLEAN.

B. C. *Crown Lands Office,*
Sydney, 13 Febr., 1860.

Assessment papers herewith.—The Under Secretary for Lands.

Approved—Governor General and Executive Council.—J. B. 17 February, 1860.

Clerk of the Council.—B. C., 20 February. M. F.

W. D.—21st.

SCHEDULE.

APPLICANT.	NAME OF RUN.	AREA.	PRICE.	COST OF MEASUREMENT.	REMARKS.
Clark Irving	Traveller's Rest Clarence.	320 acres.	£320	NIL.	59-4785 Herewith.

Crown Lands Office,
27 June, 1859.

No. 79.

ACTING SURVEYOR GENERAL to MR. SURVEYOR GREAVES.

(No. 59-2140.)

Surveyor General's Office,
Sydney, 18 August, 1859.

SIR,

I have to request that you will furnish me as early as possible with the names of parties to act as assessors on behalf of the Crown, of the value of the portion of land containing 320 acres, situated at "Traveller's Rest," and measured as a pre-emptive purchase for Mr. Clark Irving, a plan of which was transmitted in your letter of the 20th May last.

I have, &c.,

A. G. McLEAN,
A. S. G.

No. 80.

MR. SURVEYOR GREAVES to ACTING SURVEYOR GENERAL.

(No. 59-23.)

Grafton, Clarence River,
6 September, 1859.

SIR,

With reference to your letter of the 18th ultimo, No. 59-2140, I have the honor to mention the following gentlemen who will be willing to act as assessors on behalf of the Crown of the value of the portion of land containing 320 acres, situated at "Traveller's Rest," and measured as a pre-emptive purchase for Mr. Clark Irving, viz. :—

Francis Marsh, Esq., Grafton,
Richard Bligh, Esq., Riverston,
Chas. A. Shannon, Esq., Easlonswell,
Alfred Lardner, Esq., Grafton.

I have, &c.,

W. A. B. GREAVES,
Surveyor.

Submitted for the selection of the Honorable the Secretary for Lands and Public Works.—A. G. McLEAN, Actg. C. C. C. Lands.

B. C.—*Crown Lands Office,*
14 September, 1859.

Mr. Surveyor Greaves will take steps for assessment accordingly.—A. G. McLEAN, Act. Sur. Gen.

To be returned with the valuation papers.

Valuation papers herewith, and value approved by me.—W. A. B. GREAVES,
C. C. C. L. B. C., 5 January, 1860. No. 60-1.

No. 81.

Grafton, 26 December, 1859.

We, the undersigned, Alfred Lardner, duly appointed valuator on behalf of the Crown, and Joseph Sharp, the valuator appointed on behalf of the lessee, to assess the value of 320 acres of land at Traveller's Rest, in the Clarence District, applied for as a pre-emptive purchase by Clark Irving, Esq., beg to report that the said land is poor, thinly-grassed iron-stone ridge, and does not possess any particular advantages of situation, or quality, over the adjoining lands.

We, therefore, assess the said land at the minimum price of 20s. per acre.

ALFRED LARDNER.
JOSEPH SHARP.

No. 82.

ACTING CHIEF COMMISSIONER OF CROWN LANDS to SECRETARY TO THE TREASURY.

*Crown Lands Office,
Sydney, 4 April, 1860.*

SIR,

I have the honor to invite your attention to the Notice in the *Government Gazette* of the 3rd April, 1860, signifying the approval, by the Government, of certain pre-emptive purchases, and to request that I may be furnished with a report in each case when payment shall have been received.

I have, &c.,
A. G. McLEAN,
Acting Chief Commissioner of Crown Lands.

No. 83.

ACTING CHIEF COMMISSIONER OF CROWN LANDS to CLARK IRVING, ESQ.

*Crown Lands Office,
Sydney, 3 April, 1860.*

SIR,

I have to inform you that His Excellency the Governor General, with the advice of the Executive Council, has been pleased to approve of your being allowed to purchase, under your pre-emptive right, the portion of land containing 320 acres measured for you out of your run "Traveller's Rest," in the district of Clarence; and I request that you will have the goodness to pay into the Colonial Treasury the amount specified in margin, being the price of the land in question, inclusive of deed fee.

Unless the required payment be made within three months from this date, a fine of 10 per cent. will be added for every three months, or part of three months, that payment is delayed.

I have, &c.,
A. G. McLEAN,
Acting Chief Commissioner of Crown Lands.

The three months allowed for payment, from 3rd April, 1860, having expired, a fine of 10 per cent. has been incurred; the further sum of £32 is therefore required.—W. N.—7 July, 1860.

There appears to have been a delay of two or three days, which I am unable to account for, and then came the Easter holidays: I think the payment should be received without the fine, as it is quite clear that the letter was not dispatched as dated.—9 July.

Then had we not better write to the Treasury and to Mr. Irving?—Perhaps Mr. Fitzpatrick would sign the letter to the Treasury?—A. G. M.—9 July.

Prepare letter for signature of Under Secty.—9th.

No. 84.

MINUTE of Acting Chief Commissioner of Crown Lands.

No. 60-350. THE letter herewith, dated 3rd April last, calling for payment from Mr. Clark Irving of a pre-emptive purchase, was by inadvertence, and owing to the intervention of the Easter holidays, not despatched until the 11th of that month.

Payment was tendered within three months from the latter date, but being due within three months from the former a fine has been imposed, which, under the circumstances, the Secretary for Lands may perhaps think proper to remit.

A. G. McLEAN.

The Under Secretary for Lands.

B. C., *Crown Lands Office,
Sydney, 24 July, 1860.*

Submitted.—28th.

Appd., JOHN R.—6 September.

Govr. Genl. and Ext. Council.

Clerk of the Council.—M. F. B. C., 7 September.

W. D.—10 September, 1860.

Under

Under the Report of the Acting Chief Commissioner of Crown Lands the Executive Council advise that Mr. Irving be relieved from the payment of the fine herein referred, amounting to £32.

EDWARD C. MEREWETHER,
Clerk of the Council.

Minute, 60-39, 14 Sept., 1860.—Confirmed 20 Sept., 1860.

Appd., W. D.—26 September, 1860.

For the information of the Chief Commissioner of Crown Lands.—B. C., 22 October, 1860.—M. F.

No. 85.

UNDER SECRETARY FOR LANDS to UNDER SECRETARY FOR FINANCE AND TRADE.
(No. 60-353.)

Department of Lands,
Sydney, 16 October, 1860.

SIR,

I am directed to inform you that, under the Report of the Acting Chief Commissioner of Crown Lands, Mr. Clark Irving has been relieved by the Governor General and the Executive Council from the payment of the fine, amounting to £32, imposed upon him for the non-payment within the prescribed time of the price of a portion of land forming part of his "Traveller's Rest" Run, purchased by him under pre-emptive right, of which Mr. Irving has been appraised. 26 July, 1860.
Copy herewith.

I have, &c.,
MICHL. FITZPATRICK.

No. 86.

UNDER SECRETARY FOR LANDS to CLARK IRVING, ESQ.
(No. 60-1412.)

Department of Lands,
Sydney, 16 October, 1860.

SIR,

Referring to your personal application for the remission of a fine imposed upon you for the non-payment within the prescribed time of the price of a portion of land forming part of your "Traveller's Rest" Run, purchased by you under pre-emptive right, I am directed to inform you that, under the circumstances of the case, you have been relieved from payment of the fine in question, amounting to £32, of which the Under Secretary for Finance and Trade has been appraised.

I have, &c.,
MICHL. FITZPATRICK.

No. 87.

CLARK IRVING, ESQ., to ACTING CHIEF COMMISSIONER OF CROWN LANDS.

Sydney, 9 July, 1859.

SIR,

I have the honor to apply for permission to purchase under my pre-emptive right the following portions of land on my station, known as "Ashby," in the district of Clarence River, and bounded as follows, viz. :—

On the Clarence River opposite the Rocky Mouth, commencing at the south-east corner of my (700) seven hundred acres purchase, and bounded by that land on the west, and its northerly prolongation, to a point west of Sandy Creek; on the north by a line to Sandy Creek, and by Sandy Creek to the Clarence River, and on the east by that river.

Also, one hundred and sixty acres adjoining the north boundary of my seven hundred acre purchase.

I have, &c.,
CLARK IRVING.

[MINUTE.]

The land herein applied for to purchase by Mr. Irving, under pre-emptive right, formed, previously to 1848, part of the Ashby Run, but was brought by the Orders in Council within the Settled Districts, and Mr. Irving did not then obtain or apply for a lease under form B of the Regulations of 1848.

These facts transpired when Mr. Irving applied in 1857 to exercise his pre-emptive right over land adjacent to that now applied for, and he was then permitted, in accordance with precedent in other cases, to pay up arrears of rent from 1848 to 1858, and to exercise the pre-emptive right sought by his application.

At the end of 1858 all the 11th February leases in the Settled Districts on the Clarence River were withheld from renewal, and the holders were, on being informed of this decision, invited to exercise—or rather to make application to be allowed to do so—any pre-emptive right which they might desire; but, from the peculiar character of Mr. Irving's holding,

holding, it was omitted from the Colonial Treasurer's list of such leases, and, consequently, Mr. Irving did not receive the invitation referred to; he did not however seek to renew his lease for 1859, and the land for which he has applied is, therefore, not under lease to him.

It is obvious, however, that the omission to inform Mr. Irving of the determination of his lease, and the necessity for his exercise of his pre-emptive claims within the year 1858, was not owing to any neglect of Mr. Irving's, and as it is more than probable that had Mr. Irving been so informed he would have made his application in time, it seems to me that it may therefore now be entertained.

Submitted for the consideration of the Secretary for Lands.

The Under Secretary for Lands.

A. G. M'LEAN,
B. C., 13 April, 1860.

No. 88.

CLARK IRVING, ESQ., to SURVEYOR GENERAL.

Sydney, 24 December, 1859.

SIR,

Permit me to call your attention to my letter to you of the 9th July last requesting permission to purchase under my pre-emptive right portions of land on my run known as "Ashby," in the district of Clarence River, and to favour me with information as to what has been done in the matter.

I have, &c.,
(P. Clark Irving,)
R. H. GORDON.

No. 89.

ACTING CHIEF COMMISSIONER OF CROWN LANDS to CLARK IRVING, ESQ.

(No. 60-601.)

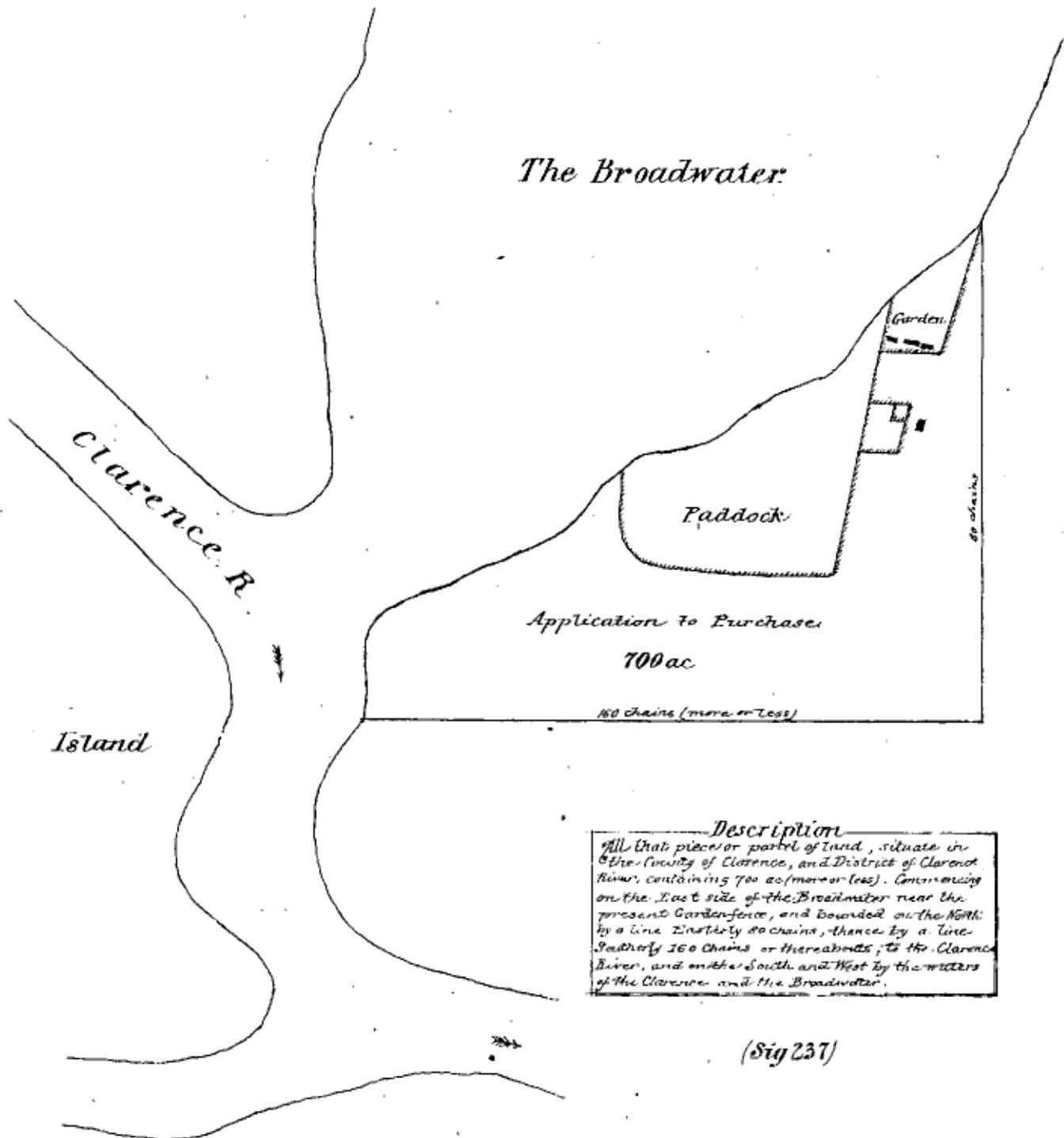
*Crown Lands Office,
Sydney, 31 July, 1860.*

SIR,

With reference to your letter of the 24th December last, respecting an application made on the 9th July previous, for the purchase of certain portions of the "Ashby" Run, under pre-emptive right, I have to inform you that the lease, under which your claim was made, issued under the Regulations of the 11th February, 1851, was not renewed for the year 1859, and your tenure had therefore ceased on the day of application; under these circumstances, therefore, your case will be specially submitted for the consideration of the Secretary for Lands, and I should desire in so submitting it, to bring under consideration any explanation which you may have to offer of the non-renewal of your leases.

I have, &c.,
A. G. M'LEAN,
Actg. C. C. C. L.

Appendix A



The Broadwater

Clarence R.

Island

Paddock

Garden

Application to Purchase

700 ac

160 chains (more or less)

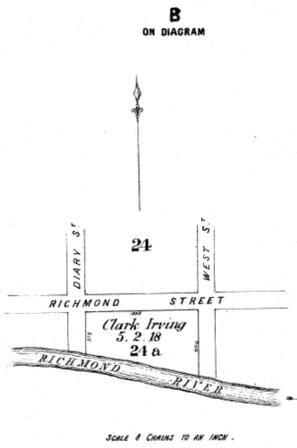
80 chains

Description

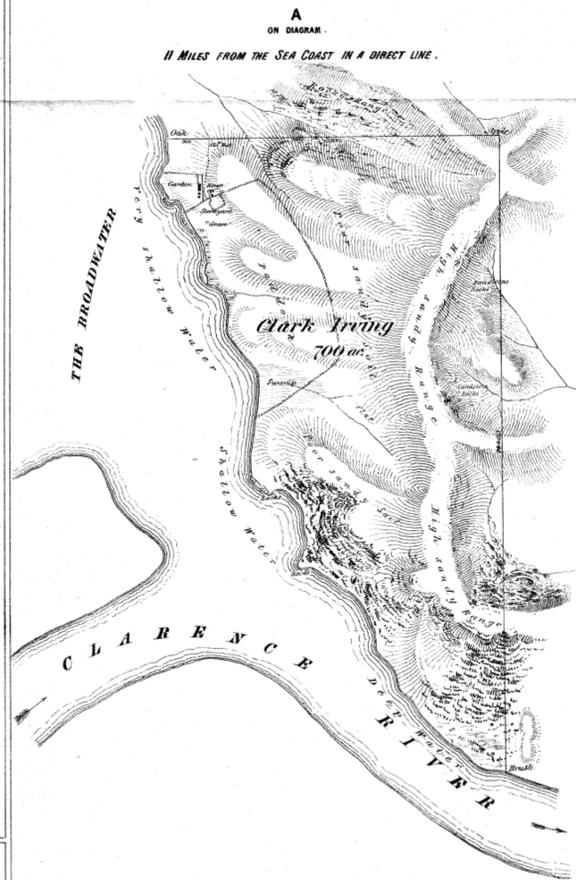
All that piece or parcel of land, situate in the County of Clarence, and District of Clarence River, containing 700 ac (more or less). Commencing on the East side of the Broadwater near the present Garden fence, and bounded on the North by a line Easterly 80 chains, thence by a line Southerly 160 chains or thereabouts, to the Clarence River, and on the South and West by the waters of the Clarence and the Broadwater.

(Sig 237)

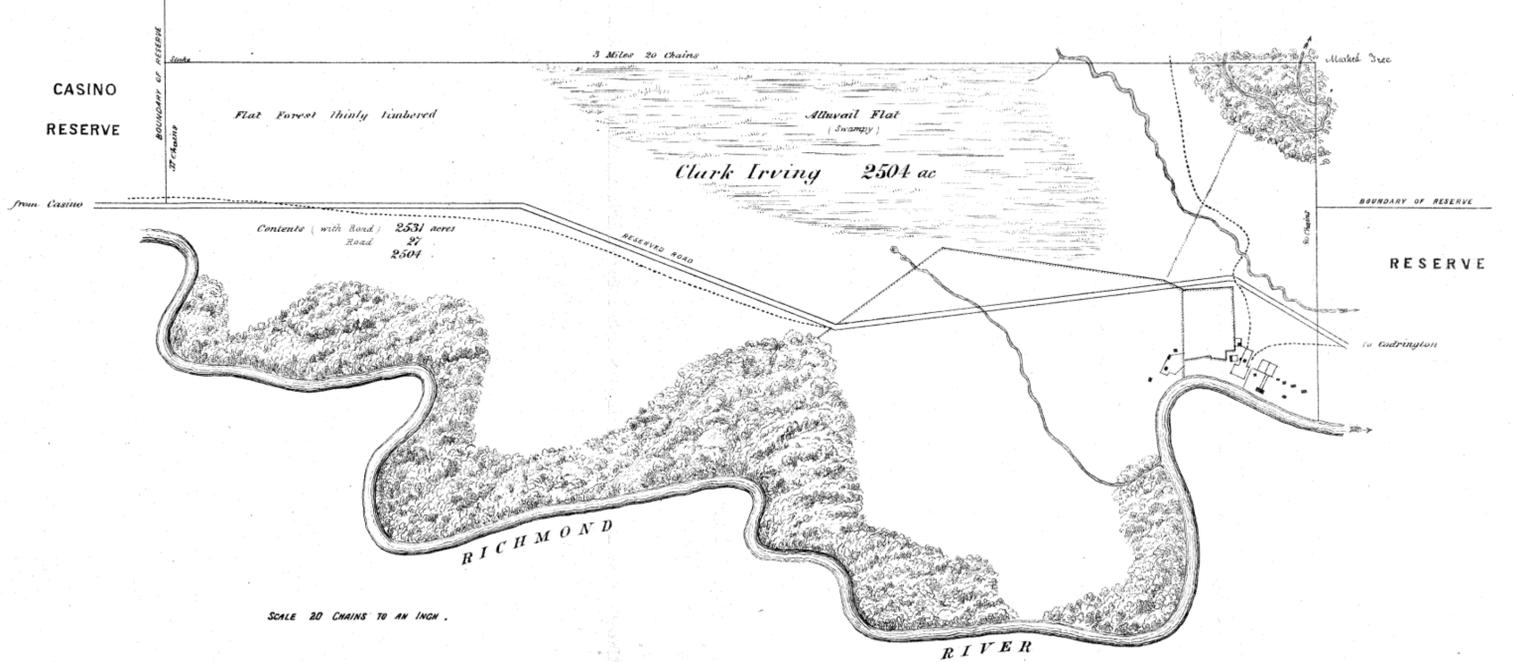
SKETCH
OF
Clark Irving's
5 ac. 2 r. 18 p.
in right of his
Casino Run at Casino.



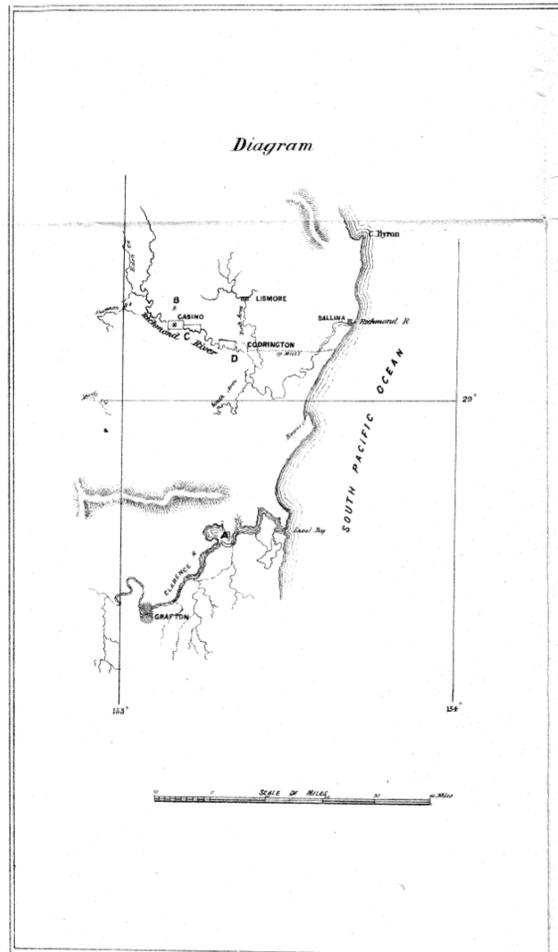
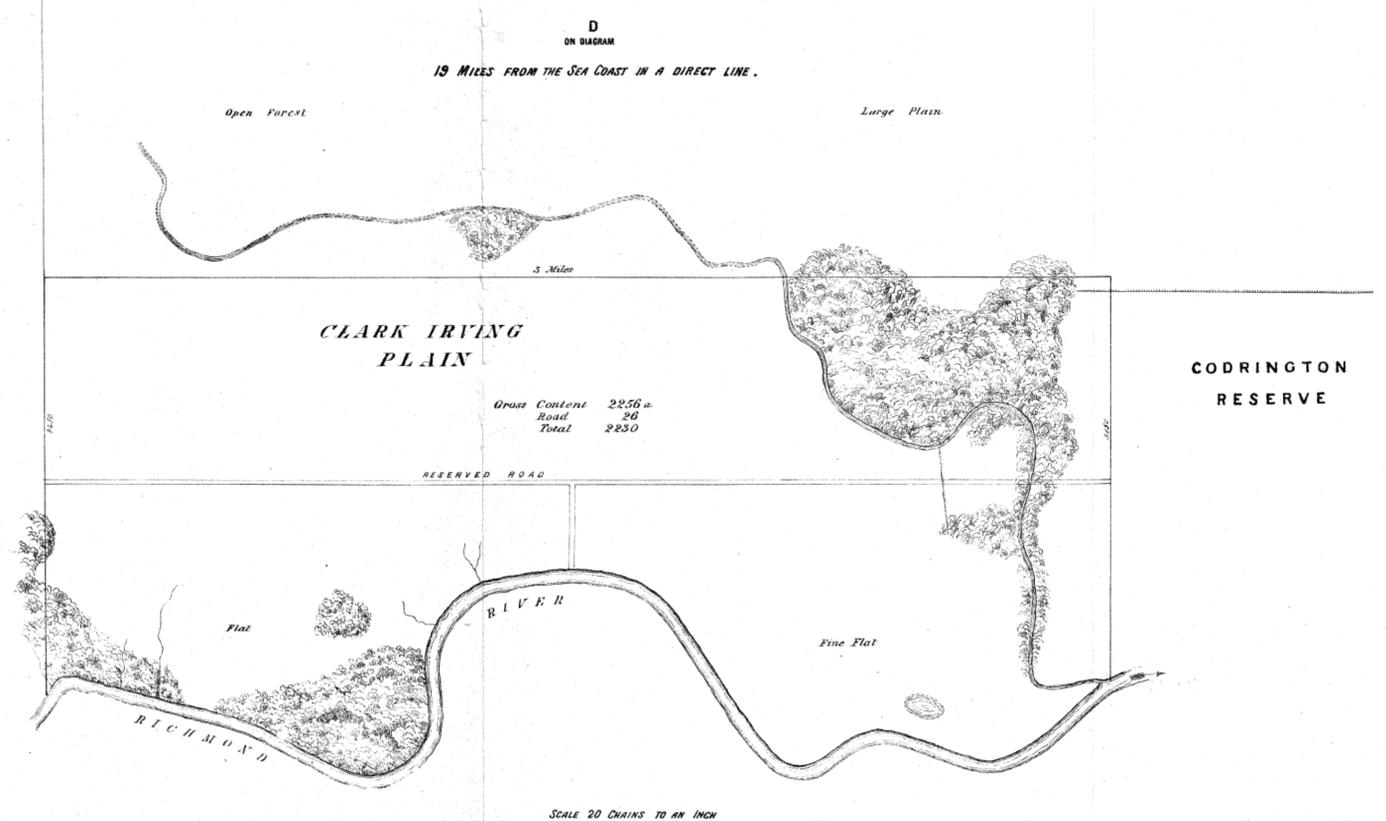
Appendix B.
SKETCH
OF
Clark Irving's
700 ac. pre. pur.
in right of his
Ashby Run, Clarence River.



SKETCH
OF
Clark Irving's
2504 ac. pre. pur.
in right of his
Casino Run, Richmond River.



Appendix C.
SKETCH
OF
Clark Irving's
2230 ac. pre. pur.
in right of his
Casino Run, Richmond River.



1861.

Legislative Assembly.

NEW SOUTH WALES.

MR. C. G. T. CHAUVEL AND OTHERS.
(EXERCISE OF PRE-EMPTIVE RIGHTS.)

Ordered by the Legislative Assembly to be Printed, 23 April, 1861.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 1 June, 1860, praying that His Excellency the Governor General would be pleased to cause to be laid upon the Table of this House,—

“ (1.) Copies of all Correspondence between the Government and
“ Mr. C. G. T. Chauvel, and any other person or persons, rela-
“ tive to the pre-emptive purchase by Mr. Chauvel of any portion
“ of his Run, known as ‘Tabulam West,’ in the District of the
“ Clarence River, including any Report or Communication from
“ any Government Surveyor having reference thereto.

“ (2.) Any Minute of the Executive Council, also, having refer-
“ ence thereto.

“ (3.) A Return of the different Reserves within the same Dis-
“ trict, specifying by whom recommended, and the dates when
“ they were respectively made and proclaimed.

“ (4.) A Tabular Return of all applications for the exercise of
“ pre-emptive rights by any person or persons in the said
“ District, since the passing of the Orders in Council, speci-
“ fying in each case the applicant or applicants, the date of
“ each application, the number of lots, the quantity, quality,
“ and situation of the land applied for, whether or not applica-
“ tion granted, the price per acre, when application granted,
“ and the total quantity alienated in consequence of such
“ applications.”

(*Mr. Hart.*)

SCHEDULE.

No.	PAGE.
1. Mr. C. G. T. Chauvel to Chief Commissioner of Crown Lands, applying to purchase land at Tabulam, in the Clarence River District. 5 May, 1852	4
2. Chief Commissioner to the Commissioner of Crown Lands, Clarence River, for his Report on above. 10 May, 1852	4
3. Chief Commissioner to Mr. C. G. T. Chauvel. 10 May, 1852.	4
4. Commissioner of Crown Lands, Clarence River, reporting on Mr. Chauvel's application. 26 August, 1852	4
5. Chief Commissioner to Mr. C. G. T. Chauvel. 18 September, 1852	5
6. Chief Commissioner to Surveyor General. 18 September, 1852	5
7. Deputy Surveyor General to Colonial Secretary (two enclosures). 27 September, 1852 ..	5
8. Colonial Secretary to the Surveyor General. 19 October, 1852	6
9. Acting Deputy Surveyor General to the Chief Commissioner. 16 June, 1853	6
10. Mr. C. G. T. Chauvel to Chief Commissioner. 1 July, 1853	6
11. Chief Commissioner, in reply. 6 July, 1853	7
12. Chief Commissioner to Acting Deputy Surveyor General. 6 July, 1853	7
13. Mr. C. G. T. Chauvel to Chief Commissioner, respecting his application. 27 July, 1853..	7
14. Same to same. 9 August, 1853	7
15. Chief Commissioner to Mr. C. G. T. Chauvel, in reply. 15 August, 1853	8
16. Chief Commissioner to the Surveyor General. 25 January, 1855	8
17. Surveyor General to Mr. Licensed Surveyor Wilson. 21 February, 1855	8
18. Deputy Surveyor General to Mr. Licensed Surveyor Wilson. 20 March, 1855	8
19. Mr. Surveyor Wilson to the Surveyor General. 5 May, 1855.. .. .	9
20. Mr. C. G. T. Chauvel to the Chief Commissioner. 28 June, 1855	9
21. Chief Commissioner, in reply. 16 July, 1855	9
22. Mr. Licensed Surveyor Wilson to the Surveyor General, 30 April, 1856, and Minute of Surveyor General thereon	9
23. Surveyor General to the Colonial Secretary. 9 June, 1856	10
24. Mr. C. G. T. Chauvel to Surveyor General (two enclosures). 30 May, 1856	10
25. Surveyor General, in reply. 3 July, 1856	11
26. Colonial Secretary to Surveyor General. 9 July, 1856.. .. .	11
27. Memo. of Surveyor General, dated 13 August, 1856	11
28. Surveyor General to the Commissioner of Crown Lands, Clarence River. 21 August, 1856.	12
29. The Principal Under Secretary to the Surveyor General. 9 September, 1856	12
30. Surveyor General, in reply. 15 September, 1856	12
31. Same to Bench at Casino. 15 September, 1856.. .. .	12
32. Same to Mr. Surveyor Peppercorne. 15 September, 1856	12
33. Colonial Secretary to Surveyor General. 27 September, 1856	13
34. Notice in <i>Government Gazette</i> of 23 September, 1856—formation of Tabulam as a village, and dated 18 September, 1856	13
35. Minute of Executive Council, same subject. 30 June, 1856	13
36. Bench, Casino, to the Surveyor General. 3 October, 1856	13
37. Assistant Surveyor Peppercorne to the Surveyor General. 5 October, 1856	13
38. A. B. J. Chauvel to the Chief Commissioner of Crown Lands. 1 January, 1857	14
39. Minute of Surveyor General thereon. 18 January, 1857	14
40. Surveyor General to Under Secretary for Lands and Public Works. 20 January, 1857 ..	15
41. Under Secretary, in reply. 24 January, 1857	15
42. Surveyor General, in reply. 3 February, 1857	15
43. Under Secretary for Lands and Works to the Surveyor General. 11 February, 1857 ..	15
44. Notice in <i>Government Gazette</i> , withdrawing certain land advertised for sale at Casino. 5 February, 1857	16
45. Commissioner of Crown Lands, Clarence River, to Chief Commissioner (enclosure). 14 September, 1857	16
46. Chief Commissioner to Secretary to the Treasury. 8 December, 1857	16
47. Secretary to the Treasury, in reply. 16 December, 1857	17
48. Surveyor General to Captain C. G. T. Chauvel. 21 December, 1857	17
49. Secretary to the Treasury to Chief Commissioner. 2 February, 1858	17
50. Chief Commissioner to Under Secretary for Lands and Works—Schedule of applications to purchase under Pre-emptive Right, 26 February, 1858. Minute of Executive thereon, 22 March, 1858	17
51. Notice in <i>Government Gazette</i> , respecting pre-emptive purchases. 16 April, 1858	18
52. Chief Commissioner to the Under Secretary for Finance. 16 April, 1858	18
53. Same to Mr. C. G. T. Chauvel. 16 April, 1858	19
54. Secretary to the Treasury to Surveyor General. 21 July, 1858	19
55. Mr. C. G. T. Chauvel to Surveyor General, applying to purchase certain land at "Deep Creek," Clarence River District. 6 December, 1859	19
56. Acting Surveyor General to Mr. Surveyor Peppercorne. 28 March, 1860	20

No.	PAGE.
57. Surveyor Peppercorne in reply. 16 June, 1860	20
58. Same to Surveyor General. 16 June, 1860	20
59. Same to Same. 20 June, 1860	21
60. Same to Same. 20 June, 1860	21
61. Mr. C. G. T. Chauvel to Acting Surveyor General. 23 July, 1860	21
62. Chief Commissioner of Crown Lands to Major Chauvel, in reply. 20 October, 1860	22
63. Mr. C. G. T. Chauvel to Chief Commissioner of Crown Lands, to purchase 320 acres on the south bank of Deep Creek (Tabulam Rivulet), Clarence River. 4 August, 1859	22
64. Memo. of Acting Surveyor General thereon	22
65. Acting Surveyor General to Surveyor Greaves. 13 September, 1859	22
66. Surveyor Greaves, in reply. 5 January, 1860	23
67. Mr. C. G. T. Chauvel to Secretary for Lands, respecting his applications to exercise his right of pre-emption. 30 January, 1860	23
68. Acting Chief Commissioner of Crown Lands to Under Secretary for Lands, relative to Messrs. Chauvel, Ogilvie, and Robertson's applications to exercise their pre-emptive rights. 1 March, 1860	23
69. Minute of Secretary for Lands. 31 March, 1860	24
70. Minute of Surveyor General, &c. 2 & 14 April, 1860	24
71. Minutes of Secretary and Under Secretary for Lands. 18 April and 24 April, 1860	25
72. Under Secretary for Lands to Major Chauvel. 24 April, 1860	25
73. Minutes of Secretary for Lands and Acting Surveyor General. 3 May and 8 May, 1860.. .. .	26
74. Surveyor Greaves to the Acting Surveyor General, reporting on land at West Tabulam, applied for by Major Chauvel, under his pre-emptive right. 11 August, 1860.. .. .	26
75. Acting Surveyor General, in reply, &c. 29 September, 1860.. .. .	26
76. Mr. C. G. T. Chauvel to the Surveyor General, and Chief Commissioner of Crown Lands, to purchase 320 acres of land, at Tabulam, under his pre-emptive right. 17 July, 1858	27
77. Minute of Surveyor General. 11 October, 1858	27
78. Surveyor General to Surveyor Darke. 23 November, 1858	27
79. Surveyor Darke, in reply, 6 January, 1859, and Minute of Surveyor General thereon, 3 March, 1859	27
80. Surveyor Greaves, in reply, to Acting Surveyor General. 5 January, 1860	28
81. Under Secretary for Lands to Surveyor General, respecting the road from Tenterfield to Grafton. 31 October, 1857	28
82. Surveyor General to the Secretary for Lands and Public Works, enclosing Report of Mr. Surveyor Darke, on same subject. 5 February, 1858	29
83. Mr. Frederick King to the Secretary for Lands and Works, same subject. 7 April, 1858	29
84. Chief Commissioner of Crown Lands to the Under Secretary for Lands and Works, same subject. 28 September, 1858	29
85. Memo. of Secretary for Lands and Public Works thereon. 9 October, 1858 and 12 October, 1858	30
86. A Return of the different Reserves in the Clarence District, specifying by whom recommended, and the dates when they were respectively made and proclaimed	30

MR. C. G. T. CHAUVEL AND OTHERS.

No. 1.

MR. C. G. T. CHAUVEL to CHIEF COMMISSIONER OF CROWN LANDS.

*Crown Lands Office,
Sydney, 5 May, 1852.*

SIR,

I do myself the honor to request that I may be allowed to purchase one hundred and sixty acres, on the east side of the Clarence River, at Tabulam, in the District of Clarence River, the frontage commencing about five chains from the Court House, and extending up the river twenty chains.

I have, &c.,
C. G. T. CHAUVEL.

No. 2.

CHIEF COMMISSIONER OF CROWN LANDS to COMMISSIONER OF CROWN LANDS,
CLARENCE RIVER.

(No. 52-768.)

*Crown Lands Office,
Sydney, 10 May, 1852.*

SIR,

In transmitting to you the enclosed application from Mr. C. G. T. Chauvel, to purchase a portion of his run at Tabulam, I have the honor to request that you will be good enough to report whether the land applied for is in Mr. Chauvel's licensed occupation, or whether it forms the subject of any unsettled dispute.

I have, &c.,
GEO. BARNEY,
C. C. C. Lands.

No. 3.

CHIEF COMMISSIONER OF CROWN LANDS to MR. C. G. T. CHAUVEL.

(No. 52-667.)

*Crown Lands Office,
Sydney, 10 May, 1852.*

SIR,

I beg to inform you that it has been found necessary to refer to Mr. Commissioner Fry your letter of the 5th instant, applying to be allowed to purchase a portion of the Tabulam Run.

When the required report shall have been received, I will make a further communication to you without delay.

I have, &c.,
GEO. BARNEY,
C. C. C. Lands.

No. 4.

COMMISSIONER OF CROWN LANDS, CLARENCE RIVER, to CHIEF COMMISSIONER OF
CROWN LANDS.

(No. 52-40.)

*Crown Lands Office, Clarence River,
26 August, 1852.*

SIR,

In returning the within application from Mr. C. G. T. Chauvel to be allowed to purchase land in this district, I do myself the honor to acquaint you that the land applied for is in his licensed occupation, and is not the subject of any dispute.

2. I believe, however, it will be found on reference to the Surveyor General, that Mr. Chauvel wishes to purchase land intended by the Government for a public township, and already partially surveyed for that purpose.

I have, &c.,
O. FRY.

No. 5.

No. 5.

CHIEF COMMISSIONER OF CROWN LANDS to MR. C. G. T. CHAUVEL.

(No. 52-1378.)

*Crown Lands Office,
Sydney, 18 September, 1852.*

SIR,

I do myself the honor to inform you, that the necessary report having been received from Mr. Commissioner Fry, on your application to purchase 160 acres of land at Tabulam, it has now been forwarded to the Surveyor General, who will dispose of the same in due course.

I have, &c.,
GEO. BARNEY,
C. C. C. Lands.

No. 6.

CHIEF COMMISSIONER OF CROWN LANDS to SURVEYOR GENERAL.

(No. 52-501.)

*Crown Lands Office,
Sydney, 18 September, 1852.*

SIR,

In transmitting to you the enclosed application from Mr. C. G. T. Chauvel to purchase a portion of his licensed run at Tabulam, in the Clarence River District, together with the report of Mr. Commissioner Fry thereon, I do myself the honor to request that you will dispose of the same in due course.

I have, &c.,
GEO. BARNEY,
Chief C. C. Lands.

No. 7.

DEPUTY SURVEYOR GENERAL to COLONIAL SECRETARY.

(No. 52-457.)

*Surveyor General's Office,
Sydney, 27 September, 1852.*

SIR,

I find from your letter, No. 52-383, of the 25th June, referring to your letter No. 52-12, of the 7th January, that the only reserves in the Squatting Districts over which the licensed occupants are not to be permitted to exercise a pre-emptive right are those in which there are Gazetted towns.

2. By letter from the Chief Commissioner of Crown Lands, No. 52-500, of the 18th September, he transmits to me an application from C. G. T. Chauvel to purchase a portion of his licensed run, 160 acres, at Tabulam, in the Clarence River District, and requests me to cause the same to be measured. Mr. Commissioner Fry reports that the land is in the licensed occupation of Mr. Chauvel and does not form the subject of any dispute, although it forms part of land surveyed and designed for the Town of Tabulam.

3. By your B.C. letter of the 12th December, 1850, it was intimated to me that it was not the intention of the Government to cause the Town of Tabulam to be laid out at present, consequently it is not a Gazetted town as required by your letter No. 52-383 to act as an interdict to the exercise of the pre-emptive right, but, having been surveyed and designed, I have the honor to request that you will submit this case for the consideration of His Excellency the Governor General, and for His Excellency's decision as to whether Mr. Chauvel's application is to be entertained, and thus interfere with the design.

4. The papers received by me from the Chief Commissioner of Crown Lands are enclosed, together with a copy of his communication to me.

5. The correspondence which led to the suspension of the design is, I apprehend, in your office.

I have, &c.,
S. A. PERRY,
Deputy Surveyor General.

(Enclosure 1 in No. 7.)

(No. 52-12.)

*Colonial Secretary's Office,
Sydney, 7 January, 1852.*

Sir,

In acknowledging your letter, No. 51-143, of the 24th March last, transmitting descriptions of certain reserves for public purposes in the Pastoral District of Lachlan, I have the honor to inform you that His Excellency the Governor General has been pleased to approve of their adoption, and to direct their notification in the *Government Gazette*.

I have, &c.,
W. ELYARD, JUNR.

The Surveyor General.

(Enclosure

(Enclosure 2 in No. 7.)

(No. 52-383.)

*Colonial Secretary's Office,
Sydney, 25 June, 1852.*

Sir,

Adverting to my letter to you of the 7th January last, on the subject of the notification in the *Government Gazette* of certain proposed Reserves in the Pastoral District of Lachlan, I have the honor, by direction of the Governor General, to inform you that His Excellency's attention has been called to the fact that there are included in the proposed notification, the descriptions of certain reserves, which have already been regularly proclaimed as townships.

2. I have the efore to return to you the descriptions in question, and to request that you will have the goodness, in the present instance, as well as on future similar occasions, to distinguish Gazetted townships from those ordinary Reserves over which the licensed occupants are to be permitted to exercise a pre-emptive right.

The Surveyor General.

I have, &c.,
E. DEAS THOMSON.

No. 8.

COLONIAL SECRETARY to SURVEYOR GENERAL.

(No. 52-600.)

*Colonial Secretary's Office,
Sydney, 19 October, 1852.*

SIR,

In acknowledging the receipt of your letter, No. 52-457, of the 27th ultimo, on the subject of an application made by Mr. Chauvel to purchase a portion of his licensed run included in the unproclaimed Township of Tabulam, I am directed by His Excellency the Governor General to inform you, that under the peculiar circumstances connected with Tabulam, it may be regarded as of the same class as Gazetted townships, provided it be still desirable to reserve it as such, on which point you will, of course, be the best able to judge.

I have, &c.,
W. ELYARD, JUNR.

No. 9.

ACTING DEPUTY SURVEYOR GENERAL to CHIEF COMMISSIONER OF CROWN LANDS.

(No. 53-541.)

*Surveyor-General's Office,
Sydney, 16 June, 1853.*

SIR,

By your letter of the 18th September of last year, No. 52-501, you forward to me an application from Mr. C. G. T. Chauvel to purchase a portion of his licensed run at Tabulam, in the Clarence River District, together with the report of Mr. Commissioner Fry thereon, and requested that I would dispose of it in due course.

2. This application, I now beg leave to inform you, was found to be for land within the reserve of Tabulam, and to interfere with a design for a town there, and although the town has not been approved of, it was found advisable to submit to His Excellency the Governor General the question of Mr. Chauvel's desire to purchase, and it was determined that, under the peculiar circumstances connected with Tabulam, it might be regarded as of the same class as Gazetted townships; and I now therefore beg to return to you Mr. Chauvel's application, and to state, that as far as it affects improved lands falling within the township reserve, it cannot be entertained, unless the anticipated decision of the Right Honorable the Secretary of State for the Colonies should accord to the holders of pastoral runs the same right as regards town and suburban allotments as is enjoyed by the holders of leases of land for other than pastoral purposes under the Regulations of 11th February, 1851.

I have, &c.,
JOHN THOMPSON,
Actg. Deputy S. G.

No. 10.

MR. C. G. T. CHAUVEL to CHIEF COMMISSIONER OF CROWN LANDS.

Tabulam, 1 July, 1853.

SIR,

I do myself the honor to address you, as, from your answer to my application to purchase 160 acres of land at Tabulam, I was led to conclude that instructions had been given to have the same measured, but Mr. Darke, the Surveyor, says he has received none, therefore I fear there is some mistake, and I hope you will have the goodness to oblige me by ascertaining the reason as soon as possible, as Mr. D. is measuring for other parties, and will soon leave this neighbourhood, and will not be inclined to return to measure so small a portion.

I have, &c.,
C. G. T. CHAUVEL.

No. 11.

No. 11.

CHIEF COMMISSIONER OF CROWN LANDS to MR. C. G. T. CHAUVEL.

(No. 53-791.)

*Crown Lands Office,
Sydney, 6 July, 1853.*

SIR,

With reference to your application, dated 5th May, 1852, to purchase land at Tabulam, in the Clarence River District, now included in the Township of Tabulam, I do myself the honor to inform you that (subject to the approval of the Secretary of State, to whom matters of this kind have been referred) you will receive a lease, for one year, of the land, with a pre-emptive right during its currency.

I have, &c.,
GEO. BARNEY.

No. 12.

CHIEF COMMISSIONER OF CROWN LANDS to ACTING DEPUTY SURVEYOR GENERAL.

(No. 53-358.)

*Crown Lands Office,
Sydney, 6 July, 1853.*

SIR,

I do myself the honor to acknowledge the receipt of your letter of the 16th instant, No. 53-541, respecting Mr. Chauvel's application to purchase land at Tabulam, in the Clarence River District.

I have, &c.,
GEO. BARNEY.

No. 13.

MR. C. G. T. CHAUVEL to CHIEF COMMISSIONER OF CROWN LANDS.

Tabulam, 27 July, 1853.

SIR,

I have the honor to acknowledge the receipt of your communication, dated the 6th instant, the contents of which I was totally unprepared for, as, from the information I obtained from the Surveyor General's and your office, I was distinctly told that the present site of the Township of Tabulam was done away with,* owing to its total unfitness, and any application on my part for a portion of the land would be granted; on the faith of this I have unfortunately expended a large sum in enlarging my house, &c. I therefore conclude there must be some mistake in the Surveyor General's Office, and that you have never seen the correspondence between the Honorable the Colonial Secretary and the gentlemen comprising, at that time, the Tabulam Bench, on the subject of the said township. I therefore take the liberty of enclosing it, and beg leave to remark that Messrs. Ogilvie and Evans had not the slightest interest either in the township or road, but merely expressed their opinion from a sense of public duty; both of them, from their long residence on the Clarence, and from their perfect knowledge of the country, were more competent to point out the defects of the present site than any one in the district. By the regulations, I am under the necessity of purchasing 320 acres here, and naturally feel anxious that part of it should be the land on which my house and out-buildings are erected. From the alarm we all felt from the flood of '49, I had some idea of moving the station to another site, but was prevented by the heavy expense it would have entailed, and the hopes that the buildings were beyond the reach of danger. An inspection of the map in the Surveyor General's Office will prove the correctness of these statements, and the unfitness of the present site.

I have, &c.,
C. G. T. CHAUVEL.

N.B.—In May last year there was a flood, when my men and their families took refuge in my woolshed; one of the former in getting there was up to his middle in water.

No. 14.

CHIEF COMMISSIONER OF CROWN LANDS to MR. C. G. T. CHAUVEL.

(No. 53-999.)

*Crown Lands Office,
Sydney, 9 August, 1853.*

SIR,

In reply to your letter of the 1st ultimo, respecting your application to purchase land at Tabulam, I do myself the honor to refer you to my letter of the 21st ultimo on the subject.

I have, &c.,
GEO. BARNEY,
C. C. C. L.

No. 15.

No. 15.

CHIEF COMMISSIONER OF CROWN LANDS to MR. C. G. T. CHAUVEL.

(No. 53-1035.)

*Crown Lands Office,
Sydney, 15 August, 1853.*

SIR,

* For copy of Report, see Acting Surveyor General's letter to Chief Commissioner of Crown Lands, of the 16th June, 1853, No. 53-541 (9).

With reference to your letter of the 27th ultimo, on the subject of your applications to purchase land at Tabulam, including a town reserve, I do myself the honor to enclose, for your information, a copy of the Acting Deputy Surveyor General's Report* on the matter.

I have, &c.,
GEO. BARNEY.

No. 16.

CHIEF COMMISSIONER OF CROWN LANDS to SURVEYOR GENERAL.

(No. 55-43.)

*Crown Lands Office,
Sydney, 25 January, 1855.*

SIR,

With reference to your letter of the 16th June, 1853, No. 53-541, stating that the land applied for to purchase by Mr. C. G. T. Chauvel, at Tabulam, formed portion of a town reserve, I have now the honor to request that you will be good enough to furnish me with the particulars of the allotments improved by Mr. Chauvel, to the end that a lease under the recent instructions may be issued to him.

I have, &c.,
GEO. BARNEY,
C. C. C. L.

No. 17.

SURVEYOR GENERAL to MR. LICENSED SURVEYOR WILSON.

(No. 55-222.)

*Surveyor General's Office,
Sydney, 21 February, 1855.*

SIR,

* Appendix A.

I enclose a tracing* shewing the position of certain improvements effected by Mr. C. G. T. Chauvel on a portion of his licensed run at Tabulam, which is included in the town reserve, and I request that you will measure in accordance therewith some allotments to embrace the improvements, and that you will forward to me a plan and descriptions thereof.

I am, &c.,
T. L. MITCHELL,
S. G.

No. 18.

DEPUTY SURVEYOR GENERAL to MR. LICENSED SURVEYOR WILSON.

(No. 55-353.)

*Surveyor General's Office,
Sydney, 20 March, 1855.*

SIR,

Mr. Ronald McDonald having applied to purchase, according to the annexed description, 160 acres of his run of "Myrtle Creek," you will, provided the land applied for form no part of a reserve, and the survey be not otherwise objectionable, measure and mark it out in strict accordance with the regulations, and forward to me a plan and description thereof, together with a report as to its mineral indications.

2. If you should consider that the land, as measured, is of a higher value than £1 per acre, you will report the same to me, and place yourself in communication with the local Commissioner of Crown Lands, and afford to him such information as may be necessary to enable him to have the value of the land assessed; and you will report again to me what the result may be of such assessment.

I am, &c.,
(For the S. G.)
J. THOMPSON,
D. S. G.

DESCRIPTION.

160 acres, including the homestead and other valuable improvements.

No. 19.

MR. LICENSED SURVEYOR WILSON to SURVEYOR GENERAL.

(No. 55-10.)

Grafton, 5 May, 1855.

SIR,

Having reference to your letters No. 55-222 of the 21st February last, and 55-353 of the 20th March last, containing instructions for the measurement of certain lands at Tabulam and Myrtle Creek, I have the honor to inform you that on account of the late incessant rains (and which still continue) all the creeks are up, and the roads impassable even to the mail contractors. I therefore think it may, probably, be three months before I can possibly carry out the instruction above alluded to.

I have, &c.,
W. B. WILSON.

No. 20.

MR. C. G. T. CHAUVEL to CHIEF COMMISSIONER OF CROWN LANDS.

Tabulam, 28 June, 1855.

SIR,

About five years ago Mr. Darke, the Surveyor, was sent to Tabulam to lay out a township, but in consequence of letters from the Magistrates here to the Honorable the Colonial Secretary, stating that the spot chosen was subject to floods, they received for reply that in the event hereafter of a township being deemed requisite, that the wishes of the settlers would be attended to. The survey was then discontinued. I am now given to understand that Mr. Wilson, Clerk of the Petty Sessions at Grafton, has received instructions to lay out the said township in the very spot objected to; I have, therefore, the honor to request you will have the goodness to inform me if this is the case, as in your last communication you informed me that, in the event of this becoming a township, a year's lease would be granted me, so that I should be enabled to purchase what I am entitled to under the pre-emptive right.

I have, &c.,
C. G. T. CHAUVEL.

No. 21.

CHIEF COMMISSIONER OF CROWN LANDS to MR. C. G. T. CHAUVEL.

(No. 55-757.)

Crown Lands Office,
Sydney, 16 July, 1855.

SIR,

In reference to your letter of the 23th ultimo, respecting your application to purchase certain land at Tabulam, in the Clarence River District, I do myself the honor to inform you that the Surveyor General has been requested to state the particulars of the lots containing your improvements, with a view to the issue of a lease conferring the right of pre-emption on you, under the recent instructions for the disposal of cases of this kind.

I have, &c.,
GEO. BARNEY,
C. C. C. L.

No. 22.

MR. LICENSED SURVEYOR WILSON to SURVEYOR GENERAL.

(No. 56-16.)

Grafton, 30 April, 1856.

SIR,

In compliance with the instructions contained in the late Surveyor General's letter, No. 55-222, of the 21st February, 1855, I have the honor to forward to you a plan^d • Appendix B and the descriptions of the allotments contained in part of the Township of Tabulam, embracing Mr. Chauvel's improvements, and allotments for sale according to the tracing forwarded to me. I have not noted the county, as I am uncertain whether the town is situated in Richmond or Buller.

2. I beg leave to state that the reason I forwarded no work to the department last month was on account of my having to attend to the affairs of an intestate estate, 30 miles distant from Grafton. In anticipation of being able to complete the plan and descriptions of Tabulam, they were dated the 29th March.

I have, &c.,
W. B. WILSON,
Licd. Sur.

As the survey, to embrace Capt. Chauvel's improvements and some allotments for sale, extends so far as the demand for land at the place is likely to reach for some time to come, and as the descriptions of the improved lands can be much more satisfactorily completed after the proclamation of the village, a fair plan for submission to the Executive Council has been prepared, and is herewith; so soon as it is approved of Capt. Chauvel's claims will be dealt with.

A. G. M.,
4 June.

No. 23.

SURVEYOR GENERAL to COLONIAL SECRETARY.

(No. 56-340.)

*Surveyor General's Office,
Sydney, 9 June, 1856.*

SIR,

With reference to your letter of the 19th October, 1852, No. 52-600, on the subject of an application made by Mr. Chauvel to purchase a portion of his licensed run included in the unproclaimed Village of Tabulam, I have now the honor to state, that, considering it desirable that the village in question should be proclaimed, I have caused to be prepared, and beg to forward herewith, for the approval of His Excellency the Governor General in Council, a design of that village.*

Appendix C.

I have, &c.,
GEO. BARNEY,
S. G.

No. 24.

MR. C. G. T. CHAUVEL to SURVEYOR GENERAL.

Tabulam, 30 May, 1856.

SIR,

I have the honor to request you will have the goodness to grant me a very great favour, namely, informing me how I am to proceed in regard to putting in my claim for the pre-emptive rights on account of improvements effected on land here. I am induced to write to you on this subject, in consequence of Mr. Wilson, the Clerk of the Petty Sessions at Grafton, being here the other day to lay out a township, much to my astonishment; as owing to the misfortune of having my house burnt down, and my family put to the greatest inconvenience and discomfort, I addressed a letter to the Honorable the Colonial Secretary, mentioning the circumstance, and asking him whether there was any obstacle in the way of my building another on a more eligible site; a copy of the replies I herewith enclose, which you will perceive were very obscure and unsatisfactory, being no decided answer to my application; but from the general tenor of them I concluded that my wishes were granted, and on the strength of this I employed men in getting building materials ready, and a spot was fixed upon, which Mr. Wilson says is in the middle of a road, and that it was not in his power to alter, although, by the Colonial Secretary's letters, the township has still to be measured, I was also led to believe that no steps had as yet been taken to measure the lands; judge then of my astonishment on Mr. Wilson informing me that his instructions were so far back as March twelvemonth, and they had not been recalled, and the enclosed copies are dated 31st July and 30th August last. I beg leave to bring to your recollection a correspondence that took place many years ago, when the Bench, composed of Messrs Ogilvie, Evans, and myself, pointed out the ineligibility of the original site owing to floods, with the exception of a very small paddock in which my improvements were erected; and I think I have just reason to complain, when now it appears that Mr. Darke fixed upon this small piece of ground for the township; and to shew how pinched he was for room, Mr. Wilson says he run a line of road through my kitchen chimney, another cutting off an angle of my garden, and a third through a stockyard and cultivation paddock; certainly at the time there was no fence round the latter, it having been removed in consequence of its being composed of logs, and I was prevented at the time from putting up a new one from want of men, but since then a four-railed fence has been erected; of this paddock Mr. Darke takes no notice, further than dotting down an old tobacco-shed. This mistake could not have occurred had Mr. Darke had the courtesy to have shewn me his plan. I can prove that the said land was under cultivation upwards of twelve years ago.*

Mr. Wilson acknowledged to me that Mr. Darke had no necessity for running his lines in the manner described, but that he himself had no power of altering either them or the site, being obliged to obey instructions; but I beg leave to state that there were several more eligible spots in the neighbourhood for a township, more especially one named Punch Flat—it being free from floods, not above a mile from this, at the confluence of the Rocky River and the Clarence, and also having the great advantage of taking in two roads—one leading to Grafton by Yulgilbar and Gordon Brook, and the other, the Main Road, a very short distance from it.

I

* N.B.—I am not certain whether Mr. Wilson has mentioned this paddock in his plan; if not, he has followed Mr. Darke in every respect, greatly to my prejudice, and were to measure all my improvements.

I believe, by the regulations, I am entitled not only to the lands on which improvements have been made, but also to those under cultivation; the latter, I am sorry to say, does not exceed three acres, now the road runs through it. I do not know the exact quantity I am entitled to, but will write to Mr. Wilson to ascertain; he said it was either 19 or 21 acres, but I forget which.

I have, &c.,

C. G. T. CHAUVEL.

N.B.—On reference to my letter of the 16th July, 1855, you will find no mention is made of the purchasing of lands, but merely to ask if there was any obstacle to my building on a new site.

[Enclosure 1 in No. 24.]

(No. 53-544.)

Colonial Secretary's Office,
Sydney, 31 July, 1855.

Sir,

I beg to inform you that it has been found necessary to refer to the Surveyor General your letter of the 16th instant, with the enclosures respecting the sale of certain land at Tabulam, on which you have made improvements.

2. When the required report has been received, and the decision of the Governor General obtained upon the case, a further communication will be made to you without delay.

C. G. T. Chauvel, Esq.,
Tabulam.

I have, &c.,
W. ELYARD, JUNR.,
(For Colonial Secretary.)

[Enclosure 2 in No. 24.]

(No. 55-626.)

Colonial Secretary's Office,
Sydney, 30 August, 1855.

Sir,

With reference to my letter of the 31st ultimo, respecting the measurement for sale of certain land at Tabulam, on which you have effected improvements, I am directed by the Governor General to inform you, that a report has been received from the Surveyor General in the matter, representing that until a township can be laid out at Tabulam, no measurements of any lands there containing improvements are likely to take place.

C. G. T. Chauvel, Esq.,
Tabulam.

I have, &c.,
W. ELYARD, JUNR.

No. 25.

SURVEYOR GENERAL to MR. C. G. T. CHAUVEL.

No. 56-861.)

Surveyor General's Office,
Sydney, 3 July, 1856.

SIR,

With reference to your letter of the 30th May last, respecting the purchase under pre-emptive right of certain land at Tabulam, I beg to inform you that, so soon as the design for the village shall have been approved of, your claims will be dealt with, and that every consideration will be extended to you that can be, consistent with existing regulations.

I have, &c.,
GEO. BARNEY,
S. G.

No. 26.

COLONIAL SECRETARY to SURVEYOR GENERAL.

(No. 56-472.)

Colonial Secretary's Office,
Sydney, 9 July, 1856.

SIR,

The design for the Village of Tabulam submitted in your letter of the 9th ultimo, No. 56-340, having been laid by the Governor General before the Executive Council, His Excellency, with the advice of the Council, has been pleased to approve of the same; I am therefore directed to request that you will have the goodness to cause a copy of the plan so approved to be transmitted to the nearest Bench to the village in question, apprising me when this has been done, in order that it may be notified as usual in the *Government Gazette*.

I have, &c.,
W. ELYARD.

No. 27.

MEMO. of Surveyor General.

HEREWITH is a tracing* from the plan of the Village of Tabulam, shewing the improvements effected by Capt. Chauvel, the holder of the run. * Appendix D.

It may be well to ascertain through the Crown Lands Branch to what extent he will be entitled to purchase without competition in right of these improvements.

A. G. M.,
13 August, 1856.

No. 28.

SURVEYOR GENERAL to COMMISSIONER OF CROWN LANDS, CLARENCE RIVER.

(No. 56-2120.)

*Crown Lands Office,
Sydney, 21 August, 1856.*

Tracing with
Memo. of A. S.
General, 13th
August, 1856.

SIR,
I have the honor to transmit the enclosed tracing from the plan of the Village of Tabulam, shewing the improvements effected by Capt. Chauvel, and I beg to request, that you will take the necessary steps to have the value of the improvements assessed in the usual manner.

I have, &c.,
GEO. BARNEY,
S. G.

No. 29.

THE UNDER SECRETARY to SURVEYOR GENERAL.

(No. 56-607.)

*Colonial Secretary's Office,
Sydney, 9 September, 1856.*

SIR,
With reference to my letter of the 9th July last, respecting the formation of the Village of Tabulam, I am now directed to draw your attention thereto, and to request the favour of your early report as to what has since been done in the matter.

I have, &c.,
W. ELYARD.

No. 30.

SURVEYOR GENERAL to COLONIAL SECRETARY.

(No. 56-461.)

*Surveyor General's Office,
Sydney, 15 September, 1856.*

SIR,
In reply to your letter of the 9th instant, respecting the formation of the Village of Tabulam, I do myself the honor to state, that a copy of the approved design has been forwarded to the Bench at Casino, in pursuance of your letter of the 9th July last.

I have, &c.,
GEO. BARNEY,
S. G.

No. 31.

SURVEYOR GENERAL to BENCH OF MAGISTRATES, CASINO.

(No. 56-592.)

*Surveyor General's Office,
Sydney, 15 September, 1856.*

SIR,
His Excellency the Governor General in Council having been pleased to approve of a design for the Village of Tabulam, I have the honor to forward herewith a copy of the design so approved, and to request that you will preserve the same for public exhibition in your office, favouring me with your acknowledgment of its receipt.

I have &c.,
GEO. BARNEY,
S. G.

No. 32.

SURVEYOR GENERAL to MR. ASSISTANT SURVEYOR PEPPERCORNE.

(No. 56-1557.)

*Surveyor General's Office,
Sydney, 15 September, 1856.*

SIR,
His Excellency the Governor General in Council having been pleased to approve of a design for the Village of Tabulam, I beg to forward for your information a copy of the design so approved, of which you will be good enough to acknowledge the receipt.

I have, &c.,
GEO. BARNEY,
S. G.

No. 33.

THE UNDER SECRETARY to SURVEYOR GENERAL.

(No. 56-646.)

*Colonial Secretary's Office,
Sydney, 27 September, 1856.*

SIR,

With reference to your letter of the 15th instant, No. 56-460, I am directed to draw your attention to the notice in the *Government Gazette* of the 23rd of this month, respecting the formation of the Village of Tabulam, on the Clarence River.

I have &c.,
W. ELYARD.

No. 34.

*NOTICE in Government Gazette.**Colonial Secretary's Office,
Sydney, 18 September, 1856.*

TABULAM.

NOTICE is hereby given, that a site has been fixed upon for a village at the undermentioned place, and that copies of the approved plan have been deposited, for public information, at the Police Office, Casino, and at the Office of the Surveyor General, in Sydney, viz. :—

TABULAM, on the Clarence River.

CHARLES COWPER.

No. 35.

MINUTE of Executive Council.

His Excellency the Governor General lays before the Council a letter from the Surveyor General, submitting a design for a village in the County of Richmond, proposed to be called "Tabulam."

The Council are not aware of any reason why the design so submitted to them should not be approved.

MICHL. FITZPATRICK,
Clerk of the Council.

Minute 56-34, 30 June, 1856.—Confirmed 8 July, 1856.

No. 36.

BENCH, CASINO, to SURVEYOR GENERAL.

*Police Office, Casino,
3 October, 1856.*

SIR,

In reply to your letter of the 15th September last, forwarding a copy of the design of the Village of Tabulam, as approved of by His Excellency the Governor General, we do ourselves the honor to acknowledge the receipt of the same.

We have, &c.,
ALEX. MACKELLAR, J.P.
(For the Bench.)

No. 37.

MR. ASSISTANT SURVEYOR PEPPERCORNE to SURVEYOR GENERAL.

(No. 56-17.)

*Richmond River,
5 October, 1856.*

SIR,

I beg to acknowledge the receipt of your communication, No. 56-1557, of September 15th, forwarding a copy of the approved design for the Village of Tabulam, in the County of Richmond.

I have, &c.,
FREDK. S. PEPPERCORNE,
Asst. Surveyor.

No. 38.

MR. A. B. J. CHAUVEL to CHIEF COMMISSIONER OF CROWN LANDS.

Sydney, 1 January, 1857.

SIR,

I do myself the honor to inform you, that upon looking over the *Government Gazette*, I perceive that thirty-six allotments of the Tabulam Village are to be offered for sale in February next; allow me therefore to request that you will have the kindness to use your influence in trying to get at least the sale of the allotments in section 6 postponed for the present, or till after the land question has been brought before the Council.

Some of the reasons I have to give for making such a proposition are as follows:—

In the first place, there cannot be any doubt in the minds of those who are thoroughly acquainted with the position and capabilities of the spot, that Government will reap but little benefit by having formed Tabulam into a village reserve at all, as it is situated on a line of road between Grafton and Tenterfield which will ere long in all probability be deserted, on account of a new line of road which has been lately discovered, and which it is supposed will save fully thirty miles out of one hundred and forty, besides avoiding two very bad ranges, namely, the Currabubla and Richmond Ranges, and would cross the Clarence River some miles below the present crossing-place, consequently Tabulam would no longer be a connecting link between Grafton and Tenterfield.

Secondly, the reason why I especially wish for the postponement of the sale of the allotments in section 6 is, because it is situated within a small paddock which contains my private house, and the principal portion of my buildings.

Allow me to point out that although I was not the first occupant of the station, and had not to endure all the privations, risks, and annoyances, also expense of forming it, yet I had to pay for my right to the run to those who had gone through all this, and thereby acquired all their claims upon the Government to be charitably dealt with; and I would ask you whether it is not at least a very hard case, after having expended many years and a considerable sum of money in gradually improving the place, and making myself as comfortable as circumstances would permit, that the privacy of my homestead should be invaded by those who may in the first instance purchase allotments without reflecting, or perhaps being even aware of the probability, or rather certainty, of the road being altered, and who will afterwards bitterly regret having invested their small savings in so unprofitable a speculation.

Before Sir Charles Fitz Roy's departure, I received a communication from Government, in reply to one from the Bench, giving me to understand that all idea of forming a township on the site proposed was given up for the present, and that if it was again resumed, the interests of the residents (or words to that effect) should be considered; and upon the strength of this I went on improving.

If you think you can, by using your interest in this matter, at least avert the sale of the allotments in section 6 for the present, you will be conferring a great obligation upon me.

I have, &c.,

A. B. J. CHAUVEL,
(For C. G. T. Chauvel.)

No. 39.

MINUTE of Surveyor General.

THERE is more correspondence in the office relating to this village, which will, I think, shew that Capt. Chauvel's urgent pressing to be allowed to complete his pre-emptive purchase is the cause of the measurement in, and proclamation of the village.

The formation of the village was proposed originally in 1849, and was deferred (see C. S. L. within, of 12th December, 1850) "for the present" at that date.

In measuring the land which Capt. Chauvel is to purchase (containing his valuable improvements) under pre-emptive right, in accordance with Mr. Durke's design for a village, Mr. Wilson measured also some improved allotments, and as, for the completion of the pre-emptive purchase descriptions, it became necessary to proclaim the village, some of the unimproved allotments have been brought to auction sale, as is customary with newly laid out towns.

The most legitimate mode by which Capt. Chauvel can obviate the inconvenience of others possessing the allotments in his paddock is by their purchase at auction; still, there is no special object in their sale, and more particularly on account of the discovery of the new line of road, as the only recommendation possessed by Tabulam as a village site is its position at the crossing of the Clarence River, between Grafton and Tenterfield, and if there be no application for the purchase of the allotments in the office, the question of the withdrawal may be submitted for the consideration of the Secretary for Lands and Public Works.

A. G. M.

18 Jan.

Mr. W.—Have the allotments been brought forward on applications to purchase?—
18th.

No; they are brought forward for sale by the Crown.—C. M. W.

Recommend the withdrawal of the land.—G. B.

No. 40.

SURVEYOR GENERAL to UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

(No. 57-31.)

*Surveyor General's Office,
Sydney, 20 January, 1857.*

SIR,

I do myself the honor to enclose a letter which I have received from Mr. C. G. T. Chauvel, and to request that the allotments at Tabulam, proclaimed for sale at Casino on the 17th proximo, may be withdrawn from sale by the customary notice in the *Government Gazette*.

2. I may observe that Tabulam was proposed as a site for a village, and some of the improved allotments therein were brought forward for sale (as is customary with newly laid out places) on account of its position at the crossing-place, on the Clarence River, of the road heretofore in use from Tenterfield to Grafton; but, a new line of road between these places having been discovered, there would not appear to be any necessity for the immediate sale of the allotments in question.

I have, &c.,
GEO. BARNEY,
S. G.

No. 41.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to SURVEYOR GENERAL.

(No. 57-240.)

*Department of Lands and Public Works,
Sydney, 24 January, 1857.*

SIR,

In reference to your letter of the 20th instant, in which you request that the allotments at Tabulam, proclaimed for sale at Casino on the 17th proximo, may be withdrawn from sale, I am directed to request that you will have the goodness to state, whether you recommend the withdrawal of all the allotments, or of those only comprised in section 6, alluded to in the communication in this respect from the Messrs. Chauvel enclosed by you, and also how many lots that section contains.

2. I am directed to add, that the Secretary for Lands and Public Works is very unwilling, at this stage, to sanction the withdrawal of these allotments from sale, except so far as an equitable pre-emptive right may be claimed; and before he does so he must have a clear opinion from you that this is not a proper site for a township.

I have, &c.,
MICHL. FITZPATRICK.

No. 42.

SURVEYOR GENERAL to UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

(No. 57-48.)

*Surveyor General's Office,
Sydney, 3 February, 1857.*

SIR,

I have the honor to acknowledge the receipt of your letter of the 24th ultimo, No. —, and to inform you that the allotments comprised within section 6, at Tabulam (being 20 in number), were those recommended to be withdrawn from sale in my letter to which you allude.

2. In reference to the second paragraph of your letter, under reply, I beg to observe that Mr. Chauvel's claims to purchase, under his pre-emptive right, are at present under reference to the local Commissioner. All such allotments to which he can, under existing Regulations, possess a pre-emptive right of purchase in virtue of improvements having been withheld from auction sale pending the receipt of the Commissioner's Report.

3. As to the fitness of the situation of Tabulam for a township, I take leave to observe that, unless the road from Tenterfield to Grafton be changed in direction, so as to avoid Tabulam, as represented by Mr. Chauvel, I consider that Tabulam is decidedly a proper site for a village, although there is no evidence of present demand for land there.

I have, &c.,
GEO. BARNEY,
S. G.

No. 43.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to SURVEYOR GENERAL.

(No. 57-95.)

*Department of Lands and Public Works,
Sydney, 11 February, 1857.*

SIR,

In reference to your letter of the 3rd instant, No. 57-48, I am directed to draw your attention to the notice in the *Government Gazette*, of the 6th of this month, respecting the withdrawal from sale of certain lands proclaimed for sale, at Casino, on the 17th instant.

I have, &c.,
MICHL. FITZPATRICK.

No. 44.

No. 44.

NOTICE in Government Gazette.

Department of Lands and Public Works,
Sydney, 5 February, 1859.

WITHDRAWAL OF LANDS FROM SALE.

NOTICE is hereby given, that the undermentioned allotments of land, proclaimed in the *Government Gazette* of the 26th November last, for sale at Casino, on the 17th instant, have been withdrawn from sale, viz. :—

Town Lots.

Lots from 17 to 36 inclusive, being allotments numbered from 1 to 20 in section No. 6.
JOHN HAY.

No. 45.

COMMISSIONER OF CROWN LANDS, CLARENCE RIVER, to CHIEF COMMISSIONER OF CROWN LANDS.

Crown Lands Office,
Clarence River, 14 September, 1857.

SIR,

In accordance with the directions contained in your letter of the 26th August, 1856, I have the honor to transmit a memorandum of valuation of the improvements effected by Capt. Chauvel in the Village of Tabulam.

I have, &c.,
RICHARD BLIGH.

Mr. Bligh should have reported with this valuation the value of the improvements in each allotment; but, on this general valuation, Capt. Chauvel may, I think, be allowed to purchase, under pre-emptive right, all section 5, the measured allotments in section 4, and the 3, 2, 16, in section 10.—A. G. M.

G. B.—10.

Descriptions examined accordingly for issue of lease and completion of purchase. Prices noted on descriptions.—A. G. M.

[Enclosure in No. 45.]

District Clarence River,
Tabulam, 4 September, 1856.

MEMORANDUM.

We, the undersigned, Richard Bligh, Commissioner of Crown Lands, acting as valuer on behalf of the Crown, and James Jordan, of Tabulam, acting as valuer for Capt. C. G. T. Chauvel, the licensed occupant of the Tabulam Run, do hereby estimate and assess the value of the improvements situated upon sections Nos. 4, 5, and 10, in the Township of Tabulam (part of the run aforesaid), at the sum of £700 (seven hundred pounds.)

RICHARD BLIGH,
Crown Lands.
JAMES JORDAN,
Valuer of Capt. C. G. T. Chauvel.

No. 46.

CHIEF COMMISSIONER OF CROWN LANDS to SECRETARY TO THE TREASURY.
(No. 57-759.)Crown Lands Office,
Sydney, 8 December, 1857.

SIR,

I beg to enclose particulars of land at Tabulam, Clarence River District, to be inserted in a lease for one year under the Regulations of 11th February, 1851, to Capt. C. G. T. Chauvel.

2. The rent will be as usual, £10.

3. Will you be good enough to intimate to me when the lease is ready for issue, that I may inform Capt. Chauvel.

CLARENCE RIVER DISTRICT.—TABULAM.—C. G. T. CHAUVEL.

Allotment No. 1 of section 10.

"	"	1	"	5.
"	"	2	"	5.
"	"	3	"	5.
"	"	4	"	5.
"	"	5	"	5.
"	"	6	"	5.
"	"	7	"	5.
"	"	1	"	4.
"	"	2	"	4.
"	"	3	"	4.
"	"	4	"	4.
"	"	5	"	4.
"	"	6	"	4.

GEO. BARNEY.

No. 47.

SECRETARY TO THE TREASURY to SURVEYOR GENERAL.

(No. 2039.)

*The Treasury, New South Wales,
16 December, 1857.*

SIR,

With reference to your letter of the 8th instant, No. 759, I am directed to inform you, that the lease in favour of Capt. Chauvel, therein referred to, is ready for issue.

It has been made to commence from the 1st instant.

I have, &c.,
HENRY LANE.

No. 48.

SURVEYOR GENERAL to CAPT. C. G. T. CHAUVEL.

(No. 57-1474.)

*Crown Lands Office,
Sydney, 21 December, 1857.*

SIR,

I beg to inform you that a lease, under the Regulations of 11th February, 1851, for land at Tabulam, is ready for issue to you at the Colonial Treasury. It should be at once taken up, that you may exercise your pre-emptive right over the land improved by you.

The rent is £10.

I have, &c.,
GEO. BARNEY.

No. 49.

SECRETARY TO THE TREASURY to CHIEF COMMISSIONER OF CROWN LANDS.

(No. 160.)

*The Treasury, New South Wales,
Sydney, 2 February, 1858.*

SIR,

I have the honor to inform you that Mr. C. G. T. Chauvel, on the 50th ultimo, took up his lease, under the Regulations of the 11th February, 1851, of certain land at Tabulam, in the District of Clarence River.

I have, &c.,
HENRY LANE.

No. 50.

CHIEF COMMISSIONER OF CROWN LANDS to UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

(No. 58-85.)

*Crown Lands Office,
Sydney, 26 February, 1858.*

SIR,

I have the honor to submit, for the approval of His Excellency the Governor General, a Schedule of Lands leased or under promise of lease, under Her Majesty's Order in Council, of the 19th June, 1850, for the purchase of which, under the right of pre-emption, applications have been received from the lessees.

2. The necessary inquiries have been made into the validity of the several claims, which are found to be regular, and I have, therefore, the honor to request that the Honorable the Minister for Finance and Trade may be authorized to receive the price of the land in each case, as within stated, and that I may receive His Excellency's instructions to call upon the several applicants to complete their purchases by payment of the purchase money.

I have, &c.,
GEO. BARNEY,
Chief Commissioner of Crown Lands.

The Executive Council advise that the several purchases particularized in the annexed Schedule be approved and confirmed.

EDWARD C. MEREWETHER,
Clerk of the Council.

Appd.—W.D.
26 March, 1858.

Confd., 22 March, 1858, No. 58-174.

SCHEDULE,
CLARENCE DISTRICT.
(Regulations of 11th February, 1851.)

APPLICANT.	NAME OF RUN.	AREA.	PRICE.	COST OF MEASUREMENT.
G. C. T. Chauvel.	At Tabulam.		Per Acre.	
		a. r. p.	£ s. d.	
Allotment	1 of Section 4	1 0 0	4 0 0	} NIL.
	2 to 5 of Section 4	1 2 0 each	8 0 0	
	6 of Section 4	1 0 0	8 0 0	
	1 of Section 5	2 2 32	8 0 0	
	2 to 6 of Section 5	0 3 24 each	8 0 0	
	7 of Section 5	1 3 8	4 0 0	
	1 of Section 10	3 2 16	8 0 0	

No. 51.

NOTICE in Government Gazette.

Surveyor General's Office,
Sydney, 16 April, 1858.

PRE-EMPTIVE PURCHASES APPROVED.

It is hereby notified, that His Excellency the Governor General, with the advice of the Executive Council, has been pleased to approve of the persons mentioned in the annexed List being allowed to purchase, under their pre-emptive right, the portions of land specified against their respective names.

2. Unless the required payments be paid into the Colonial Treasury, Sydney, within three months from this date, the permission to purchase will be withdrawn, in compliance with the Government Notice of the 23rd January last.

GEO. BARNEY,
Surveyor General.

CLARENCE DISTRICT.
(Regulations of 11th February, 1851.)

APPLICANT.	NAME OF RUN.	AREA.	PRICE.	COST OF MEASUREMENT.
C. G. T. Chauvel.	At Tabulam.		Per Acre.	
		a. r. p.	£ s. d.	
Allotment	1 of Section 4	1 0 0	4 0 0	} NIL.
	2 to 5	0 2 0 each	8 0 0	
	6 of Section 4	1 0 0	8 0 0	
	1 of Section 5	2 2 32	8 0 0	
	2 to 6 of Section 5	0 3 24 each	8 0 0	
	7 of Section 5	1 3 8	4 0 0	
	1 of Section 10	3 2 16	8 0 0	

No. 52.

CHIEF COMMISSIONER OF CROWN LANDS to UNDER SECRETARY FOR FINANCE AND TRADE.

Crown Lands Office,
Sydney, 16 April, 1858.

SIR,

I have the honor to invite your attention to the Notice in the *Government Gazette* of the 16th instant, signifying the approval, by the Government, of certain pre-emptive purchases, and to request that I may be furnished with a report in each case when payment shall have been received.

I have, &c.,
GEO. BARNEY,
Chief Commissioner of Crown Lands.

No. 53.

CHIEF COMMISSIONER OF CROWN LANDS to MR. C. G. T. CHAUVEL.

(No. 58-396.)

Crown Lands Office,
Sydney, 16 April, 1858.

SIR,

I have to inform you that His Excellency the Governor General, with the advice of the Executive Council, has been pleased to approve of your being allowed to purchase under your pre-emptive right, the portion of land containing—

measured for you out of your run, Tabulam, in the District of Clarence; and I request that you will have the goodness to pay into the Colonial Treasury the amount specified in margin, being the price of the land in question, inclusive of Survey and Deed Fee.

Unless the required payment be made within three months from this date, a fine of 10 per cent. will be added for every three months, or part of three months, that payment is delayed.

I have, &c.,
GEO. BARNEY,
Chief Commissioner of Crown Lands.

Allotment 1 of sec. 4—
1a, at £4.
Allotment 2 to 4 of sec. 4—
1/2 a, each at £8.
Allotment 6 of sec. 4—
1a, at £8.
Allotment 1 of sec. 5—
2a. 2r. 32p., at £8.
Allotment 2 to 6 of sec. 5—
6—0a. 3r. 24p., each at £8.
Allotment 7 of sec. 5—
1a. 3r. 8p., at £4.
Allotment 1 of sec. 10—
3a. 2r. 16p., at £8.
And 13 Deed Fees.

No. 54.

SECRETARY TO THE TREASURY to SURVEYOR GENERAL.

(No. 758.)

New South Wales,
The Treasury, Sydney, 21 July, 1858.

SIR,

I have the honor to enclose the accompanying Return of purchases under pre-emption, which have been duly completed.

I have, &c.,
HENRY LANE.

EXTRACT from Return.

NAME.	DISTRICT.	NAME OF RUN.	EXTENT.	PURCHASE PRICE.	SURVEY FEE.	DEED FEE.	DATE OF AUTHORITY.	DATE OF PAYMENT.
Chauvel, C. G. T.	Clarence.	At Tabulam.						
		Allot. Sec.	a. r. p.	£ s. d.				
"	"	1 4	1 0 0	4 0 0	.. ..	£1	16 April, 1858	26 April, 1858.
"	"	2 4	0 2 0	4 0 0	.. ..	£1	"	"
"	"	3 4	0 2 0	4 0 0	.. ..	£1	"	"
"	"	4 4	0 2 0	4 0 0	.. ..	£1	"	"
"	"	5 4	0 2 0	4 0 0	.. ..	£1	"	"
"	"	6 4	1 0 0	8 0 0	.. ..	£1	"	"
"	"	1 5	2 2 32	21 12 0	.. ..	£1	"	"
"	"	2 5	0 3 24	7 4 0	.. ..	£1	"	"
"	"	3 5	0 3 24	7 4 0	.. ..	£1	"	"
"	"	4 5	0 3 24	7 4 0	.. ..	£1	"	"
"	"	5 5	0 3 24	7 4 0	.. ..	£1	"	"
"	"	6 5	0 3 24	7 4 0	.. ..	£1	"	"
"	"	7 5	1 3 8	7 4 0	.. ..	£1	"	"
"	"	1 10	3 2 16	28 16 0	.. ..	£1	"	"
				£ 121 12 0				

No. 55.

MR. C. G. T. CHAUVEL to SURVEYOR GENERAL.

Sydney, 6 December, 1859.

SIR,

I do myself the honor to state that I wish to purchase 320 acres of land at, or about, one mile above Deep Creek, situated in my licensed run of Tabulam, Clarence River District; also 640 acres at the Plain Station, about two miles to the eastward of the said Deep Creek; also 160 acres on "Burnt Station Plain," two miles east by south of Deep Creek—the two latter portions being also in the same district.

I have, &c.,
C. G. T. CHAUVEL.

No. 56.

ACTING SURVEYOR GENERAL to MR. SURVEYOR PEPPERCORNE.

(No. 60-514.)

*Surveyor General's Office,
Sydney, 28 March, 1860.*

SIR,

I have to request that you will measure and mark out the portion of land described in the margin, applied for, under pre-emptive right, by C. G. T. Chauvel, in virtue of his licensed run, provided that the land specified be situated within the boundaries thereof, and that its alienation will not give an undue command over water required for the beneficial occupation and cultivation of the adjoining country; to which latter point your attention was more particularly directed by my circular of the 7th May, 1857,—(57-534.)

29, 640, and 160,
"Tabulam" Run,
Clarence District.

Under the 7th section of the 2nd chapter of Her Majesty's Order in Council, of the 9th March, 1847, it is directed, that "Each lot (so measured) must be rectangular, unless the features of the country, or the course of any river or stream, render a deviation from the rectangular form necessary, and, in every case, two sides at least of the lot must be directed to the cardinal points of the compass," and secondly, that "The two opposite sides of any stream or watercourse, which, according to the practice of the Department of the Surveyor General, ought to form a boundary between different sections or lots, shall in no case be included in the same lot," and you will, therefore, in making this survey, be guided, as to the form of measurement, strictly by the foregoing conditions, and by the circular above alluded to of 7th May, 1857.

In reference, however, to that portion of the 3rd condition of section 7 of the Orders in Council, which determines the maximum extent of water frontage to which each portion shall be entitled, it has been considered expedient to adopt, in lieu, the rule, that the breadth in chains, of any portion measured at right angles to the side lines, shall bear a proportion to the area in acres of 1 to 8.

You will, at the same time, ascertain the name and address of respectable parties resident in the neighbourhood, who would be willing to value the lands measured on behalf of the Government, and submit the same for selection (per separate letter, together with your own opinion of the value), in order that one may be appointed as assessor, under the 8th and 3rd sections of chapter 2 of Her Majesty's Order in Council of the 9th March, 1847.

I have, &c.,

A. G. McLEAN,

Acting Surveyor General.

Care should be taken not to embrace any portion of the Tabulam Reserve.

A. G. M'L.

No 57.

MR. SURVEYOR PEPPERCORNE to SURVEYOR GENERAL.

(No. 60-23.)

Casino, 16 June, 1860.

SIR,

In accordance with the instructions transmitted to me on the 28th March, No. 60-514, requesting me to measure and mark out certain portions of land applied for under pre-emptive right, by Mr. C. G. T. Chauvel, of Tabulam, I have the honor to forward herewith (in a separate enclosure) the plan* of two portions so applied for, and containing respectively 640 acres and 160 acres.

*Appendix E.

2. The alienation of this land will not give an undue command over water, and its quality is by no means superior. There are no mineral indications upon any part of it, nor are there any improvements, although there are the remains of some old buildings and fences.

3. I have reserved a road 1 chain in width through portion No. 2, as this is the nearest line of road from Tabulam to Casino. There does not appear to be any necessity for such a reservation on portion No. 1.

I have, &c.,

FREDK. S. PEPPERCORNE.

No. 58.

MR. SURVEYOR PEPPERCORNE to SURVEYOR GENERAL.

(No. 60-24.)

Casino, 16 June, 1860.

SIR,

In accordance with Her Majesty's Order in Council of the 9th March, 1847, respecting the valuation of lands applied for under pre-emptive right, I beg to transmit the names of two persons who are willing to act as assessors for the Crown, in reference to two measured portions containing respectively 640 acres and 160 acres, on the application of Mr. C. G. T. Chauvel of Tabulam:—

Mr. H. Smith, Grazier, Fairfield;

Mr. H. Booth, Storekeeper, Timbarra.

2. My estimate of the value of this land is at the rate of 20s. per acre.

I have, &c.,

FREDK. S. PEPPERCORNE.

No. 59.

No. 59.

MR. SURVEYOR PEPPERCORNE to SURVEYOR GENERAL.

(No. 60-25.)

Casino, 20 June, 1860.

SIR,

In attention to your instructions, No. 60-514, of 28th March, I have the honor to transmit herewith the plan* of 302 acres, which I have measured as a pre-emptive purchase *Appendix F. for Mr. C. G. T. Chauvel, of Tabulam.

2. The quality of this portion of land is of the second class, and its alienation will not give an undue command over water. There are no mineral indications upon it, nor are there any improvements.

3. I have reserved a road 1 chain in width through the southern part of it, as this is the thoroughfare leading from Tabulam to Pretty Gully and Tooloom.

I have, &c.,

FREDK. S. PEPPERCORNE.

No. 60.

MR. SURVEYOR PEPPERCORNE to SURVEYOR GENERAL.

(No. 60-27.)

Casino, 20 June, 1860.

SIR,

In accordance with Her Majesty's Orders in Council of the 9th March, 1847, respecting the valuation of lands applied for under pre-emptive right, I beg to transmit herewith the names of two persons who are willing to act as assessors for the Crown, with respect to a portion of land containing 300 acres, which I have measured as a pre-emptive purchase for Mr. C. G. T. Chauvel:—

Mr. Hy. Smith, Grazier, Fairfield;

Mr. Hy. Booth, Storekeeper, Timbarra.

2. My estimate of the value of this land is at the rate of 20s. per acre.

I have, &c.,

FREDK. S. PEPPERCORNE.

No. 61.

MR. C. G. T. CHAUVEL to SURVEYOR GENERAL.

Slungollen House,

Glebe Point, 23 July, 1860.

SIR,

I have the honor to inform you that from my never having been made acquainted that Mr. Peppercorne had received instructions to measure the land at Tabulam applied for by me sometime ago, there was no one there on my part to point out the exact locality; consequently Mr. Peppercorne has made a great mistake, and measured land perfectly useless to me. Will you, then, have the goodness to get this rectified by causing a new survey to be made?

I have, &c.,

C. G. T. CHAUVEL.

The Acting Surveyor General.—M. F., 24 July.

The measurements have been made by Mr. Peppercorne as stated.

Under the precedent afforded by Mr. Bundoock's case the positions of the measurements may be altered on Major Chauvel's consenting to pay the cost of measurement.

A. G. M'LEAN.

Submitted.

B. C., 23 August, 1860.

Yes; but is there any reason why the land measured should not be submitted to competition?—JOHN R.

Surveyor General, 5 October, 1860.—M. F.

Major Chauvel, I understand, desires to purchase part of what has been measured with some adjacent land, and this, therefore, cannot be brought to auction. The locality is not near to any population, and it does not appear to me to be advisable to bring any of the remainder to auction.

A. G. M.

B. C., 6 September, 1860.

Mr. Chauvel must pay the cost of both measurements—the one already made, and the one to be made; with that condition I do not think it necessary to object to this request.

JOHN R.,

20 September.

Chief Commissioner of Crown Lands, B. C., 27 September, 1860.—M. F.

No. 62.

CHIEF COMMISSIONER OF CROWN LANDS to MAJOR CHAUVEL.

(No. 60-991.)

*Crown Lands Office,
Sydney, 20 October, 1860.*

SIR,

I have to inform you that the request contained in your letter of the 23rd July last will be complied with upon your undertaking to pay the cost of both measurements, the one already made, and the one to be made.

I have, &c.,
A. O. MORIARTY.

No. 63.

MR. C. G. T. CHAUVEL to CHIEF COMMISSIONER OF CROWN LANDS.

Sydney, 4 August, 1859.

SIR,

I have the honor to apply for permission to purchase, under my pre-emptive right, the following portions of land on my station, known as Tabulam, in the District of Tabulam, Clarence River, viz.:—Situated on the south bank of Deep Creek, or Tabulam Rivulet, about ten miles east of the Township of Tabulam, on which the following improvements have been made, viz., a large stockman's hut, stockyards, and a large paddock.

The above will comprise about 320 acres.

I have, &c.,
C. G. T. CHAUVEL.

No. 64.

MEMO. of Acting Surveyor General.

MR. GREAVES is measuring on a former application in this place. Capt. Chauvel has called to urge the issue of instructions, that this land may be surveyed at the same time, if there is no objection.

A. O. P.

Mr. Greaves may be instructed by this post, and the letter be then sent up for Mr. Lewis to note on map.

A. G. M.

No. 65.

ACTING SURVEYOR GENERAL to MR. SURVEYOR GREAVES.

(No. 59-2330.)

*Surveyor General's Office,
Sydney, 13 September, 1859.*

SIR,

I have to request that you will measure and mark out the portion of land described in the margin, applied for under pre-emptive right by Mr. C. G. T. Chauvel, in virtue of his licensed run, provided that the land specified be situated within the boundaries thereof, and that its alienation will not give an undue command over water required for the beneficial occupation and cultivation of the adjoining country; to which latter point your attention was more particularly directed by my circular of the 7th May, 1857,—(57-534.)

Under the 7th section of the 2nd chapter of Her Majesty's Order in Council of the 9th March, 1847, it is directed, that, "Each lot (so measured) must be rectangular, unless the features of the country, or the course of any river or stream, render a deviation from the rectangular form necessary, and, in every case, two sides at least of the lot must be directed to the cardinal points of the compass," and secondly, that, "The two opposite sides of any stream or watercourse, which, according to the practice of the Department of the Surveyor General, ought to form a boundary between different sections or lots, shall in no case be included in the same lot," and you will, therefore, in making this survey, be guided as to the form of measurement strictly by the foregoing conditions, and by the circular above alluded to of 7th May, 1857.

In reference, however, to that portion of the 3rd condition of section 7 of the Orders in Council, which determines the maximum extent of water frontage to which each portion shall be entitled, it has been considered expedient to adopt, in lieu, the rule that the breadth in chains, of any portion measured at right angles to the side lines, shall bear a proportion to the area in acres of 1 to 8.

You

320 acres, "Tabulam" Run, Clarence District.

You will, at the same time, ascertain the name and address of respectable parties resident in the neighbourhood, who would be willing to value the lands measured on behalf of the Government, and submit the same for selection (per separate letter, together with your own opinion of the value), in order that one may be appointed as assessor, under the 8th and 3rd sections of chapter 2 of Her Majesty's Order in Council of the 9th March, 1847.

I have, &c.,
A. G. McLEAN,
Actg. Surveyor General.

No. 66.

MR. SURVEYOR GREAVES to ACTING SURVEYOR GENERAL.

(No. 60-2.)

Grafton, Clarence River,
5 January, 1860.

SIR,

In reference to your letter of the 13th September, No. 59-2330, I have the honor to forward herewith a plan* shewing position of 320 acres applied for by Major ^{Appendix G.} Chauvel, in virtue of his licensed run of Tabulam.

The improvements consist of a stockman's hut, stockyard, and paddock, shewn on the plan; the land is poor and unfit for cultivation.

I have, &c.,
W. A. B. GREAVES.

No. 67.

MR. C. G. T. CHAUVEL to SECRETARY FOR LANDS.

Royal Hotel, Sydney,
30 January, 1860.

SIR,

I have the honor to draw your attention to a question which is to be put to you to-morrow evening by Mr. Hoskins in the Legislative Assembly, relative to large blocks of land that have been applied for under the pre-emptive right in the Clarence River District. The Surveyor General has furnished the necessary statement of the facts of this case.

As my name is with others mentioned in Mr. Hoskins' proposed question, I beg leave to state, for your information, that only two blocks of land have been measured for me, namely:—Tabulam West, 320 acres, formerly the head station of Capt. Pike, where considerable improvements have been erected, and a large garden formed. The other block is at Tabulam East, and consists of 362 acres. The locality is at a heifer station of mine, where I have erected a dairy, and enclosed paddocks, with other improvements.

I have thought it necessary to put you in possession of the facts of this case, as Mr. Hoskins' question would lead to the conclusion that I was an applicant under the pre-emptive right for the purchase of extensive tracts of country.

I have, &c.,
C. G. T. CHAUVEL.

No. 68.

ACTING CHIEF COMMISSIONER OF CROWN LANDS to UNDER SECRETARY FOR LANDS.

(No. 60-89.)

Crown Lands Office,
Sydney, 1 March, 1860.

SIR,

Having reference to the reply made on the 7th ultimo, by the Honorable the Secretary for Lands to the question of the Honorable the Member for the Northern Gold Fields, relating to the pre-emptive claims of Major Chauvel, Mr. Ogilvie, and the Messrs. Robertson.

I have now the honor to submit, for the provisional approval of the Secretary for Lands, the claims referred to, with remarks and recommendations in regard to them, in order that a decision may be arrived at, whether all or which portions shall be assessed, with a view to completion of the sale, which will, of course, be subject to the final approval of the Executive Council.

I should mention that the consideration of such cases results from the circumstance that (with the exception of those on the Richmond River) reserves have not (from various causes into which it is not necessary at present to enter) been selected and proclaimed within the Clarence District, as has been done in other pastoral districts; while, from the aggregation of population at the Timbarra Gold Fields, a demand has arisen for the purchase of farm lands, which would not otherwise have existed, and to meet which there is no extent of land suitable to agricultural purposes nearer to the Gold Fields than the flats on the Clarence River, a considerable extent of which are embraced by the pre-emptive purchase claims referred to.

Recommendations have been annexed, in a tabular form, but the surveyor's plans and reports are enclosed.

I should wish to be favoured with an early decision in regard particularly to the 340, 180, and 242 acres at Yates' Flats, as I consider it desirable that they should at once be sub-divided for sale at auction.

I have, &c.,
A. G. McLEAN.

CLAIMANT.	AREA.	REMARKS AND RECOMMENDATION.
C. G. T. Chauvel.	362 acres ..	This is the only land measured for Major Chauvel, upon one of two runs which he holds under the name of Tabulam; the land embraced, at one period, the head station, but the one being now held in conjunction with the other run referred to, the existing improvements on the land consist only of a hut, stockyard, clearing, fencing, and ploughing. As the land is divided by the river only from the Village of Tabulam, the application was referred for the report of Mr. Darke, who had long been the surveyor of the district, as to the advisability of complying with it, and Mr. Darke's recommendation was in favour of such compliance. Having in mind the existence of the improvements and the present and probable prospective unimportance of Tabulam as a village, I am disposed to recommend that this purchase may be allowed.
C. G. T. Chauvel.	320 acres ..	This is the only purchase under pre-emptive right measured in the eastern run of Tabulam, save a few town allotments in the village, on which stand the valuable improvements of the station. It is at some distance from the Clarence River, and from the gold diggings; the soil is poor and unsuitable for cultivation, and I recommend that the purchase should be allowed.
E. D. Ogilvie, &c.		

A. G. McLEAN.

I see no reason to dissent from the conclusions at which the Acting Surveyor General has arrived.—M. F. 20 March.

No. 69.

MINUTE of Secretary for Lands.

Robertson's, Ogilvie's, and Chauvel's cases, for purchase of land by pre-emptive right.

Chauvel's Run.

1st. It has been represented to me, that at the confluence of the streams called Timbarra and the north arm of the Clarence, are situated extensive alluvial plains, of extreme fertility, and admirably suited for agriculture; that these plains extend seven miles up the north Clarence, and about eight miles below, in each case measured from the confluence of the waters mentioned.

2nd. That there is a township laid out in the neighbourhood called Tabulam.

Ogilvie's Run.

Also, that there is much valuable land at Yates' Flat, most suitable for farms, and much required for that purpose.

Robertson's Run.

Also, that there is much excellent agricultural land at "Yulgilbar."

It is also stated that the Gold Fields at the Clarence have caused a large population to settle down there, possessed of means to buy land, and anxious to do so; and that the lands above mentioned are particularly suited for their requirements, much more so than those at Fairfield. Inquiry should be made, with a view to the lands being reserved.

JOHN R.
31 March.

In order to determine, as far as may be, the claims of Major Chauvel, Mr. Ogilvie, and Messrs. Robertson, and set out in the Acting Surveyor General's letter of the 1st March, instant, I should like that the lots, not coming within the areas above mentioned, should be separated from those within the same; also, that it be stated whether or not the river is navigable where the land is measured.

JOHN R.
31 March.

No. 70.

MINUTE of Surveyor General.

Forward for the further report of the Acting Surveyor General.—M. F.
B.C., 2 April. Very urgent.

THE distances of seven miles above the junction of the Timbarra and Clarence Rivers, and eight miles below that junction, would embrace the portion of 362 acres, recommended to be allowed to Major Chauvel as a pre-emptive purchase.

2. The 1015 acres, for which Messrs. Robertson's application is recommended, to be rejected.

3.

3. The 644 acres, for which Mr. Ogilvie's application is recommended, to be *rejected*.

A reserve at Yates' Flat, of either 9 or 25 square miles (the usual areas for town reserves), would embrace the 242, 340, and 180 acres, portions for which Mr. Ogilvie's applications are recommended, to be *rejected*.

It will thus be seen that within the 15 miles of the Clarence River, at Tabulam, or the junction of the Timbarra, and 5 miles square at Yates' Flat, the only application recommended by me to be entertained is Major Chauvel's, for 362 acres. The reasons for my recommendation in this case, and which is not a very decisive one, are stated in the letter.

I have also recommended the rejection of Mr. Ogilvie's applications for 165 acres, forming a village reserve in the Clarence River, and on the new road to Tenterfield, and for 543 acres, which lies within 3 miles of Yates' Flat; but if the 15 miles of the Clarence, above referred to, be treated as a reserve, I would recommend a compliance with Mr. Ogilvie's application for the 543 acres.

A. G. McLEAN.

B.C., 2 April, 1860.

P.S.—Under this report, Mr. Ogilvie, who has already purchased 861 acres under pre-emptive right, would be allowed 2,657 acres additional—Major Chauvel would be allowed 320 acres, and possibly 362 acres additional—and the Messrs. Robertson would not be allowed the portion for which they apply.—A. G. M.

I would like to know the area of the run or runs from which it is proposed to purchase, by pre-emptive right, these lands.—JOHN R.

11 April.

The Acting Surveyor General.—M. F.

B.C., 12 April.

Ogilvie's "Yulgilbar" Run contains probably 300 square miles; Chauvel's "Tabulam" Run about 80 square miles; Robertson's "Sandilands" Run about 24 square miles.

The two last are merely the areas stated in the claims to lease, and the first may be more accurate.

A. G. McLEAN,

14 April, 1860.

No. 71.

MINUTES of Secretary and Under Secretary for Lands.

(Chauvel's case.)

Mr. Chauvel may have the 320 acres; but the 362 acres falling within the Reserve at the junction of the Timbarra and Clarence Rivers he cannot have, excepting such of it as he may rightly claim under the Regulations providing for improvements, &c.

Efforts should be made also for the public sale of land in this neighbourhood, including the 362 acres herein alluded to.

JOHN R.

18 April.

For the information and guidance of the Acting Surveyor General.

Blank Cover, 24 April, 1860.

M. F.

To be returned with schedule for approval.

No. 72.

UNDER SECRETARY FOR LANDS to MAJOR CHAUVEL.

(No. 60-356.)

Department of Lands,

Sydney, 24 April, 1860.

SIR,

Referring to your letter of the 30th January last, I am directed to inform you that the Secretary for Lands has approved of your being allowed to purchase (under your pre-emptive right in virtue of your licensed run of Tabulam in the Clarence District), the portion of 320 acres at Tabulam West, containing your improvements.

2. Your claim to purchase the other portion alluded to in your letter under reply, 362 acres at Tabulam East, cannot be admitted, the portion in question falling within the Reserve at the junction of the Timbarra and Clarence Rivers; but any claim that you may have in virtue of improvements to exercise your pre-emptive right over land south of the Reserve will be taken into consideration.

I have, &c.,

M. FITZPATRICK.

No. 73.

MINUTES of Secretary for Lands and Acting Surveyor General.

(Land at West Tabulam.)

MAJOR Chauvel has called upon me about the land that was measured for him, but withheld for farms. I see no objection to subdividing it and submitting it to auction speedily.

JOHN R.

3 May, 1860.

Mr. Greaves is informed that Major Chauvel's pre-emptive purchase application, for which Mr. Greaves made a measurement, is disallowed, and he is requested to measure all the available land in that measurement, and between the Tenterfield Road and the Tabulam and Clarence Rivers, in suitable portions for farms, reporting fully on the value of the portion on which Major Chauvel's improvements may fall, as well as on the value of the improvements.

A. G. McLEAN.

B.C., 8 May, 1860.

No. 74.

MR. SURVEYOR GREAVES to ACTING SURVEYOR GENERAL.

(No. 60-39.)

Survey Office, Grafton,

11 August, 1860.

SIR,

In reference to your blank cover letter of 8th May, No. 60-730, requesting the measurement at West Tabulam of the land at the junction of the Clarence and Timbarra Rivers, and my report upon the value of the portions upon which Major Chauvel's improvements may fall, and also, upon the value of the improvements, I have the honor to report as follows:—

2. Portion No. 22, containing 9 acres and 1 rood, I consider worth £2 per acre (£18 10s.); the improvements consist of shingled hut, worth about £30, and cleared land, £10.

Portion No. 23, containing 24 acres 3 roods and 37 perches, I estimate at £1 10s. per acre (£37 9s. 5½d.); the improvements upon it consist of large stockyard worth £100, and cleared land and old garden, £20.

Part of portions 1, 2, 14, 16, 17, 18, 19, 20, and 21 have been cleared of standing timber and ploughed, not stumped. I consider these portions worth £2 5s. per acre, and the improvements as above stated, nominal price, say £2 per acre. The line of fence as shewn has been destroyed.

Portions 6, 7, 8 and part of 9, 15, 30, 31, 32, 33, 34, are partly clear of timber and appear also to have been ploughed, but of a more ancient date. I question whether they were ever timbered where they are now clear; the three first mentioned portions are worth £2 10s. per acre, the rest £2, value of improvements, nil.

3. There is some portion of fencing upon some of these portions which I have not attached any value to; it is shewn upon the plan thus ~~*****~~

4. I have always entertained serious doubts as to the value of land that has once been under cultivation and abandoned (and perhaps exhausted), although it has at some expense been cleared of timber. I beg to direct your attention to this and suggest that some scale whereby to value such lands at be adopted.

I have, &c.,

W. A. B. GREAVES,

1st Class Surveyor.

Under this report, Major Chauvel may be permitted to purchase under pre-emptive right portions 22 and 23, at an assessed value, which Mr. Greaves will carry out.

A. G. McLEAN.

B.C., 5 Sept., 1860.

No. 75.

ACTING SURVEYOR GENERAL to MR. SURVEYOR GREAVES.

(No. 60-1438.)

*Surveyor General's Office,**Sydney, 29 September, 1860.*

SIR,

With reference to your letter of the 11th ultimo, No. 39, respecting certain improved allotments at Tabulam, to be purchased under pre-emptive right by Major Chauvel, I have now the honor to request that you will take the necessary steps for the assessment of portions 22 and 23, which Major Chauvel will be allowed to purchase.

2. The assessment will be conducted by you, on the part of the Government, and on the part of Major Chauvel, by such person as he may appoint.

I have, &c.,

A. G. McLEAN.

No. 76.

No. 76.

MR. C. G. T. CHAUVEL to SURVEYOR GENERAL AND CHIEF COMMISSIONER OF
CROWN LANDS.

Sydney, 17 July, 1858.

SIR,

I have the honor to request you will have the goodness to obtain the sanction of the Government for my purchasing three hundred and twenty acres (320 acres) of land, under the pre-emptive right, at "Tabulam," on which are erected valuable improvements, the description of which to the best of my knowledge is as follows, viz.: The west to include the house, stockyard, gardens, cultivation paddock, &c., built by Mr. Evans; the southern line to run parallel with the Rocky River, and bounded on the east by the Clarence River.

I have, &c.,

C. G. T. CHAUVEL.

No. 77.

MINUTE of Surveyor General.

THIS application is in right of a licensed run called Tabulam, which was held by Capt. Pike, and it appears that there are two runs called Tabulam, both now held by Major Chauvel, and which should be distinguished as "Tabulam" and "Tabulam West," one being on either side of the Clarence River.

Major Chauvel explained to me, personally, that although he applied for 320 acres, his wish was to embrace all his improvements on the west side of the Clarence River, and which consists of buildings, clearing, stockyard (of great value), and fencing, and that to effect that object he was willing to buy 500 or 600 acres if necessary.

There is a village and small reserve at Tabulam, on the east side of the river, but no extension of the reserve has been made to the west side.

There was some time since a petition or recommendation reported on by Mr. Darke, for a diversion of the Tenterfield and Grafton Road, which would thus leave the existing road some miles to the west of Tabulam, and cross the Clarence far below it.

If this new line be adopted, Tabulam will cease to be a thoroughfare, and there will probably be no object in extending the reserve to the west side of the river, in which case the application may be entertained.

Information respecting the road may be obtained from the L. P. N. Office, and the opinion of Mr. Darke may then be obtained as to the necessity of extending the Tabulam Reserve to the west side of the Clarence River.

A. G. M.

21 Sept., '58.

The attention of Mr. Surveyor Darke is requested to the concluding paragraph of the above memorandum.

GEO. BARNEY,
S. G.

Crown Lands Office,
11 October, 1858.

No. 78.

SURVEYOR GENERAL to MR. SURVEYOR DARKE.

(No. 58-1764.)

Surveyor General's Office,
Sydney 23 November, 1858.

SIR,

I have to request that you will return to me as early as possible Major Chauvel's application to purchase certain lands near Tabulam, on which information was requested.

I have, &c.,

GEO. BARNEY,
S. G.

No. 79.

ASSISTANT SURVEYOR DARKE to SURVEYOR GENERAL.

(No. 59-1.)

Surveyor General's Office,
Sydney, 6 January, 1859.

SIR,

With reference to your B. C. communication of the 11th October, No. 58-1471, directing me to report on Major Chauvel's application to purchase lands under pre-emptive right at Tabulam (West), on the Clarence River.

2. I beg to suggest, that although it is necessary to extend the Tabulam Town Reserve to the western side of the Clarence, yet there can be no objection to Major Chauvel being allowed to purchase the lands as shewn in the enclosed sketch*, edged with pink, the western boundary of which (A B) may either just include the improvements or be determined more to the west to any extent desired. The line C D I consider a necessary arrangement,

* Sketch referred to not obtainable.

arrangement, as the ford on the only road between Tenterfield and the Richmond (Casino) must be secured to the public.

3. My letter of the 23rd November, 1850, transmitting a plan of the Tabulam Reserve, as well as a design for the township—by the former it will be seen that the lands on the western side of the Clarence are included; by the latter that the site marked B is pointed out as being proper for public buildings, &c., respecting which a note on the map invites particular notice.

I have, &c.,
W. WEDGE DARKE,
Asst. Surveyor.

MEMORANDUM.—Since writing the above I have ascertained that the road immediately to the west of Tabulam, leading towards Tenterfield, is not now the same as at the time of my survey in November, 1850. Major Chauvel's views are to purchase, under pre-emptive right, the lands between the present and the original road, to include his improvements, in the manner shown by a blue edging on the sketch now re-transmitted.

This arrangement would not interfere with any reserve required for public convenience, but I would suggest that it will be necessary that the officer employed on the survey should report fully upon the arrangements requisite for securing a sufficient reserve in a position commanding access to the ford, which in this locality has shifted during heavy floods from the falling in of the alluvial bank or from the drift or deposit of shingle.

WM. WEDGE DARKE.

7 February, 1859.

It is obvious that, from the existence of the two roads, the necessity for reservation at the ford, and of the high land to the north of it, *with a convenient communication between them*, this measurement cannot on public grounds be made in accordance with the regulations.

With the within report and sketch by Mr. Darke—with the more complete knowledge of the facts as to improvements, positions of roads, &c., which Mr. Greaves will require when on the spot—he will be able to determine what portion of land and in what form can, without interference with public interests, be sold to Major Chauvel. Mr. Greaves will also learn the wishes of Major Chauvel from his son, Mr. Chauvel, who resides at Tabulam, and will make a survey of the land which, under all circumstances, he may consider that Major Chauvel may be permitted to purchase.

It has been alleged that, besides existing and evident improvements, a considerable extent of the land applied for has been cleared and stumped, and this and the other improvements form a reason for admitting a degree of irregularity in the form of measurement which would not otherwise be allowed.

Referred to Mr. Greaves for report and survey accordingly.

B. C., 59-350.
3 March, 1859.

GEO. BARNEY,
S. G.

No. 80.

MR. SURVEYOR GREAVES to ACTING SURVEYOR GENERAL.

(No. 60-1.)

Grafton, 5 January, 1860.

SIR,

Appendix Hg

In reference to your B. C. letter of the 3rd March, 1859, No. 59-350 (herewith returned), I have the honor to forward herewith a plan of 362 acres applied for by Major Chauvel as a pre-emptive purchase, in virtue of his licensed run of Tabulam, in the Clarence District.

2. The position of the New England road, and necessity of reserving at the ford a sufficient access for the public. This survey is not in accordance with the regulations, but under the circumstances it may be allowed.

3. The land is partly subject to inundation.

4. The improvements consist of clearing, fencing, and ploughing; a stockyard and hut, the other more valuable improvements having been removed.

I have, &c.,
W. A. B. GREAVES,
1st Class Surveyor.

No. 81.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to SURVEYOR GENERAL.

(No. 634.)

Department of Lands and Public Works,
Sydney, 31 October, 1857.

SIR,

In transmitting to you the accompanying communication from Mr. F. King, J.P., Tenterfield, covering a report from Mr. J. B. Yates on the subject of the improvement of the line of road from that place to Grafton, I am directed to request that you will have the goodness, before the alteration of the road therein suggested is approved, to furnish a report to this office on the subject.

I have, &c.,
MICHL. FITZPATRICK.

No. 82.

No. 82.

SURVEYOR GENERAL to SECRETARY FOR LANDS AND PUBLIC WORKS.

Surveyor General's Office,

Sydney, 5 February, 1858.

SIR,

In returning the papers transmitted in your letter of the 31st October last, No. 634, I have the honor to forward for submission to the Honorable the Secretary for Lands and Public Works, a report which has been furnished by Mr. Surveyor Darke, in reference to the road from Tenterfield to Grafton.

I have, &c.,

GEO. BARNEY.

S. G.

[Enclosure in No. 82.]

(No. 57-32.)

Sydney, 5 December, 1857.

Sir,

In attention to your letter of the 13th ultimo, No. 1420, enclosing communications from F. King, Esq., J.P., and Mr. J. B. Yates, relative to a proposed new line of road from Tenterfield to Grafton, or improvements in the line now in use, and desiring me to report on the subject, I beg to state, that during my surveys in the locality referred to, I formed a strong opinion that a much better and shorter road could be found than the objectionable track then and still in use, which is so bad that any outlay in such improvements, as may be practicable in some few places would be injudicious, until the question of the possibility of opening a better shall have been determined.

I cannot offer remarks on the line proposed by Mr. Yates, as I am unacquainted with the names he applies to the localities westward of the Clarence, in the country of the Rocky River. Nor am I guided by any mention in his report of the approximate points at which he proposes to cross these streams.

I enclose a tracing from a reduction of my surveys, showing the general direction that appeared to me to be practicable, of which the only part (from B to C) requires examination.

From Grafton to B, the line may be at once used without any outlay, with consideration,—the "Coal Ridge" at A, presenting no obstacle;—this point (where I have left marked trees) is shewn on my maps deposited in your office.

From Tenterfield towards Grafton, the route I suggest would follow the Bolivia Road, about four miles, then take a general direction east by south, four miles to a very favourable part of the Great Dividing Range, which may perhaps with advantage be traversed about a mile southerly, and crossed almost imperceptibly at C, which point is laid down on my map of the locality.

My reason for supposing that the country between C and B is most likely to admit of a practicable road is, from having observed from the summits of the Great Dividing Range south of C, that the features easterly appear less rugged and broken than in any other part of this mountain track, and after gaining the watershed eastward of the Rocky River, the road to the Ford at B ("Ogilvie's Horse-shoe Bend") would follow leading features parallel with tributaries of the Clarence.

I have, &c.,

WM. WEDGE DARKE,

Asst. Sur.

The Honorable the Secretary for
Lands and Public Works.

No. 83.

MR. FREDERIC KING to SECRETARY FOR LANDS AND PUBLIC WORKS.

Tenterfield, 7 April, 1858.

SIR,

I do myself the honor to inform you that the funds at the disposal of the Trustees of the Grafton and Tenterfield Road are nearly expended, and I wish to be informed if the balance at the A. J. Stock Bank can be replenished, so as to prevent the breaking up of the party now at work on the road, under the able superintendence of Mr. J. B. Yates.

Great expense will necessarily be incurred in re-organizing a party at any future period. Mr. J. B. Yates is an experienced and skilful officer, and is making great improvements in the road.

I have, &c.,

FREDERIC KING,

Road Trustee.

No. 84.

CHIEF COMMISSIONER OF CROWN LANDS to UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

(No. 58-348.)

Crown Lands Office,

Sydney, 28 September, 1858.

SIR,

With reference to my letter of the 5th February last, No. 58-34,* respecting proposed road from Tenterfield to Grafton, I have the honor to request that I may be informed whether any decision has been arrived at; Major Chauvel having applied to purchase a portion of his licensed run, near Tabulam, the dealing with which will materially depend upon the decision referred to.

I have, &c.,

GEO. BARNEY,

S. G.

* No decision has been arrived at apparently on the letter herein alluded to. See 58-344, with Report thereon; see also 58-1155. It appears that the proportion of the money authorized for roads has been expended on the track or road at present in use from Tenterfield to Grafton.

No. 85.

MEMO. of Secretary for Lands and Public Works.

I do not exactly gather in what point the Surveyor General expects or requires a decision. The letter which he quotes contains no proposal of any kind; nor is there any specific proposal in the enclosure to it, namely, Mr. Darke's Report.

The Chief Secretary (then acting for the Minister for Lands and Public Works) appears to have regarded the Surveyor General's letter of the 5th Feb., 1858, as submitted for information only.

9 October, 1858.

The Surveyor General should inform me more particularly.

B. C. 13 October.

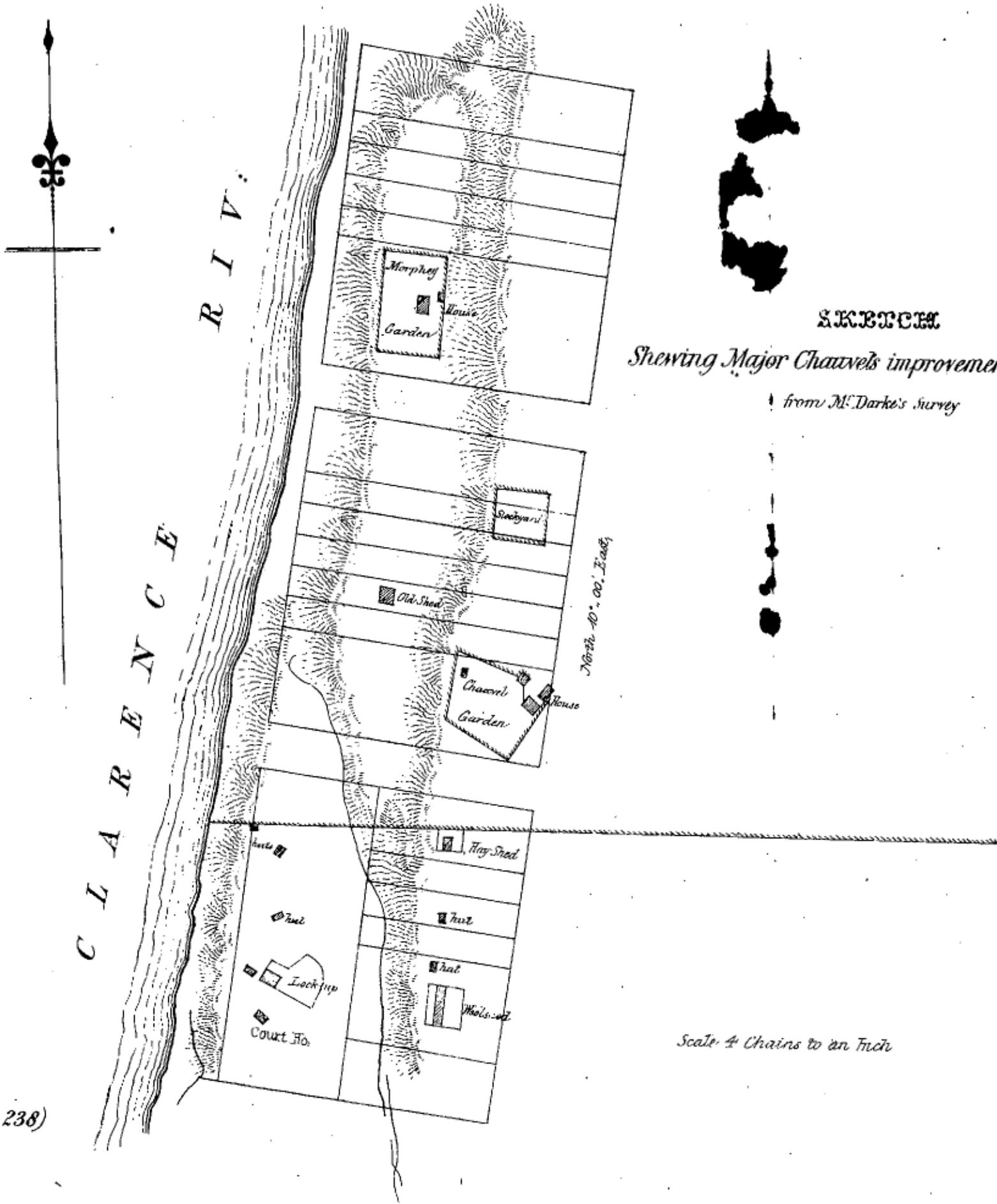
Appd.,—JOHN R.
12 October.

No. 86.

A RETURN of the different Reserves within the Clarence District, specifying by whom recommended, and the dates when they were respectively made and proclaimed.

RESERVE.		PROCLAIMED.
No. 1.—Casino, 9½ square miles	} Recommended by the Surveyor General on the Report of Mr. Surveyor Darke and Mr. Surveyor Peppercorne.	17th August, 1858.
No. 2.—Lismore, 2 square miles		Do.
No. 3.—Codrington, 27 square miles		Do.
No. 4.—Lower Lismore, 12 square miles		Do.
No. 5.—Cooper's Creek, 2½ square miles		Do.
No. 6.—Leycester's Creek, 2 square miles		Do.
No. 7.—The Plains, 9 square miles		Do.
No. 8.—Upper Richmond, 4½ square miles		Do.
No. 9.—Fairy Mount, 8 square miles		Do.
No. 10.—Strath Eden, 2½ square miles		Do.
No. 11.—Eden Creek, 4 square miles		Do.
No. 12.—Pelican Tree, 11 square miles		Do.
No. 13.—Rocky Mouth Creek, 1½ square miles		Do.
No. 14.—South Richmond Arm, 2 square miles		Do.
No. 15.—Bungawaulbin, 13 square miles		Do.
No. 16.—Upper Bungawaulbin, 1½ square miles		Do.
No. 17.—Deep Creek, 3 square miles		Do.
No. 18.—On the road from Grafton to Casino, 1 square mile		Do.
No. 19.—Myrtle Creek, 1 square mile		Do.
No. 20.—On the road from Grafton to Casino, 1 square mile		Do.
No. 21.—Camira, 2½ square miles		Do.
No. 22.—Sandy Creek, 1 square mile		Do.

APPENDIX A,



SKETCH

Shewing Major Chavvels improvements & Tabulam,
from M^r. Darke's Survey

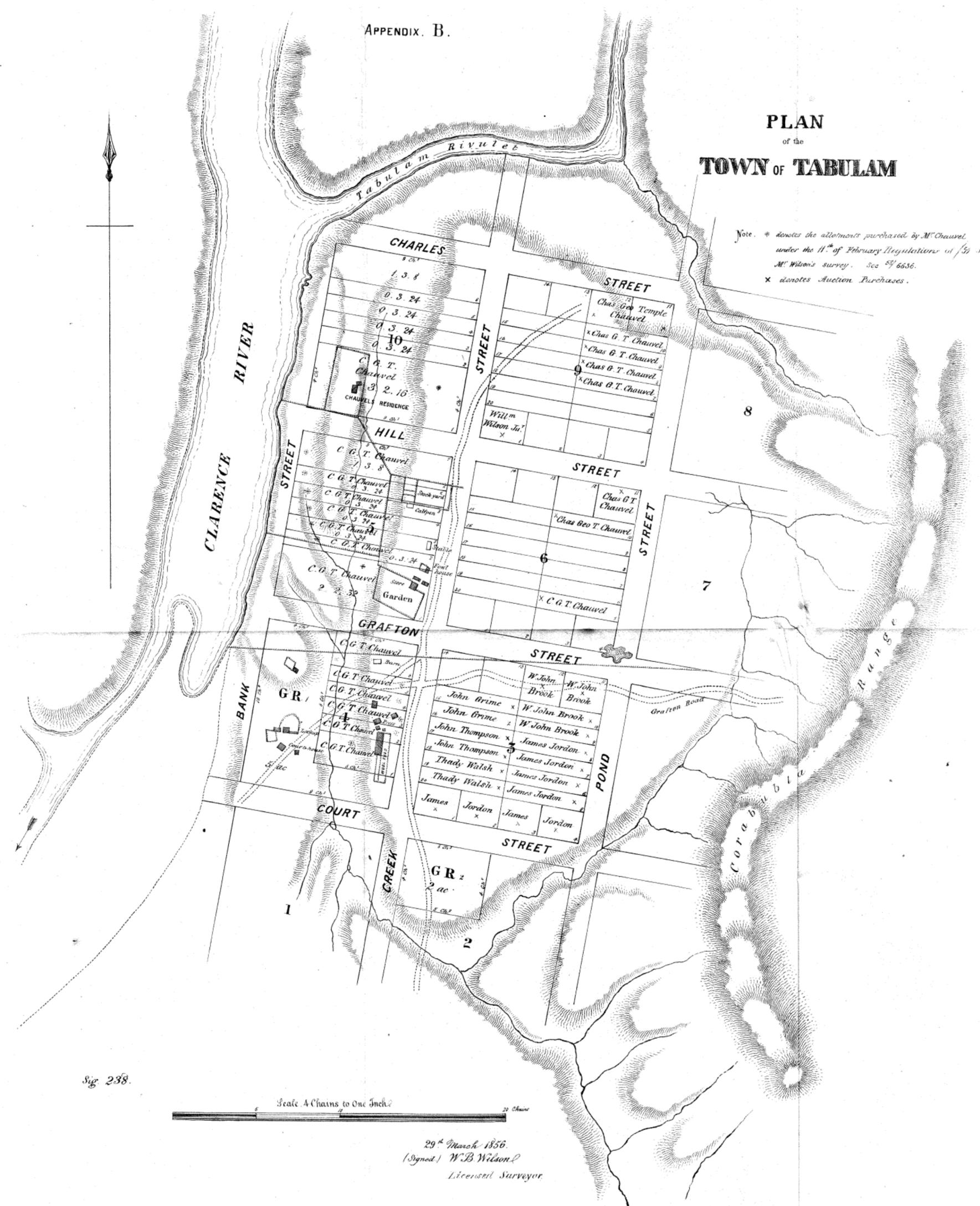
Traced

Scale 4 Chains to an Inch

(Sig 238)

PLAN
of the
TOWN OF TABULAM

Note. * denotes the allotments purchased by Mr Chauvel
under the 11th of February Regulations of 1850 under
Mr Wilson's survey. See 5th 6636.
x denotes Auction Purchases.



Sig 238.

Scale 4 Chains to One Inch

29th March 1856.
(Signed) W. B. Wilson
Licensed Surveyor.

DESIGN
FOR THE
TOWN OF TABULAM
COUNTY OF RICHMOND.

1856.

Laid before the Ex. Council
30th June 1856. Min No 50/34
Signed. M. FitzPatrick
Clerk of the Council



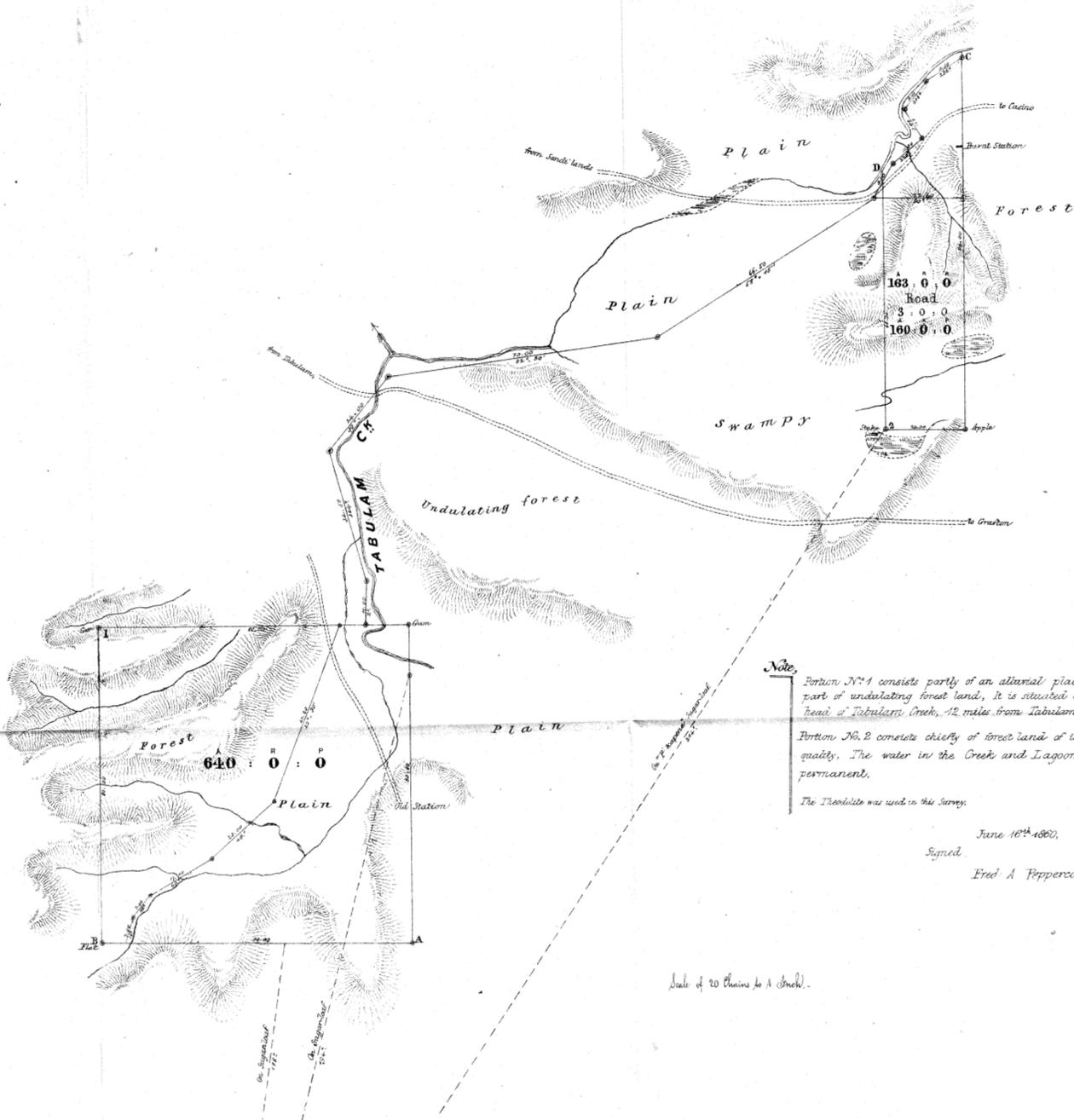
APPENDIX E.

Clarence District.

PLAN
of Two measured portions applied for as
a pre-emptive purchase by M^r C. G. T
Chauvel in right of his licensed Run
near Tabulam (east)
County of Richmond,
N. S. W.

REFERENCE.

Corner	Bearing	Dist	Links
A	S. 45° E	Gum	25
B	East	Gum	40
C	E 45° N.	Apple	40
D	South	Apple	100



Note.
Portion No. 1 consists partly of an alluvial plain, and
part of undulating forest land. It is situated at the
head of Tabulam Creek, 12 miles from Tabulam.
Portion No. 2 consists chiefly of forest land of indifferent
quality. The water in the Creek and Lagoons is
permanent.
The Theodolite was used in this Survey.

June 10th 1860,
Signed
Fred A Peppercome

(Sig 238)

APPENDIX C

PLAN
Showing position of 320ac at
Coonbunk near Tabulam
PARISH of TABULAM, COUNTY of RICHMOND

Applied for to purchase by Major Chauvel
under Preemptive right in virtue of his licensed
Run Tabulam.



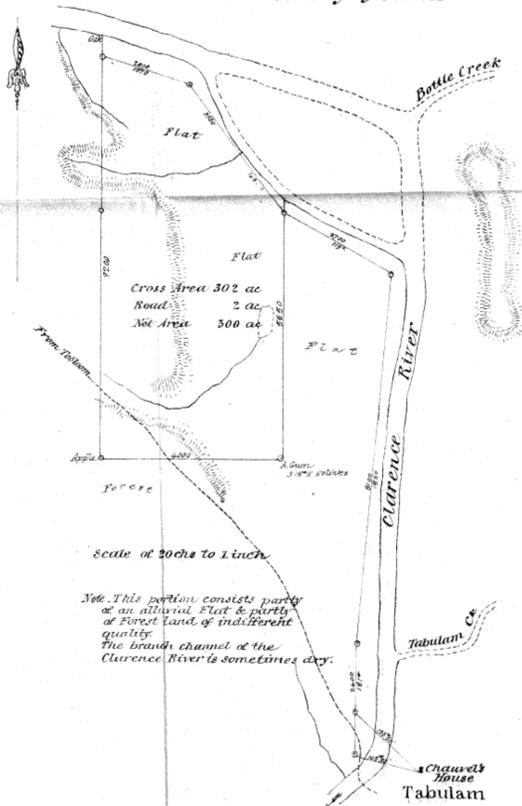
Sig 238

(Sig) W.A.B.G
6th March 1862

APPENDIX F

Clarence District

Plan of a measured portion
applied for as a Preemptive Purchase
by M^r C. G. T Chauvel
in right of his licensed run near Tabulam
County of Buller



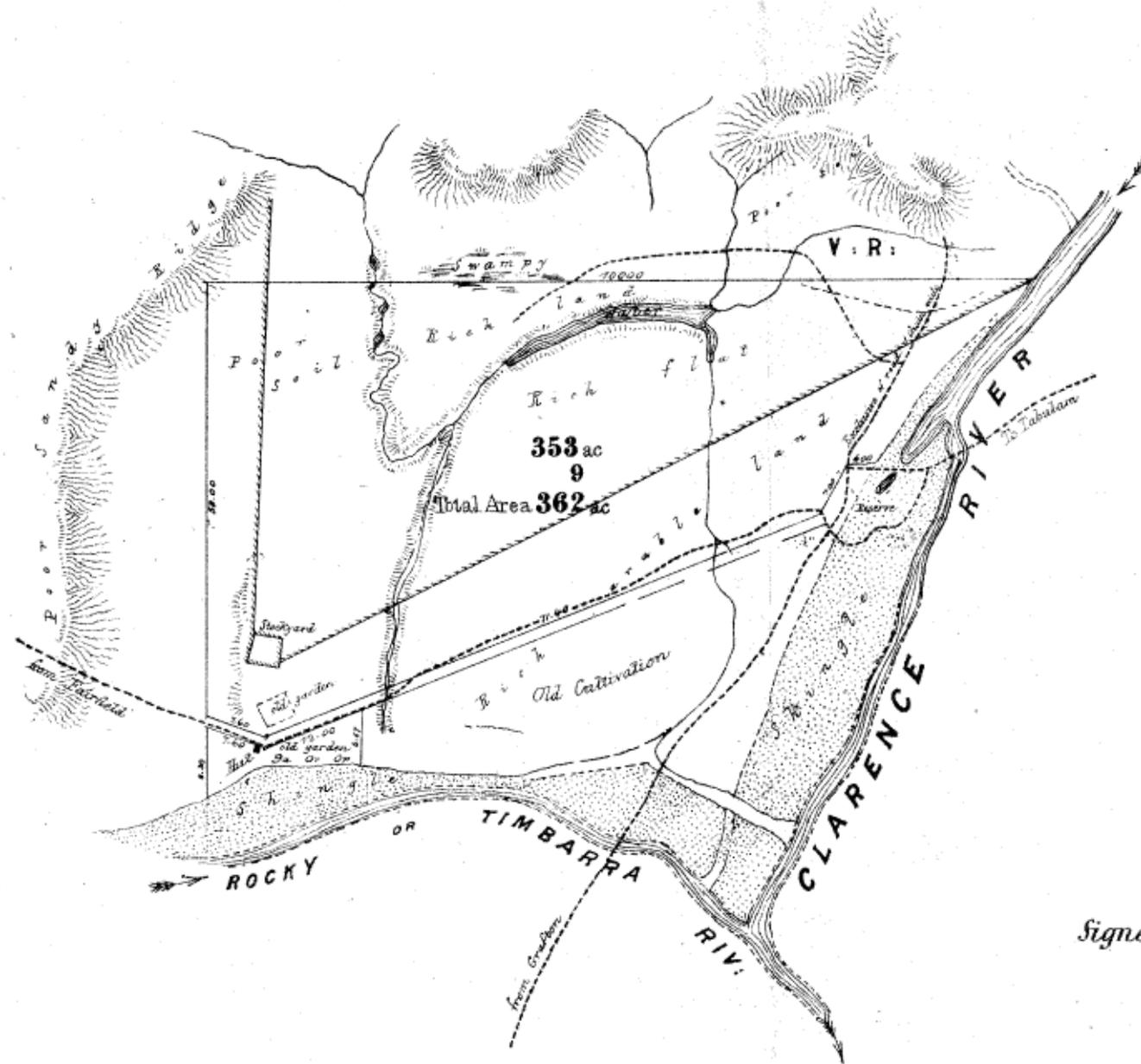
Scale of 20chs to 1 inch

Note. This portion consists partly
of an alluvial flat & partly
of forest land of indifferent
quality.
The branch channel of the
Clarence River is sometimes dry.

Sig 238

(Sig) F.S. Peppercome of 20th June/60

APPENDIX H.



PLAN

Shewing position of 362 ac. at Tabulam
Co, of Drake Parish of

Applied for to Purchase under pre-emptive right by
Major Chauvel in virtue of his licensed Run of Tabulam
Clarence District,

Note. This land has been subdivided;

Signed,
W, A, B, Greaves,
5th January 60/1,

Scale 20 Chains to 1 Inch



(Sig 238)

1861.

Legislative Assembly.

NEW SOUTH WALES.

STATE AND MANAGEMENT OF THE SYDNEY DOMAIN.

REPORT FROM THE SELECT COMMITTEE

ON THE

STATE AND MANAGEMENT OF THE
SYDNEY DOMAIN;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
26 April, 1861.

SYDNEY:
THOMAS RICHARDS, GOVERNMENT PRINTER,
PHILLIP-STREET.

1861.

CONTENTS.

	PAGE.
Extracts from the Votes and Proceedings	3
Report	5
Proceedings of the Committee	6
List of Witnesses	9
List of Appendix	9
Minutes of Evidence	11
Plan	49

1861.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES, No. 23. TUESDAY, 19 FEBRUARY, 1861.

9. State and Management of the Sydney Domain :—Mr. Daniel moved, pursuant to *amended* notice,—
- (1.) That a Select Committee be appointed to inquire into, and report on, the present state and management of the Sydney Domain; more particularly as to the recent fencing off of a portion of the ground by a permanent fence.
- (2.) That such Committee consist of Messrs. Parkes, Lackey, Dalgleish, Wilson, Windeyer, Shepherd, Egan, Sutherland, Dick, and the Mover.
- Debate ensued.
- And Mr. Robertson requiring that the said Committee be appointed by Ballot,—
- Question (1.)—That a Select Committee be appointed to inquire into, and report on, the present state and management of the Sydney Domain; more particularly as to the recent fencing off of a portion of the ground by a permanent fence,—put and passed.
- Whereupon the House proceeded to the Ballot, and the Speaker declared the following Members to be, with the Mover, the Committee duly appointed :—Mr. Dick, Mr. Hay, Mr. Robertson,* Mr. Egan, Mr. Lackey, Mr. Parkes, Mr. Windeyer, Mr. Wilson, and Mr. Driver.

* Seat declared vacant, 28 March, 1861.

VOTES, No. 55. WEDNESDAY, 17 APRIL, 1861.

5. Member of Legislative Council as Witness :—Mr. Daniel moved, That the following Message be carried to the Legislative Council :—
- MR. PRESIDENT,
- The Legislative Assembly having appointed a Select Committee "to inquire into and report on the present State and Management of the Sydney Domain," and that Committee being desirous to examine the Honorable John Fletcher Hargrave, Esquire, Member of the Legislative Council, in reference thereto, requests that the Legislative Council will give leave to its said Member to attend accordingly, on such day and days as shall be arranged between him and the said Committee.
- Legislative Assembly Chamber,*
Sydney, 18th April, 1861, A.M.
- Speaker.

VOTES, No. 56. SATURDAY, 20 APRIL, 1861, A.M.

23. Member of Legislative Council as Witness :—The Speaker reported that the following Message had been received from the Legislative Council :—
- MR. SPEAKER,
- In answer to the Message from the Legislative Assembly, dated the 18th instant, requesting leave for the Honorable John Fletcher Hargrave, a Member of the Legislative Council, to attend and be examined before a Select Committee of the Legislative Assembly, appointed "to inquire into and report on the present state and management of the Sydney Domain," the Council acquaints the Assembly that leave has been granted to its said Member to attend and be examined by the said Committee, if he think fit.
- Legislative Council Chamber,*
Sydney, 19th April, 1861.
- W. W. BURTON,
President.

VOTES, No. 59. FRIDAY, 26 APRIL, 1861, A.M.

10. State and Management of the Sydney Domain :—Mr. Daniel, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee, for whose consideration and report the State and Management of the Sydney Domain was referred on the 19th February last.
- Ordered to be printed.

1861.

STATE AND MANAGEMENT OF THE SYDNEY DOMAIN.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly appointed on the 19th February last, "to inquire into and report on the present State and Management of the Sydney Domain; more particularly as to the recent fencing off of a portion of the ground by a permanent fence,"—have agreed to the following Report:—

Your Committee having examined sixteen witnesses, and considered the documents produced before them, find that the evidence goes clearly to shew that the present permanent fence ought to be removed, as it not only interferes with the right of the public to the free use of the Domain, but is also unsightly and unnecessary.

2. While your Committee have every wish to encourage, in every legitimate way, the manly game of cricket, still they are decidedly of opinion that the right of the general public to the free and uninterrupted use of the Domain for recreation and exercise should not be interfered with.

3. It has also been shewn to your Committee that the Corporation fence surrounding the public baths wholly interrupts the view of pedestrians, and ought, therefore, to be moved lower down the hill.

4. Your Committee also consider it very desirable, in order to prevent further disputes, that the Domain should be granted to a trustee or trustees for the benefit of the public, exclusively for the purposes of recreation and exercise, and that the said trustee or trustees be required to frame and make public by-laws and regulations for the proper management of the Domain—such by-laws and regulations to be subject to the approval of the Executive Council.

Your Committee therefore respectfully recommend:—

- 1st. That the present permanent fence erected in the Domain, enclosing a portion thereof for the purpose of playing the the game of cricket, be immediately removed.
- 2nd. That the Corporation fence enclosing the public baths be moved lower down the hill, and,—
- 3rd. That the lands known as the Sydney Domain be, by deed, granted to the public for recreation and exercise.

S. B. DANIEL,
Chairman.

Legislative Assembly Chamber,
Sydney, 24 April, 1861.

PROCEEDINGS OF THE COMMITTEE.

 WEDNESDAY, 20 FEBRUARY, 1861.

MEMBERS PRESENT:—

Mr. Daniel,	|	Mr. Lackey,
Mr. Driver,		Mr. Parkes,
Mr. Egan,		Mr. Wilson.

On motion of Mr. Parkes, S. B. Daniel, Esq., called to the Chair.

Votes, No. 23, 19th instant, entry 9,—appointing inquiry into the present state and management of the Sydney Domain,—before Committee.

Committee deliberating on course of procedure,—

Resolved:—That the Honorable J. Robertson, Mr. Moore, and Mr. Sutherland, M.P. be examined at the next meeting.[Adjourned till Tuesday, 26th instant, at *Eleven o'clock*.]

 TUESDAY, 26 FEBRUARY, 1861.

MEMBERS PRESENT:—

S. B. Daniel, Esq., in the Chair.

Mr. Lackey,	|	Mr. Wilson,
Mr. Robertson,		Mr. Windeyer.

The Honorable J. Robertson, Esq., M.P., *Secretary for Lands*, a Member of the Committee, examined in his place.C. Moore, Esq., *Director of the Botanic Gardens*, called in and examined.

And a Question being put, including in its terms the Botanic Gardens—

The same excepted to, as extending the inquiry beyond that referred by the House.

Witness requested to retire—retiring accordingly.

Committee deliberated.

Motion made and *Question put*,—That the proposed inquiry is within the province of this Committee.

Committee divided.

Ayes, 3.	|	Noes, 3.
Mr. Dick,		Mr. Driver,
Mr. Wilson,		Mr. Egan,
Mr. Windeyer.		Mr. Lackey.

And the Chairman then declaring with the Noes,

Motion negatived.

Witness again introduced, and examination concluded.

Witness withdrew.

J. Sutherland, Esq., M.P., examined.

Committee deliberated respecting witnesses to be summoned at the next sitting.

[Adjourned till Friday, 1 March, at *half-past Ten o'clock*.]

 FRIDAY, 1 MARCH, 1861.

MEMBERS PRESENT:—

S. B. Daniel, Esq., in the Chair.

Mr. Driver,	|	Mr. Lackey,
		Mr. Wilson.

J. M'Lerie, Esq., *Inspector General of Police*, called in and examined.

Witness withdrew.

Mr. G. Kemp, *Bailiff, Government Domain, &c.*, called in and examined.

Witness withdrew.

Mr. D. Wilson, *General Overseer, Government Domain, &c.*, called in and examined.G. J. Shoosmith, Esq., a witness summoned *this day*, not in attendance (Subsequently attended, but too late, having misread the hour of summons).

Committee deliberated, settling the names of further witnesses.

[Adjourned till Wednesday, 6th instant, at *Eleven o'clock*.]

 WEDNESDAY,

WEDNESDAY, 6 MARCH, 1861.

MEMBERS PRESENT :—

Mr. Dick,	|	Mr. Lackey,
Mr. Egan,	|	Mr. Parkes,
Mr. Hay,	|	Mr. Wilson.

In the absence of Mr. Daniel, J. B. Wilson, Esq., called to the Chair, *pro tempore*.

R. Jones, Esq., called in and examined.

Witness withdrew.

E. W. Ward, Esq., Captain, R.E., *Deputy Master Branch Royal Mint*, called in and examined.

Witness withdrew.

Mr. W. Tunks, called in and examined.

Witness withdrew.

Adverting to the Resolution agreed to, 26th February last, Committee deliberated, touching the expediency of moving the House for power to extend the inquiry, so as to include the state and management of the Botanic Gardens.

Deliberation further, relative to the ordinary tenure, in this Colony, of public domains and local reserves, and the importance of the extent and tenure of the Sydney Domain being duly ascertained and secured,—

The Under Secretary for Lands and the Acting Surveyor General to be summoned at the next sitting, the latter being advised of his examination in particular, viz. :—The present extent and boundaries of the Sydney Domain, and other lands reserved for the use of the public, within the City of Sydney.

[Adjourned till Tuesday, 12th instant, at *Eleven o'clock*.]

TUESDAY, 12 MARCH, 1861.

MEMBERS PRESENT :—

None.

A quorum of Members not being present, the meeting, convened for this day, *lapsed*.
Witnesses in attendance.

THURSDAY, 28 MARCH, 1861.

MEMBERS PRESENT :—

S. B. Daniel, Esq., in the Chair.

Mr. Driver,	|	Mr. Wilson,
Mr. Lackey,	|	Mr. Windeyer.

Committee met pursuant to summons.

A. G. McLean, Esq., *Acting Surveyor General*, called in and examined.

Witness to furnish a plan, shewing the present boundaries of the Domain, as described in the evidence. (*Follows, page —.*)

Witness withdrew.

M. Fitzpatrick, Esq., *Under Secretary for Lands*, called in and examined.

Witness withdrew.

Captain W. Harbottle, *Volunteer Rifles*, called in and examined.

Witness withdrew.

Sergeant-Major T. Baynes, *Volunteer Rifles*, called in and examined.

Witness, by leave of Committee, temporarily retired to view the fence around the Domain Cricket Ground, and having returned,—

After further examination, withdrew.

Committee deliberated upon the taking of additional evidence.

[Adjourned till Wednesday, 3rd April, at *Eleven o'clock*.]

WEDNESDAY, 3 APRIL, 1861.

MEMBERS PRESENT :—

None.

In the absence of a quorum of the Committee, the meeting, called for *this* day, *lapsed*.
Witnesses not in attendance.

TUESDAY, 9 APRIL, 1861.

MEMBERS PRESENT :—

S. B. Daniel, Esq., in the Chair.

Mr. Driver,	|	Mr. Parkes,
	|	Mr. Wilson.

Committee met pursuant to summons.

The Reverend J. H. A. Curtis, O.S.B., *St. Mary's, Lyndhurst*, called in and examined.

Witness

Witness withdrew.

J. M. Illidge, Esq., called in and examined.

Witness withdrew.

The Rev. Mr. Cuthbertson and Dr. Graham, *Health Officer for the City*, witnesses summoned *this* day, not in attendance (The latter attending the day following, having so understood the day of summons).

Mr. Driver, M.P., to have been examined to-day, not examined.

Committee deliberated, suggesting the matter of proposed Report.

[Adjourned till Friday, 12th instant, at *Eleven* o'clock.]

FRIDAY, 12 APRIL, 1861.

MEMBERS PRESENT:—

Mr. Daniel, | Mr. Wilson.

A Quorum of the Committee not being present, the meeting convened for *this* day, lapsed.

[To be called again for Wednesday, 17th instant, at *Eleven* o'clock.]

WEDNESDAY, 17 APRIL, 1861.

MEMBERS PRESENT:—

S. B. Daniel, Esquire, in the Chair.

Mr. Egan, | Mr. Parkes,
Mr. Wilson.

Committee met pursuant to summons, for consideration of Draft Report.

Proposed heads of Report submitted by the Chairman.

Committee deliberated,—

And requiring the Evidence of the Attorney General (Mr. Hargrave),—

The Chairman to move in the House the usual Message, requesting leave for the attendance of a Member of the Legislative Council.

[Adjourned till Tuesday, 23rd instant, at *Twelve* o'clock.]

TUESDAY, 23 APRIL, 1861.

MEMBERS PRESENT:—

S. B. Daniel, Esquire, in the Chair.

Mr. Egan, | Mr. Wilson,
Mr. Windeyer.

The Honorable J. F. Hargrave, Esq., M.L.C., *Attorney General*, attending by permission of the Legislative Council, examined.

Witness requested to retire.

Committee deliberated, in regard to the witness being unprepared to afford his opinion as Attorney General, upon the legal position of the Sydney Domain; the Chairman's letter, inviting the attendance of Mr. Hargrave, having intimated this particular subject of inquiry.—

It was Resolved,—

That the witness be re-introduced.

Whereupon Mr. Hargrave being returned,—

Committee concluded the examination.

Witness withdrew.

Committee proceeded to deliberate on Report.

Chairman's draft, and that of Mr. Wilson respectively, read and considered.

Consideration of final draft of Report postponed until to-morrow, with view to a further attendance of Members of the Committee.

[Adjourned till to-morrow, 24th instant, at *Twelve* o'clock.]

WEDNESDAY, 24 APRIL, 1861.

MEMBERS PRESENT:—

S. B. Daniel, Esq., in the Chair.

Mr. Parkes, | Mr. Wilson,
Mr. Windeyer.

Committee having met,—

Final Draft of Report read.

Committee deliberated.

Motion made (*Mr. Wilson*) and *Question*—That the Draft now read be the Report of this Committee—*agreed to*.

Chairman requested to report to the House.

LIST OF WITNESSES.

<i>Tuesday, 26 February, 1861.</i>		PAGE.
The Honorable J. Robertson, Esq., M.P., <i>Secretary for Lands</i>	.. .. .	11
C. Moore, Esq., <i>Director, Botanic Gardens</i>	.. .. .	17
J. Sutherland, Esq., M.P., <i>Mayor of Sydney</i>	.. .. .	24
<i>Friday, 1 March, 1861.</i>		
J. M'Leoric, Esq., <i>Inspector General of Police</i>	.. .. .	25
Mr. G. Kemp, <i>Bailiff, Government Domain, &c.</i>	.. .. .	27
Mr. D. Wilson, <i>General Overseer, Government Domain, &c.</i>	.. .. .	30
<i>Wednesday, 6 March, 1861.</i>		
R. Jones, Esq.	.. .. .	31
E. W. Ward, Esq., Capt., R.E., <i>Deputy Master, Branch Royal Mint</i>	.. .. .	32
Mr. W. Tunks	.. .. .	35
<i>Thursday, 28 March, 1861.</i>		
A. G. M'Lean, Esq., <i>Acting Surveyor General</i>	.. .. .	38
M. Fitzpatrick, Esq., <i>Under Secretary for Lands</i>	.. .. .	39
Capt. W. Harbottle, <i>Volunteer Rifles</i>	.. .. .	41
Sergt. Major T. Baynes, <i>Volunteer Rifles</i>	.. .. .	42
<i>Tuesday, 9 April, 1861.</i>		
Rev. J. H. A. Curtis, O.S.B.	.. .. .	43
Mr. J. M. Illidge	.. .. .	45
<i>Tuesday, 23 April, 1861.</i>		
The Honorable J. F. Hargrave, Esq., M.L.C., <i>Attorney General</i>	.. .. .	47

LIST OF APPENDIX.

(To Evidence given by the Honorable J. Robertson, Esq., M.P., 26 February, 1861.)

A.		
Deputy Master of the Mint to the Under Secretary for Lands (and Public Works). 25 January, 1861	.. .. .	16
B.		
J. M'Donnell to the Honorable the Secretary for Lands and Works. 1 March, 1859	.. .. .	16
C.		
Proceedings of the Executive Council, on the 15th December, 1856, with respect to an application for a Cricket Ground	.. .. .	16

(To Evidence given by C. Moore, Esq., 26 February, 1861.)

A.		
M. Fitzpatrick to Director of the Botanic Gardens. 20 January, 1857.	.. .. .	22
B.		
M. Fitzpatrick to Lieut. Colonel Barney, R.E. 20 January, 1857	.. .. .	22
C.		
M. Fitzpatrick to Surveyor General. 20 January, 1857	.. .. .	23
D.		
M. Fitzpatrick to Director of the Botanic Gardens. 9 March, 1857	.. .. .	23
[Enclosure.]		
Regulations for the Management of the Cricket Ground in the Outer Domain	.. .. .	23
E.		
List of Horses and Cattle in the Outer Domain. Furnished March, 1861	.. .. .	23

(To Evidence given by A. G. M'Lean, Esq., 28 March, 1861.)

Plan shewing the present extent and boundaries of the Sydney Domain..	49
---	---------	----

1861.

Legislative Assembly.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

SYDNEY DOMAIN.

TUESDAY, 26 FEBRUARY, 1861.

Present:—

MR. DANIEL,	|	MR. DRIVER,
MR. WINDEYER,	|	MR. PARKES,
MR. WILSON,	|	MR. EGAN,
MR. LACKEY,	|	MR. DICK,
MR. ROBERTSON.		

SILVANUS B. DANIEL, ESQ., IN THE CHAIR.

The Honorable John Robertson, M.P., examined, in his place:—

1. *By the Chairman*: You are Minister for Lands? Yes; and in that capacity I have charge and control of the Domain and the Botanic Gardens.
2. Who exercises control over lands in and about the city dedicated to public uses? That would depend upon whether they are lands which have been handed over to the Corporation or whether they are lands still under the control of the Government. If they are under the control of the Government then they are under my control; but if they have been handed over to the Corporation then they are under the control of the Mayor and Corporation, and their officers.
3. Is there any properly constituted authority over such lands; and if so, will you please to state the particulars? I should think the proper constituted authority is the Minister for Lands, a member of the Government, and responsible to Parliament for his position. I am the authority on behalf of the Government. There are Boards, and Committees, and Trusts appointed under me, but they are in all cases liable to removal; as, for instance, the Hyde Park Trust and the Wynyard-square Trust.
4. Have any applications been made to you in reference to the Domain, for the right of ingress or egress? Yes, such applications have been made.
5. Will you please to state them? Perhaps it would save time if I were to state this matter. I will tell you pretty much how it stands, and you can ask for anything you want to fill up the narrative. You will thus get at the end you desire in a speedier way. The Botanic Gardens and the Domain are under my control, and I have under me a director (Mr. Charles Moore) who carries out instructions. Besides this there is a committee of gentlemen, who were appointed in 1856, consisting of Captain Ward, the Director of the Gardens, three cricketers—chosen, I think, annually—and some other officer of the Government. To these gentlemen a portion of the Domain was handed over at that time for the purpose of cricket matches. They were permitted certain privileges in the management and upholding of the land, but they were liable to instant removal, and the land to instant resumption, without notice on the part of the Government, at any time. Their position in that regard has never been changed. They are still liable to instant removal. They applied to me some months ago,

The Hon.
J. Robertson,
M.P.
26 Feb., 1861.

The Hon.
J. Robertson,
M.P.
26 Feb., 1861.

ago, asking me to permit them to fence in the whole of the land with a permanent fence, to extend along the edge of the old road, running south from Sir Richard Bourke's statue, along that road running south and east, and to run back north to the fenced enclosure of trees, in a line with the present fence. I do not mean to say that the place where the fence is erected is where they asked to put it—it is not. I declined to permit any fencing to be put near the road, in order that, at these cricketing exhibitions, there might be room for a large number of people on the grass, where they might stand comfortably—something like free seats in a church; but while I desired that these people might have a free chance all round the area, I yet thought that the cricketers might be able to raise money to keep up the game by erecting a fence, and allowing other persons to go inside it for payment. At that time I was not quite sure whether even this ought to be permitted, and I caused a letter to be written saying that I thought it had better not, especially as it was desired to erect a pavilion, which would have been a permanent building. I thought that, while there was not so much objection—(although I did object to it)—to the erection of a fence which might be removed at little cost, the erection of a handsome pavilion was a very different thing, and that if it were erected we should not be able to get rid of it, should we desire to do so. I thought if we permitted this it would be a substantial dedication to cricketing. I objected to the fence, but I took a greater objection to the pavilion, and I gave instructions that it should not be erected. The cricketers then made interest in another way. They represented that while the cricketers of Melbourne had great privileges—that while they had grants of land, which they were permitted to fence in, in eight or nine cases, the Government here were doing nothing for them. I said, "We are willing to give you a piece of ground to yourselves—we will make you a grant of a piece of land on the Water Reserve." It must be known that cricketing would not hurt the Water Reserve. I still saw the difficulty captious people might raise—(for I think it impossible that any but captious people could object to what has been done)—and, therefore, I offered them land on the Water Reserve; but they said it was too far from the city—that it would crush the game—that they would not be able to get people to attend—and that it would be a complete smash to the whole concern. I said, "Well, put your views on paper, and I will see what I can do." They then wrote me a letter upon the subject. (*Vide Appendix A.*) I told them to say what they wanted, and to send in plans and specifications, and that I would see about the matter. They said that they might be able to carry out the match with success, in a pecuniary point of view, if they were allowed to put up a permanent side fence. When I say "permanent" I mean fixed. There was no other permanency in the matter, because, by order of the Secretary for Lands, the fence at any time could be taken down in ten minutes, without any breach of the bargain. That is why I take exception to the use of the word permanent, as applied to this fence. There were two fixed fences along the sides, with a shifting fence at the southern end. Those fences have been erected. Captain Ward, who saw me on behalf of the cricketers, told me that they would provide suitable turnstiles, so that there would be no inconvenience to the public in passing through, but that, on the contrary, the fence would be a protection to ladies and children, from cattle, carriages, and people on horseback. It seemed to me, therefore, that there was not much objection to this. But their request was that we should put the money required for the work on the estimates, and I confess that when the honorable the Chairman mentioned to me one morning that a fence was being put up, I was under the impression that he must have been mistaken, because I did not contemplate that those gentlemen who asked me to put a sum of money on the estimates for the erection of a fence would erect that fence themselves, and thus, as it seemed to me, preclude all chance of getting any money voted for the purpose. At the same time the letter that they received back from my department, approving of the application, and promising to put the money on the Estimates, was a sufficient justification for them to suppose that the only objection the Government had to the matter was the question of money. Therefore I do not see that they are in any way blameworthy—perhaps they were perfectly justified; I think they were, from the correspondence which has transpired. Yet I do not see why they should have asked me to put a sum of money on the Estimates, for a particular work, and then do it themselves, without the money being put on the Estimates. Well, the fence has been put up, but the end of it is movable. I was induced the more readily to consent to put the money on the Estimates because it was represented to me by Captain Ward that the fence would not only be a great facility to the cricketers, but also a great advantage to the volunteers, who the other day had found considerable inconvenience in consequence of not having had sufficient room for their evolutions. There is in the Domain a clump of trees and a well—perhaps known to some honorable members of the Committee. Captain Ward represented to me that above that well the volunteers were not able to parade or march, and I determined, therefore, not that the well should be filled in, but that it should be covered by a platform a little distance down, and the ground made level; and, also, that the two or three unsightly old trees around it should be cleared away. Thus the ground would be improved for the volunteers. The alteration is, of course, of no consequence to the cricketers, because that clump of trees has never been in their way. The cricketers desired—and Captain Ward desired—to have a fence higher up the hill than where it is now erected; but I objected to that, because I thought there ought to be more room for the public, without charge, than there would have been had the fence been erected higher up the hill. I conceive, however, that the cricketers have scarcely carried out the intention—in that they have not, on the one hand, put up a sufficient number of turnstiles; there ought to be turnstiles, at any rate, along where there used to be a very nice walk, at the northern end of the cricket ground, alongside the enclosed plantation. If there had been proper turnstiles, at each end of that plantation, so as to allow persons to walk there as formerly, and if the end fence had been removed immediately after the great match was completed, then, I think, there would be no fair ground for complaint. At the present

present time, I think, the proper course is to move the shifting portion of the fence—that is the whole of the southern end—and to cause two more turnstiles to be erected in the places I have indicated; then, I think, so far from the fence being an inconvenience, it will be an improvement—as far as visitors are concerned—will facilitate the action of the volunteers, and, also, the game of cricket; which, whatever may be said about its keeping the people off the Domain, is, in my opinion, a great inducement for people to go into the Domain. For, most assuredly, on cricketing and volunteer days they attend in larger numbers than at any other time. It should be remembered by those who object to the fence, that they cannot have amusements going on in the Domain unless accommodation is afforded to those who engage in those amusements. I think that is all I know about the cricket affair; of course I am now prepared to answer any question which may be put to me with reference to the matter. There are two boxes stuck up on the ground which are very unsightly. I cannot imagine how the club could have put up such abominable things.

The Hon.
J. Robertson,
M.P.

26 Feb., 1861.

6. *By Mr. Windeyer:* Then, I understand you that the fence, according to your idea, was only to remain during the cricket match? The standing portion of the fence—that is the western and the eastern sides—were to be put up and not to be movable—I mean not for the purpose of moving.

7. *By Mr. Dick:* Permanent? No, not permanent; because there would be no breach of agreement if the fence were ordered to be taken down to-morrow. It was only not to be of a movable character—I mean not shifting, to be put up and put down.

8. It was to remain there at your pleasure? Just so; but the end fence is shifting, and was to be taken up, as I remember it, as soon as the match was over—that is, the fence at the southern end. There were also, as I have said before, to have been four turnstiles instead of two.

9. *By Mr. Windeyer:* What reason was there for making the southern end movable any more than the eastern or the western side? It was thought that the volunteers would require to perform evolutions farther south than I was disposed to think we ought to permit the cricket ground to be fenced in.

10. But are not the eastern and western fences most inconvenient to the general public? I cannot imagine in what way they can be inconvenient to the general public—assuming that there were two turnstiles on each side instead of one. Gentlemen used formerly to canter across there on horseback, to the annoyance of ladies and children; but while these fences remain it appears to me that ladies and children will be better protected than before, while no one will be excluded. An idea seems to have got abroad that there is some exclusion or withholding of this land, but there is nothing of the kind, any person may go within the fence.

11. *By Mr. Wilson:* Has the Domain ever been granted? Granted?

12. Granted? The Domain is set apart for the benefit of the citizens of Sydney, and inhabitants of the Colony, and has been so for more than fifty years. There was no one to grant it to.

13. *By Mr. Dick:* How was it dedicated or set apart for the use of the public? It was, I presume, withdrawn from sale. The custom is this: all lands not required for public purposes are subject to sale. These lands, on our maps, are set apart for public recreation, and withdrawn from sale. But there is no grant. To whom can the grant be made? The Corporation declined to take charge of it some years ago when the Government offered them a grant of it.

14. Do you not think that trustees would manage it better? No, I have not much confidence in trustees, or boards. I think the best management that can be, is to have one officer responsible, and he responsible to Parliament. I think the Parliament has a perfectly good hold on the Minister for Lands in his disposition of these domains, and that matters would be attended to much quicker than by some trustees, whose report would be often an excuse when anything is going wrong.

15. Is it not desirable that the purposes of these lands should be cleanly defined by some grant or Act of Parliament? I do not think so. If it were conceived desirable to grant them to any one, it should be to the Corporation of the city of Sydney; but I do not believe it is quite desirable to grant them to the city of Sydney, because I look upon those Gardens, and that Domain as belonging to the country generally. I do not see how we should be justified in spending such large sums of the public money in beautifying the Gardens, and in keeping up the Domain, unless they belong to the country; and belonging, as they do, to the country, I think they are better in charge of a Minister, who is responsible to Parliament, and through Parliament, to the country.

16. *By Mr. Wilson:* Can you tell how much of the Domain was originally handed over to the cricketing committee? I think about the same piece as that which is now fenced.

17. Do you think it desirable to set apart any portion of the Domain for other games, such as quoits and racket? I think quoits would break up the grass.

18. Shinney — ? One at a time, if you please; besides, I do not think it possible that a game of quoits would collect twenty thousand people to see it as cricket does sometimes. It is not for the sake of the cricketers that the Government have given them the accommodation, but for the sake of the inhabitants of the Colony, who come to see the game. I do not think the inhabitants of this Colony would assemble in large numbers to see a game of quoits.

19. You are alluding to the Inter-Colonial Matches which take place here once in two years? Yes.

20. And you think it would not be advisable to set apart any portion of the Domain for any other public recreations and games? I would not say so. If you would indicate the kind of game I should be able to answer, but the question you put is rather too wide. Quoits is
not

The Hon.
J. Robertson,
M.P.

26 Feb., 1861.

not a desirable game, I think, to encourage in the Domain. There was another game you mentioned.

21. Rackets? I do not know what that is.

22. *By Mr. Dick:* Is that portion of land fenced in by the Gymnastic Company a portion of the Domain? No; that is outside the Domain.

23. It is not a portion of the Domain? No.

24. *By Mr. Wilson:* It is a portion of the land set apart for public purposes—is it not? Well, so it is, but it was considered to be a desirable course to allow gymnastics. They hold that land, however, subject to removal without dispute or allowance, on twelve months' notice. Therefore, with the present management, the Parliament can cause it to be resumed at once. The Parliament has only to pass a resolution and the Secretary for Lands would act. What better control can Parliament have over the land? If you had trustees, however, there would be some difficulties in the way.

25. *By Mr. Dick:* Perhaps that land might be let with the other land? They have no right to let it.

26. The other land is let? What is?

27. The portion opposite the Domain? What do you mean?

28. The portion opposite the Museum is let by the Government? No; it is let to some butchers, who pay to the Park Committee, and the money is expended in improving the lands.

29. And this land occupied by the Gymnastic Company? I will tell you the history of that: For many years it has been used by the children of St. Mary's Church, as a playground. (*Witness here read a letter in reference to the matter. Vide Appendix B.*)

30. *By the Chairman:* Have any applications been made to you for ingress to or egress from the Sydney Domain? Yes; since I took office there have been several applications for new entrances into the Domain. The last one was for an entrance from Crown-street. I presume those are the entrances referred to.

31. Crown-street and King-street both? Which one do you ask about now?

32. Say Crown-street? I thought it my duty to refuse the application of the persons who applied for an entrance from Crown-street. My refusal of that application was made upon different grounds. In the first place, there is already an entrance at Palmer-street, down by the waters of Woolloomooloo Bay. Assent to the application for an opening from Crown-street would involve the putting up of new gates and the making of another road, at an expense of some three or four hundred pounds; and the entrance would only be about seventy yards from the one I have spoken of at Palmer-street, and about the same distance from the one opening towards St. Mary's. So that already, on that side of the Domain, there is an entrance at Palmer-street, an entrance from Boomerang road or street, an entrance by St. Mary's; besides these there is the contemplated new entrance of King-street, and there is the entrance by Sir Richard Bourke's statue. If we had conceded this other one, it would have made six entrances within certainly less than half-a-mile; and it did seem to me to be rather asking too much; and I felt it my duty to refuse the application, on the ground that there were so many entrances already, and also on the ground of expense, and also because the making of so many entrances would have the effect of cutting up the Domain, so as to make it little else than roads. I am aware that some dissatisfaction has been expressed by some persons; and I am aware that the Director of the Gardens has been told by a gentleman that my refusal has put £50 out of his pocket. That gentleman is no doubt very much annoyed that I put £50 out of his pocket by my conduct in this matter; but it has saved the public three or four hundred pounds. I believed it was rather a benefit than not to refuse the application. Therefore, while I regret that my decision should have put £50 out of this gentleman's pocket, I cannot feel sorry that I have prevented three or four hundred pounds being taken out of the pocket of the country.

33. Then permission has only been given with reference to King-street? Permission has been given by Parliament to the opening from King-street. We took precisely the course in reference to King-street that I contemplated taking with respect to the Domain fence. We put the money on the Estimates, and let Honorable Members give their opinion by voting the money. The Committee of Supply passed the Estimate by a very large majority, thereby affirming the desirability of carrying out the work. I contemplated taking the vote for the fence in the Domain in the same way, and thus getting practically the approbation of Parliament to the plan.

34. Is it the intention of the Government to recommend the investment of these lands in trustees for the benefit of the country generally? I do not think it necessary. It seems to me that if the lands of this Domain were handed over to any body of trustees, the Parliament could not have so direct and speedy a control over them. The Parliament could not so readily control the action of trustees as it might control the action of a responsible Government. I think it is better to have the lands as they are—under the immediate control of the Parliament—than that they should be vested in any board or trust whatever. I have said, that in my opinion, if it were taken out of the control of the Government responsible to the country, it was clear that they should go, not to trustees, but to the Corporation of Sydney, who are elected by the citizens. They should not be placed in the hands of any trustees the Government might nominate. But it seems to me, as I have before stated, that as the Domain is kept up from the general funds of the country, the Corporation were not far from right when they declined to take charge of it some years ago.

35. Have any instructions been issued from the Lands Office under your hands for permission to coasters to land goods in the Domain, and to ship them also? No, I think not; it is contrary to all instructions. I did permit some Association or Aquatic Company, on the other side of the water, to have a boat there. All the aquatic people seemed to think

it

it desirable to have a waterman's boat there with permission to land. It is, however, only a temporary right pending the decision of the Government. They may be removed at any moment. The Hon.
J. Robertson,
M.P.

36. You stated to the Committee that the Inter-Colonial Match was only played here once in two years, and that you gave the cricketers to understand that after the match the southern end of the fence should be removed—are you aware that it is still standing? I was told by a leading member of the association yesterday that it would be removed to-day. I asked the question how it was that it was not removed. 26 Feb., 1861.

37. *By Mr. Windeyer*: At the time it was first proposed to give the cricketers some right to use this portion of the Domain, was not there a petition from some of the inhabitants of Sydney against it? I do not remember. Mr. Hay was in the Government then. Here are lots of petitions in favour of it. I used to think that I should get my ears boxed on the other side for not doing enough for the cricketers. I had no idea that it would be thought that I had done too much.

38. Was not there a petition to Parliament against it? I do not remember it. Here is a petition from the Mayor, Mr. G. Thornton, complaining that the Government had refused to sanction the enclosure of more than sixty yards square of the land. It is all the other way.

39. But you cannot state that there was not one? I cannot say that. This looks like one. (*Petition referred to.*) It complains that the Domain should be withdrawn from the use of the colonists generally, and protests against the proposed mutilation. This was in the time of the Parker Government. It was laid before the Executive, and the opinion of the Council was in favour of granting the application of the cricketers, under the restrictions I have mentioned—that the land should be subject to immediate removal. There are numerous petitions in favour of the project, and one very large one against it.

40. Is that a petition to Parliament or to the Executive? It appears that certain alterations were suggested by the Hon. Secretary for Lands (Mr. Hay), and the Council concurring in those alterations advised that the rules for the management of the ground be approved accordingly. Here are the rules. (*Vide Appendix C.*)

41. *By Mr. Lackey*: Was the area the same at that time? I think it was pretty much the same.

42. *By Mr. Wilson*: I think you stated the number of yards? I think that was not the final settlement.

43. *By Mr. Windeyer*: Is there anything about iron hurdles being used? I do not know.

44. Then those rules have been altered since? Yes, in that regard. There is no mistake as to what the object was, and if the cricketers are disposed to conceal it I am not. They were not able to collect any means. They were affording the people a large fund of amusement, and, while fencing with hurdles prevailed, some people paid and some did not, but got over. They had no means of collecting money except stopping people at the outer gate. The object of this new regulation was, that, while providing a space sufficient for the inhabitants of Sydney to see the game without going inside the fence, the cricket club might be enabled to collect some four or five hundred pounds each match to pay the enormous expenses incurred. It must be perfectly apparent to every one that these matches cannot be carried on without expense.

45. But under whose control is the Domain? Do you mean the cricket ground or the Domain?

46. The Domain? The immediate control of the Domain and the Botanic Gardens is a part of my duties.

47. Are there any orders or general regulations issued from the Lands Office, do you know, having reference to its management? In what regard?

48. As to the closing of the gates at particular times? No, we open them at night now. I gave instructions to have them opened at night. I thought that in this hot climate the people lost more than half the benefit of the Domain, by having the gates closed these moon-light nights.

49. Did Mr. Moore ever complain in reference to that arrangement? Yes; he is of opinion that certain immorality arises in consequence of it; but, I confess, I do not believe it myself. I have been in the Domain many times at night, and I believe there is less immorality there than in any other part of Sydney. I cannot believe that shutting the gates of the Domain will check immorality.

50. What is your opinion as to the propriety of allowing private entrances into the Domain from private dwelling-houses? I think it was a great mistake selling that land at the Domain Terrace. Sir George Gipps did that when money was very scarce in the Treasury. I think we shall have to buy that land back.

51. *By Mr. Wilson*: Have the owners of that land a right of entrance into the Domain? I suspect that they have. At any rate I would not like to say whether they have or have not. I am afraid it will be a difficult thing to take that right from them. They have always had it.

52. *By Mr. Windeyer*: It all depends upon their grants? Usage is something. They have been permitted to build houses and make entrances there. I think we must buy that land.

53. Have you issued any instructions about the keeping of cattle or horses in the Domain? I have got prepared now, and have had for some time a scheme under which I contemplate receiving two or three hundred pounds a year for the pasture, which would go towards the better management of the Domain. At any rate it would be a fund fairly applicable to that purpose. Up to the present time cows and horses have been allowed to go in there without any particular rule. Several old officers of the Government have had for years a right to put

The Hon.
J. Robertson,
M.P.
26 Feb., 1861.

put their cows in. The late Responsible Government have never seen it necessary to withdraw that right. But the code of regulations which I have prepared, and which will probably be published shortly, amounts pretty much to this,—that we would let the right to depasture a certain number of quiet cows to the person who would give the most for the privilege; the funds to go to the improvement and support of the Domain. The cows might be inspected by the Director of the Gardens to ascertain that they were quiet. That, I think, would get rid of the jealousy which now exists, and the Ministry would not be pestered by people applying to have their cows in the Domain.

54. How many people have that right at present? I do not know,—there is a list of them. Applications have generally been from women who have received a letter from Lady Denison. Lady Denison has generally written to say that some poor woman had been left with children to support, that she has been enabled to collect money enough to buy a cow, and that if the cow were allowed to run in the Domain it might be the means of enabling her to support her family. Sometimes when there is a great deal of rain the grass becomes inconveniently high, and then any one who applies can send cows into the Domain. There is no difficulty then.

55. Do you know whether any application has been made by the Sydney Infirmary to have their cows there? I think so, but it seems to me that the best way is to let the Domain to the person who will pay most for the use of it, and give a guarantee that he will send in none but quiet cows.

56. At any rate do you not think it better that the privilege should be enjoyed by charitable institutions than by private persons? If that were the question I should certainly say it would be better to grant the privilege to charitable institutions. The Society of the Industrial School have their cows there, and the Legislative Assembly also has two cows in the Domain.

APPENDIX.

A.

Royal Mint, Sydney,
25 January, 1861.

Sir,

Referring to the question of a permanent enclosure for the cricket ground in the Outer Domain, I have now the honor to enclose, for the approval of the Minister for Lands, a plan and specification shewing the nature of the fence, as well as the proportion of it proposed to be made of a temporary character, distinguished from that intended to be capable of removal at pleasure. The cost of the former portion is estimated at £110, and that of the latter £55.

In submitting these, I am desired by the Cricketer's Association to request that the fence may be sanctioned for erection at once, in order that the ground may be enclosed in time for the Inter-Colonial Cricket Match, fixed to take place on the 14th and 15th February next, and also that a sum of £110 may be allotted from the Vote of Parliament for the improvement of the Domain and Botanic Gardens, in order to meet the expense of erecting the permanent portion of the fence.

I have, &c.,

F. W. WARD.

The Under Secretary for
Lands and Public Works.

[Enclosure not printed.]

B.

Temporary Offices, Care of C. H. Woolcott, Esq.,
Town Hall,
1 March, 1859.

Sir,

I do myself the honor, by desire of the Committee of the Sydney Gymnasium, to apply for the temporary use of that piece of ground, situate between the stone wall, at the entrance of the Domain, behind the Colonial Architect's Office, and the road north of Saint Mary's Chapel leading to Woolloomooloo, for the purpose of a site for the Sydney Gymnasium.

By the report hereto annexed, you will perceive that the objects of the Institution are peculiarly of a public nature, embracing the physical education of all classes, while the charges for subscribers, pupils, and schools, to be admitted to all the advantages of the institution, are so low as to present no barrier to the almost unlimited admission of the public, the principal regulations being respectability of character and adherence to the rules of the institution.

2nd. The Committee pledge themselves to remove all buildings and materials erected on the ground when it shall be required for the public service, on sufficient notice being given to that effect, and they bid me express a hope that an institution which has received so large a share of public support may not be permitted to become a failure from the want of the mere use of a piece of vacant ground which for a long time has been useless to the public, and which it is presumed cannot be missed, although employed for the purposes of the Sydney Gymnasium.

I have, &c.,

J. McDONELL.

The Honorable the Secretary for
Lands and Works.

[Enclosure not printed.]

C.

PROCEEDINGS of the Executive Council, on the 15th December, 1856, with respect to an application for a Cricket Ground.

Extracts from Minutes, No. 56-65.—Confirmed 22nd December, 1856.

HIS EXCELLENCY lays before the Council a memorandum from the Honorable the Secretary for Lands and Public Works, suggesting the conditions upon which the temporary occupation of the necessary ground should be granted. These are, in substance, as follow:—

1. That the Governor General should appoint certain gentlemen as trustees, removable at pleasure, viz.,—a representative of each of the three cricket clubs, and three officers of the Government; that such trustees should correspond with the Government as representatives of the cricketers; should determine

determine who should use the ground for the purposes of the game; should be responsible for the good conduct of those to whom they may grant permission; should frame rules for their guidance; and should be bound to adhere to any regulations established by the Executive Council as to the extent and use of the ground to be granted, and the preservation of order.

2. That the Director of the Botanic Gardens should be instructed to protect the cricket ground, and to render all the assistance in his power in the preservation of order, and that, with this view, the Director and Trustees should communicate directly.

3. That, if these proposals be approved, the trustees should be created at once, and the line of fence determined.

5. After some deliberation the Council advise that the suggestions of the Honorable the Secretary for Lands and Public Works, as above set forth, be adopted, and that the necessary steps be taken by that officer for carrying them into effect. They further advise that the Legislative Assembly be invited to make provision to an extent not exceeding £150, for preparing and improving the ground.

EDWARD C. MEREWETHER,
Clerk of the Council.

Executive Council Office,
Sydney, 23 December, 1856.

The Hon.
J. Robertson,
M.P.

26 Feb., 1861.

Charles Moore, Esq., called in and examined:—

57. *By the Chairman*: You are the Director of the Botanical Gardens? Yes.

58. And have charge also of the public Domain? Yes.

59. From whom do you receive your directions generally? From the Minister for Lands for the time being.

60. Will you state under what regulations the game of cricket is allowed to be played in the Domain? The regulations were issued—

61. *By Mr. Windeyer*: Have you received instructions relating to that matter? I received written instructions.

62. *By the Chairman*: Have you got those instructions by you? I have.

63. Will you please to show them to the Committee? (*Instructions produced. Subsequently handed in as Appendix D. Vide Answer 149.*) It will be seen that these regulations have been departed from in almost every instance.

64. *By Mr. Parkes*: What is the date of those regulations? The 3rd of March, 1857.

65. And when did the trust terminate? The trust is still in existence.

66. I thought there were no trustees now? Oh, yes.

67. *By the Chairman*: Who are the trustees at the present time? I do not know the trustees on the part of the cricketers; but the trustees—officers of the Government—are the same as in the first instance—Captain Ward, myself, and Colonel Barney, who was, I understood, at the time an *ex officio* member, as Surveyor General.

68. *By Mr. Parkes*: When did they last act as trustees of the Domain? Circulars are sent round as usual—

69. Are you now speaking of that portion of the Domain used by the cricketers, or of the Domain generally? I am speaking of that portion of the ground appropriated for the use of the cricketers. Circulars are sent round as usual, but I felt, after having attended some of the meetings, that I could be of little use, there being three members of the cricket club, and Captain Ward himself being a cricketer; and so I left it in a great measure to Captain Ward, he being a Government officer. I preferred that Captain Ward should take the management of the matter, expecting, of course, that I should be informed of any particular alteration which it might be considered desirable to make. At present, circulars are forwarded to all the members, although they may not attend.

70. *By Mr. Driver*: When did you last attend? I have not attended now for some time, for the reason I have stated.

71. How long is it since you attended? About eighteen months.

72. *By Mr. Parkes*: Can you state when the last meeting of those trustees was held? About a month ago.

73. Was that with reference to the then pending cricket match? I cannot say; the business was not stated.

74. *By Mr. Windeyer*: Then do I understand you to say that you gave up attending the meetings because you found that you could be of little use, and have very little influence in regulating matters which affect the public interest with regard to the Domain? Quite so.

75. In fact you felt yourself swamped by the cricketing interest? Quite so; and not only that, but I obtained the ill will of the cricketers—I think—unworthily, because I threw no obstruction in their way.

76. *By Mr. Driver*: Are you not aware that Mr. Tunks and myself, as representing the cricketers, refused to attend the meetings of those trustees, and that we neglected to attend simply because our four co-trustees, being Government officers, always voted against us? There was some feeling of that kind after the first or second meeting, but I was not aware that it existed after some change which took place in the representatives of the cricketers.

77. When was that? I understood that it was so. I was never informed of the matter officially. I learned it only from hearsay.

78. Are you not aware that the whole of the trustees, with the exception of Mr. Tunks and myself, were Government officers? I forgot.

79. Colonel Barney, Mr. William Still, yourself, and Captain Ward? True, but Mr. Still was a cricketer, and so was Captain Ward.

80. But are they not all officers of the Government? Yes.

81. *By Mr. Windeyer*: But Mr. Still and Captain Ward are both of them cricketers, I believe? Yes.

C. Moore,
Esq.

26 Feb., 1861.

C. Moore,
Esq.
26 Feb., 1861.

82. *By the Chairman*: Have the cricketers been at all interfered with by the public while playing? I am not aware of a single instance in which any complaint has been made of any interference. My orders to the bailiff are that he is to take great care of the ground, and see that no person interferes with the cricketers; and that if he finds any person so interfering he is to apprehend them.

83. *By Mr. Windeyer*: You stated just now that these regulations had been very much departed from—will you state how, and in what particulars? In the first place, the power appears to have been taken out of the hands of the trustees by the cricket clubs: for instance, in the late match the booths were let, not by the trustees, but by the cricketers. The cricketers took the whole management of that portion of the Domain upon themselves. The cricketers, again, fenced in the ground without reference, so far as I am acquainted, to those of the trustees authorized to point out the boundaries. In the regulations for the management of the ground, it states that permission may be obtained from the trustees only—that the “trustees” shall have power to enclose the land, and to charge for the admission of visitors to that enclosure, but no such power is given to the cricketers; in point of fact, the power appears to have been taken out of the hands of the trustees entirely, by the cricketers.

84. *By Mr. Driver*: Although one of the trustees, for all you know, the trustees may have sanctioned all this? They may have sanctioned it, but I am not aware that they have done so.

85. You say you received a circular about a month since, but that you did not attend the meeting? Yes; but I know from the public prints that the cricket clubs—

86. We have nothing to do with the reports of the public press? At all events I may state to the Committee that I am not aware of it.

87. *By the Chairman*: Have any complaints been made to justify the belief that playing cricket in the Domain interferes with the recreation of the public? The only thing that I am aware of is that a petition was got up some time ago. (Mr. Morehead was one of the movers in the matter, and Professor Smith was another.) That petition, I believe, was presented against any portion of the Domain being enclosed for cricketing, or appropriated to the use of any exclusive portion of the public, or of the city of Sydney; they were of opinion that it ought to be left entirely for the purposes for which it was appropriated—that is, for the public as a whole. I am not aware of anything else which has transpired since that time, beyond some few objections from casual visitors.

88. Will you state under what circumstances that fence was erected which now surrounds the cricket ground? I am not aware, beyond having received an authority from the Minister for Lands to permit a fence to be erected, which he had sanctioned, upon a plan and specification submitted to him by Captain Ward.

89. Did you see that plan and specification? I did not.

90. The plan was never submitted to you? It was never submitted to me.

91. Do you consider that fence necessary? Individually, I do not think it necessary; that is to say, unless the ground is to be given up to the cricketers altogether. If it be intended to give the ground up entirely to the cricketers, then I think it ought to be fenced in; but if it be intended that it should remain as a part of the public Domain, to which the public shall be admitted at all times, it certainly is not necessary.

92. Not even for the protection of trees, or anything which your judgment as manager would indicate? No; trees must be individually surrounded.

93. To whom do the cattle and horses belong, which are at present running in the Domain? To various persons who have received permission from the Government to depasture them there.

94. Can you state what is the number of the cattle there? There are about thirty head of cattle, and some ten or twelve horses at the present time.

95. Have you any means of knowing what cattle are there by permission, and what are not—is there any system of impounding? Yes, of impounding cattle which are not authorized to be in the Domain.

96. And you have a person whose duty it is to see the brands, and know the description of those cattle and horses which are permitted to be there, and to impound the others? Yes.

97. *By the Chairman*: Have you a list shewing the number of the cattle, the names of the respective owners, and from whom they have received permission to place them in the Domain? Yes, I can supply the Committee with it in a very short time, but I have not brought the list with me. (*Vide Appendix E*)

98. Do you think it necessary to have cattle in the Domain, and that the present system of granting permission is a good one? I think the present system of granting permission is objectionable, because there is no principle laid down as to who shall receive permission.

99. What do you suggest then? That there ought to be some principle laid down. I recommended in a letter to the Government, some six months ago, that an alteration should be made in the system, and that either a certain number of cattle only should be admitted—those who have permission now having that permission continued—or, that the Domain should be let to some person who would pay a certain sum annually for the privilege, with a limitation as to the number of cattle to be admitted.

100. At all times? Yes.

101. *By Mr. Wilson*: I do not think you answered the first portion of that question, in reference to the necessity of having stock in the Domain? There can be no question about that. If no cattle were admitted it would take more than a thousand pounds a year to keep the grass down.

102. *By Mr. Windeyer*: And there would be danger of fires? Yes, at the present time we find it difficult in Hyde Park to keep the grass down after having taken the sheep off.

103. *By the Chairman*: And such suggestions you forwarded by letter to the Secretary for Lands? Yes, about six months ago.

104. Are the public admitted to the Domain at night? They are.
105. Is it desirable that they should be so admitted? Well, I think it gives rise to a great deal of immorality. I must confess, however, that it is almost a privilege to myself for the gates to be open. It is a privilege to my friends. If they be continued open, as at present, at least one policeman ought to be put there at night. And I think also that the main gates should be shut to prevent cattle and horses getting in. One gate only should be open, and opposite to it there should be bars to prevent the intrusion of cattle and horses. All the large gates should be shut, because at the present time, I am informed, almost all the dairy-men's cows in Woolloomooloo get into the Domain during the night and are taken out before the bailiff is up in the morning.
106. Has it come within your knowledge that any irregularities occur in the Domain from the admission of the public at night? There can be no doubt that very great irregularities have occurred—that the immorality is very great. I understood from Captain McLerie that the reports he had received from his superintendents gave him some idea of what was going on—that immorality was practised of the most monstrous description.
107. But it was not known to you, until the matter had been brought under your notice through the Inspector General of Police? Yes it was.
108. Have you seen anything yourself to warrant you in making these statements? Yes, I have.
109. Do you know anything respecting the proposed opening from King-street? All I know is, that there was a sum of money voted for that purpose; I was not consulted in reference to the matter, nor do I know anything more about it than I learned last night from Mr. Robertson. That opening is to be made into the Domain, but it is not proposed to make any new road from it.
110. Will it be necessary to make any new road? It will be necessary to make a new path from the opening to the Botanic Gardens, because, if a path be not made for the public, the public will make a path for themselves.
111. Will not that disfigure the ground? Yes; if the opening is made there must be another walk made.
112. *By Mr. Windeyer*: Will not the fences at present erected in the Domain by the cricketers interfere with that accommodation? No, not as far as the Botanic Gardens are concerned. They will interfere with the traffic from Woolloomooloo—from Palmer-street to Macquarie-street.
113. *By the Chairman*: Will you state what regulations are authorized to be enforced in the Domain? We really have no regulations.
114. You have no regulations? We have no regulations. Oh, by-the-by, there is a regulation that all dogs may be shot found at large in the Gardens, and another that grooms are prohibited from exercising horses in the Domain.
115. Is it desirable that there should be other regulations? I think it is important that a code of rules should be established and acted upon.
116. That by-laws, in fact, should be made? Yes. At the present time I am acting entirely upon my own responsibility, for according to an opinion given by the Attorney General in reference to Hyde Park it would almost appear as if Hyde Park and the Domain were part of the waste lands of the Colony.
117. *By Mr. Windeyer*: What opinion do you allude to? An opinion which was obtained from the Attorney General in reference to the powers of the trustees of Hyde Park.
118. What Attorney General? The present Attorney General.
119. How long ago? About two months since.
120. *By the Chairman*: Are the paddocks outside the Domain attached to it or to Hyde Park? I think they are attached to Hyde Park. The trustees of Hyde Park have always considered that that land belonged to them. But the Government wish to ignore their power. If not attached to Hyde Park they must be attached to the Domain. The trustees have, however, always considered that they belonged to their trust.
121. And for which they receive a rental? For which they receive a rental.
122. On whose authority was that part enclosed immediately adjoining the upper lodge, between it and Woolloomooloo, for gymnastic exercises? By the authority of the Government.
123. *By Mr. Windeyer*: That is no portion of the Domain? No. The Government appear to wish to ignore the power of the Hyde Park Committee with regard to these paddocks. But whether the land belongs to the Domain or not there has been no specific charge. The charge was given to the Colonial Architect, but the power of letting has, up to the present time, been exercised by the trustees of Hyde Park.
124. Was the fence enclosing the public baths erected by the Government or by the Corporation? That was erected by the Corporation.
125. According to your judgment of such matters, do you think that fence should be as high as it is—in its present state does it not interfere very much with the view of the harbour? There is a part of the fence round the Corporation Baths unnecessarily high, because it comes up to the side of the road.
126. That is the part of which I am speaking? It excludes from the view of the pedestrian the principal part of Rose Bay. In my opinion it is unnecessarily high up; complaints have been made repeatedly to me that that fence interferes with the view.
127. Are you aware that coasting vessels land and ship goods from several places in the Domain? They do so at the present time, and there is no power to prevent them.
128. Have you mentioned this to the Minister for Lands? I mentioned it in a public communication to the Minister for Lands.
129. How long ago? I referred to it on the occasion of permission being asked by the Subscription Boat Club for a ferry to be made there.

C. Moore,
Esq.
26 Feb., 1861.

- O. Moore,
Esq.
26 Feb., 1861.
130. *By Mr. Driver*: From this wharf at Woolloomooloo Bay? From the side, there where coasters are lying in the bay.
131. Do you speak from your own personal observation? In certain cases, but I have a report from the bailiff every day, and he has frequently in his reports referred to it, and asked power to prevent it; but I have no power to do so, and could give him none.
132. What description of goods are generally landed there? I cannot say what they are—they are covered up; I suppose they are stores.
133. *By the Chairman*: They might be smuggled goods for all you know? Yes, for aught I know.
134. To whom do you make complaints, or apply for instructions? To the Minister for Lands.
135. On all occasions? Yes.
136. *By Mr. Windeyer*: Do you think it well that private residences should open into the Domain? I do not; I think it is an irregularity which ought never to have been allowed.
137. Have the trees in front of those houses which open into the Domain been cleared away at all lately? They have. I was importuned by a great number of people to take a few branches away, and upon authority given they were removed. Mrs. Futter obtained authority to get a tree cut down altogether, and since that time I have been importuned to cut away branches until, in fact, one pine tree was totally destroyed. The overseer of the Domain was sent to do it, and he almost destroyed the tree; I cut it down the other day.
138. *By Mr. Windeyer*: How many trees have been cut away? Two.
139. What were they? A pine and an oak.
140. Were they full grown trees? Yes.
141. It will take some years to grow trees of that kind? Yes, some years. One tree was destroyed by a man who was sent to take off some branches; an occupant of one of the houses gave him drink, and he cut away nearly the whole of the tree. I dismissed the man in consequence. The tree was destroyed before I was aware of it.
142. Do you not think it extremely undesirable that trees which take so long to grow should be destroyed in that way? I think it is; but the principle established first was a bad one, and it has been found difficult to refuse it since.
143. Did you say that authority was given to you to do this in the first instance? Yes.
144. Who gave you that authority? The Governor.
145. Which Governor? Sir Charles Fitz Roy, shortly after Mrs. Futter came out.
146. How did you get it? By a letter from the Private Secretary at the time; it was written under the direction of the Governor General. At that time the Governor had power over the Domain and Botanic Gardens, and could issue what orders he chose, as far as I understood; and upon the Governor's authority those regulations applied to the Botanic Gardens were issued, without reference to the Assembly.
147. But you would not, without express orders cut down any tree? No; I objected to do it at the time.
148. Has it not broken the continuity of the row of trees in front of the Domain? It has.
149. Those trees form the principal shelter in hot weather to any one wishing to see any spectacle going on in the Domain? They do. I may state that I have a document here ordering the Surveyor General to apportion out the ground, and constituting trustees. (*The letter was read by witness, and handed in, together with letters to Colonel Barney, and instructions. Vide Appendices A, B, C, and D.*)
150. Do you think on the whole that it is desirable those fences on the eastern and western side of the Domain should remain where they are? Do you mean on the cricket ground?
151. Yes? I still adhere to the answer I first gave. If it be intended that the public shall have free admittance, I cannot see what benefit will be derived from the fence. As to the fence, in a military point of view, I may state that a military man, who was speaking to me about it yesterday, observed, that in the event of deploying light infantry in skirmishing order, the fence would be a great obstruction.
152. *By Mr. Dick*: Do you think it adds to the beauty of the place? Oh, no; I do not think there can be two opinions about that—it certainly detracts from the beauty of the Domain. If, as I said before, it were the intention of the Government to give a grant of the land to the cricketers they would have a right to enclose the ground; but if the ground is to be preserved for the public generally—unless on the occasion of a grand match—I do not think these fences should remain.
153. Can you tell me the amount expended on the Domain, including the Gardens?
- (*Exception was taken to this question, on the ground that the inquiry was limited to the Domain as distinct from the Botanic Gardens. Witness withdrew, and Committee deliberated. Witness having been re-introduced, was further examined.*)
154. *By Mr. Dick*: Have you, as Director of the Gardens, control over the Domain? Yes.
155. What was the amount expended last year on the Domain? In salaries, £258—that is for the bailiff and overseer. I am paid as the Director of the Gardens, and my salary is not included in the expenditure for the Domain. The wages amounted to £600. Then there was a sum of £200 specially voted for the purpose of fencing in and preparing ground for planting trees (which has been expended), and £100 for keeping the roads in repair, and, also, £15 for miscellaneous expenses—that includes all, I think.
156. Is that money spent under your control? Entirely under my control—forwarding to the Government monthly vouchers of the expenditure.
157. Is the labour employed daily labour? Daily labour. The plan I pursue in reference to that daily labour is this: I draw the cheque, and give it to the overseer who pays the men; but before I allow any man under my control to put a pen to a pay voucher, I take the voucher up and say to him—"How many days have you been at work?" "How much money

money have you received?"—and if the reply agree with the estimate I allow him then to sign it.

158. How many men do you employ? Six constantly, and extra men for preparing ground and fencing. I may state that that includes Government House and the Inner Domain. It does not include the kitchen garden of Government House, because with that I have nothing to do; it is supported at the private expense of the Governor.

159. What wages do these men receive per day? They receive six shillings and sixpence per day.

160. Are they lodged in the Domain? No.

161. Is the bailiff? Yes.

162. And the overseer? Yes.

163. What is the extent of the Outer Domain—how many acres does it contain? I do not know what the extent is. I have asked the question several times at the Surveyor General's Office, and have not been able to obtain the information.

164. This money is expended in permanent improvements? The £200 voted for planting trees is no doubt spent in permanent improvements. The native trees are dying off fast, and unless we make some preparation there will soon be no trees in the Domain. I am in hopes however, now, that before the gum trees are dead, the other young trees of a permanent character will have grown up.

165. And it is necessary to employ half a dozen men to keep the grounds in order? Yes. There are upwards of three miles of road; and if it were not for the carts attached to the Domain and the cart attached to the Botanic Gardens, it would be impossible to keep the roads in such repair as I now keep them at an expense of £100.

166. And that is the only estimate for the roads? Yes. We have also the advantage of obtaining gravel near to the Domain.

167. Who has the power to admit cows there? Only the Minister for Lands.

168. You have nothing to do with it? Nothing whatever; I refused the power.

169. Are the gates near to Governor Bourke's statue closed at night? They are not.

170. *By Mr. Driver:* You say that the opening of these gates at night gives rise to a great degree of immorality? I have no doubt of it.

171. Was not the same amount of immorality carried on there when the gates were closed? No, there was none.

172. None? We had then the power of turning them out. If they went in they had still to cross the gate, and we had the power of turning them out after dusk.

173. Under what authority? An old existing authority given by Governor Darling—that the Domain shall be closed at night, and that all persons found there after dusk should be turned out.

174. And have parties ever been turned out by you? Yes; after the gates were closed.

175. Are you not aware that a large number of the most respectable families visit that Domain after dark? No doubt they do.

176. A very large number of the most respectable families we have? I have no doubt of.

177. *By Mr. Dick:* How many gas lamps are there in the Domain? None.

178. Would you recommend that there should be some? If the Domain is to be left open at night—and it is, I apprehend, impossible to shut it now—there ought to be both gas lamps and police.

179. Would it then be an agreeable walk? Yes. No doubt, as Mr. Driver states, a great many respectable people visit the Domain in the evening; but I also know that it admits of great immorality.

180. *By Mr. Driver:* Are there any immoral practices carried on in the Botanical Gardens after dark? Not that I am aware of. The gates are shut.

181. But during the day have any complaints reached your ears? Yes; some complaints have been made, but in most cases the parties have been turned out. They have never been absolutely found in the act, but where there has been a suspicion of it they have been turned out.

182. Have not parties been brought before you apprehended in the act itself? On no occasion.

183. On no occasion? Not in the Gardens; in the Domain they have.

184. In no single instance? I do not recollect it.

185. Was not a gentleman in high position here once brought before you? No, sir, never. I have no recollection of it. Can you give me the date?

186. No, I cannot give you the date? Or any time about the period?

187. *By Mr. Dick:* What do you consider the boundaries of the Domain under your charge? The fence going round by Governor Bourke's statue to the Fort. That road going between the Gardens and round by the water is considered to be a part of the Domain, and up to Macquarie-street to where the Corporation take possession of the land. I suppose the Corporation consider that street under their control to the Fort.

188. Have you ever heard complaints of people bathing there in exposed positions? Yes, frequently.

189. Are you not aware that it is unpleasant to people driving past? I am sure it is.

190. Could you suggest any means by which it could be remedied? Do you refer to the public baths?

191. Anywhere about the Domain? I prevent it wherever it is known to exist; persons found bathing in such positions are immediately put out of the Domain.

192. I am now speaking of the bathers. Owing to the trees being destroyed it is quite possible for ladies driving past in their carriages to see the naked bathers—cannot that be remedied? A high fence might be erected in front of the place.

193. Might not some trees be planted to answer the purpose? The difficulty is to plant trees there. It is nothing but a bare rock on that side of the Domain. I found that
difficulty

C. Moore,
Esq.

26 Feb., 1861.

C. Moore, Esq.
25 Feb., 1861.

difficulty in almost every instance. I have been obliged to send a man round with a crowbar to try the ground. If the ground was like that of the Parramatta Domain we could accomplish a good deal with little money; but in some instances, as in that avenue leading from the upper gate to the Gardens, I was obliged to quarry the rock out to make the ground. It is not only expensive, but difficult to get trees to grow there. Stone pine, such as I have put in, will grow, I have no doubt.

194. *By Mr. Driver*: Has it come to your knowledge that parties are in the habit of passing themselves off as policemen in the Domain? I have heard numerous complaints of this being done.

195. Has the matter been referred to the Inspector General of Police? It has.

196. Has he taken any steps to put down the nuisance? I am not aware. I think the Committee would obtain a great deal of information if they were to examine the Inspector General of Police.

197. Are you not aware that, from time to time, sums of money have been extorted from gentlemen in that Domain by parties passing themselves off as policemen? I have heard of it, but I am not aware of any individual case which has absolutely come under my knowledge. I have heard it frequently.

198. Complaints have been made to you? Yes, repeatedly.

199. And no steps have been taken? Oh, yes. Captain M'Levie, some five or six nights ago, caused a policeman to go to apprehend these men; they were there in the daytime as well as during the night.

200. Are they not to be found about Palmer-street at all hours of the day? I have put the question to the bailiff, and he says he does not know it of his own knowledge, although he is watching this part. There was a man put out the other day—the son of an old man who kept cows in Phillip-street.

201. That is Rice? Yes; that man has been notorious.

202. *By Mr. Dick*: Would it not be possible to get some of those men who are out of work to attend as bailiffs? But I have no means to pay them, and the men I have must be skilled men, because they are obliged to mow, and do other work requiring previous training.

APPENDIX.

A.

*Department of Lands and Public Works,
Sydney, 20 January, 1867.*

Sir,

I am directed to draw your attention to the notice which appeared in the *Government Gazette* of the 26th ultimo, appointing you, Lieutenant-Colonel Barney, R.E., Captain Ward, R.E., and Messrs. W. C. Still, B. Driver, jun., and W. Tunks, trustees for the management and control of the portion of ground in the Outer Domain, the temporary use of which has been sanctioned by the Executive Council, subject to such rules and regulations as may be approved by the Council; and I am to refer you to Colonel Barney for any further particulars as to the terms of the appointment of yourself and co-trustees.

2. I am instructed to forward to you, for your information and guidance, a copy of a letter which has been addressed to Colonel Barney, in his capacity as trustee; also, a copy of another letter, addressed to him as the Surveyor General, and to request that you will protect the cricket ground, as well as render all the assistance in your power in the preservation of order; and that, with this view, you will, when necessary, communicate with the trustees directly.

I have, &c.,

MICHAEL FITZPATRICK.

Charles Moore, Esq.,

Director of the Botanic Gardens.

B.

*Department of Lands and Public Works,
Sydney, 20 January, 1867.*

Sir,

I am directed to refer you to the notice which appeared in the *Government Gazette* of the 26th ultimo, appointing you, Captain Ward, R.E., Charles Moore, Esq., Director of the Botanic Gardens, and Messrs. W. C. Still, B. Driver, jun., and W. Tunks, trustees for the management and control of the portion of ground in the Outer Domain, the temporary use of which has been sanctioned by the Executive Council, subject to such rules and regulations as may be approved by the Council.

2. I am, at the same time, to inform you that the conditions upon which the temporary occupation of the ground has been granted, are as follows:—The trustees, who are removable at pleasure, include a representative of each of the three cricket clubs named in the margin, and three officers of the Government. These trustees will correspond with the Government, as representatives of the cricketers—will determine who shall use the ground for the purposes of the game—will be responsible for the good conduct of those to whom they may grant permission—will frame rules for their guidance—and will be bound to adhere to any regulations established by the Executive Council, as to the extent and use of the ground to be granted, and the preservation of order.

3. That the Director of the Botanic Gardens has been instructed to protect the cricket ground, and to render all the assistance in his power in the preservation of order, and with this view the Director and trustees should communicate directly.

4. A letter has been addressed to each of your co-trustees, referring them to you for full particulars as to the terms of their appointment, &c.

5. In reference to the letter which has this day been addressed to you, in your capacity of Surveyor General, requesting you to cause to be marked and described, the necessary ground for cricketing purposes, in the Outer Domain, in the situation indicated in the sketch therein enclosed, I am to observe that it is to be borne in mind that the iron hurdle fence is to enclose no more space than sufficient fully to protect the bowling ground, and that, on the occasion of matches, the requisite space is to be guarded by ropes, through rings attached to iron or wooden stakes. The necessary extent, in such cases, will be left to you and the Director of the Botanic Gardens to determine, with a view to make the matches as satisfactory as possible, at the same time giving the public as good a view of the game as is consistent, with a due regard to the wishes of the players. It must throughout be borne in mind too, that there is every wish on the part of the Government to encourage the cricketers, and to afford them all necessary facilities and protection, but that nothing will be sanctioned which shall withdraw any portion of the Domain from the control of the Government, as trustees for the public. The integrity of the Domain, as a public park, must not be violated.

SELECT COMMITTEE ON THE SYDNEY DOMAIN.

223

6. I beg to add that the Director of the Botanic Gardens has been instructed accordingly; and further, that under the authority of the Executive Council, the sum of £150 will be placed on the additional supplemental estimate for 1857, for protecting and improving the ground.

Lieut.-Colonel Barney, R.E.,
&c., &c., Sydney.

I have, &c.,

MICHAEL FITZPATRICK.

C. Moore,
Esq.

26 Feb., 1851.

C.

Department of Lands and Public Works,
Sydney, 20 January, 1857.

Sir,

I am directed to request that you will have the goodness to cause to be marked and described the necessary ground for cricketing purposes in the Outer Domain, in the situation indicated in the enclosed sketch; the temporary use of which has been sanctioned by the Executive Council, subject to such rules and regulations as may be approved by the Council and trustees appointed, as mentioned in the notice which appeared in the *Government Gazette* of the 26th ultimo.

I have, &c.,

MICHAEL FITZPATRICK.

The Surveyor General.

D.

Department of Lands and Public Works,
Sydney, 3 March, 1857.

Sir,

Referring to the letter to you from this department of the 20th January last, I am now directed to forward to you, for your information and guidance, a copy of the regulations for the management of the cricket ground in the Outer Domain, which have been approved of by the Executive Council.

I have, &c.,

MICHAEL FITZPATRICK.

Charles Moore, Esq.,
Director of the Botanic Gardens.

Regulations for the management of the Cricket Ground in the Outer Domain.

1. That no person be permitted to play cricket on any portion of the land in the Outer Domain given over to trustees for that object, without the permission of the trustees, to be obtained in writing.
2. That for the preservation of improvement of the ground, the trustees be empowered to enclose in a temporary manner such portions, not exceeding sixty yards square at any one time, as they may deem desirable, on the understanding that the fencing shall be removed at any time at the request of the Government.
3. That on the occasion of a cricket match the trustees be authorized to enclose, in a similar manner, a sufficient portion of ground for the proper conduct of the game, and for the accommodation of visitors.
4. That on such occasions the trustees may have power to charge an admission fee, not exceeding one shilling each, to persons desirous to enter the enclosure.
5. That booths for refreshment and shelter be admissible within the enclosure by permission of the trustees only, communicated in writing, and under such restrictions as they may prescribe; and for such permission the trustees may demand the payment of a reasonable fee.
6. All sums of money received by the trustees under the terms of these resolutions as approved, shall be expended on the improvement of the ground allotted for the purposes of the game.

E.

LIST of Horses and Cattle in the Outer Domain.—March, 1851.

OWNERS.	Cows.	HORSES,	BY WHOM AUTHORIZED.
Plunkett, J. H., Esq.	1	..	Sir C. Fitz Roy.
School of Industry	2	..	Ditto.
Elliott, Mr. (Library)	1	..	Ditto.
Robinson, Mr. (Baths)	1	..	Ditto.
Thornton, G., Esq., J.P.	1	..	Ditto.
Jessup, Mr. (Council Chambers)	2	..	Ditto and Mr. Cowper.
Hill, Geo., Esq., J.P.	1	1	Ditto Ditto.
Hill, Rd., Esq., J.P.	1	1	Ditto and Mr. Robertson.
Egan, D., Esq., M.L.A.	1	..	Ditto.
M'Lean, Captain	1	..	Ditto.
Hunt, M. A., Esq. (Post Office)	1	..	Sir William Donison.
O'Brien, Dr.	1	..	Ditto.
Irving, Clarke, Esq., M.L.A.	1	..	Ditto.
Nisbett, Mrs. (Dairy Woman)	1	..	Ditto.
Moriarty, Captain, M.L.A.	1	..	Mr. Robertson.
M'Iveley, —, Esq. (Librarian)	1	1	Ditto.
Sandeman, —, Esq.	1	..	Ditto.
Henfrey, Mr.	1	..	Ditto.
Lenchan, Mr.	1	..	Ditto.
Mr. Sentis (French Consul)	1	..	Mr. Black.
Thompson, Buchan, Mr.	1	..	Mr. Robertson.
Oatley, Alderman	1	..	Ditto.
Daintrey, E., Esq.	1	..	Ditto.
Roberts, Dr. A.	1	..	Ditto.
Hoffery, Mrs.	1	..	Ditto.
Peisley, Mr.	1	1	Ditto.
Rice, Mrs. (Dairy Woman)	1	..	Ditto.
Director of Botanic Gardens and Establishment	1	2	
Domains	..	1	
Colonial Architect's Department	..	1	
Hydo Park Commissioners	..	1	

CHARLES MOORE, Director.

John

John Sutherland, Esq., M.P., called in and examined:—

- J. Sutherland, Esq., M.P.
26 Feb., 1861.
203. *By the Chairman*: You are Mayor of Sydney? Yes.
204. Have any complaints reached you with reference to a fence erected in the Domain by the cricketers, on the occasion of the late inter-colonial match? No official complaints.
205. Nothing officially? No.
206. From your knowledge of the ground, do you consider it desirable that that fence should remain as it is, or do you consider it an obstruction to the public convenience? I consider it an obstruction to the public, and am of opinion that it has no right to remain there as a permanent thing.
207. As principal Magistrate of the city, and from what you have heard yourself from the Director of the Botanical Gardens, is it your opinion that the irregularities to which reference has been made exist? I can only speak from hearsay. I have heard of them very often; but I have never been in the Domain during the night, and cannot speak from personal observation.
208. Have any overtures been made to the Corporation about handing over the Domain and Gardens to the Corporation? Not in my day.
209. Is there anything that you would suggest yourself, relative to the management of these public domains? I have heard a great many complaints about cows and horses being in the Domain in the day time, and I would suggest that they should be allowed in only from a certain time at night to a certain hour in the morning. I think there might be a good revenue derived from the Domain by letting it under certain rules. One of those rules should be that the cattle should only be admitted after a certain hour in the evening, and that they should be taken out before a certain hour in the morning—whatever hour might be most convenient to the public.
210. *By Mr. Dick*: Do you not think sheep would be best? I think sheep might be admitted at all hours of the day.
211. And that they would be better than cattle? Yes, if sheep could be got for it, they would be best for keeping down the grass and manuring the ground. I think one of the regulations should be that the parties should keep the grass down, by putting in a larger number of cattle, if necessary. I believe there are a number of cow-keepers round about the city that would give a good price for the Domain, subject to those restrictions.
212. *By the Chairman*: There is a portion of Hyde Park which runs along Elizabeth-street, and which now contains stones and pipes belonging to the Corporation—would it not be desirable to plant trees there, or take some other means of improving the place and doing away with its present unsightly appearance—can you suggest anything yourself? With reference to that portion of Hyde Park?
213. Yes? There is no doubt it would be advisable to have trees planted all along. I am not of opinion, however, that the trees which are now being planted in the portion of the Domain previously referred to are the best, or are proper. The portions I refer to are all those which constitute the flat on this side of the creek or cricket ground. There ought to be no trees there, but only round the walks. That portion of the ground devoted to the cricketers or the volunteers ought to be kept clear altogether.
214. *By Mr. Dick*: Do you think it desirable to light the Domain with gas? I think it very desirable.
215. From your knowledge of such matters, can you give us any estimate of what it would cost—what do they charge you for a lamp? Eleven pounds five shillings per year.
216. Do they put it down? Yes; and maintain the post.
217. *By Mr. Driver*: That is only where the gas is laid on? Yes. The agreement of the Gas Company with the Corporation is, that the lamps shall not exceed eighty yards apart. If the Corporation applies for lamps in a certain street where the gas is not laid on, they insist upon the lamps not being more than eighty yards from each other. They have very often refused to lay it down if the distance has been greater than that from lamp to lamp.
218. Do you think, if there were a larger number of turnstiles in the Domain, that the erection of the fence would be a nuisance, or interfere with the rights of the public in any way? I think it would interfere with the rights of the public to have any permanent fence erected in the Domain. I should not, as one of the public, object to any portion of it being fenced in for a few weeks for any particular purpose, such as the Inter-Colonial Cricket Matches; but I have heard the Hon. the Secretary for Lands state, that use is occupation and permanent title, and I have no doubt this would become a permanent title to the cricketers, or to any one else to whom permission might have been given.
219. We are speaking now of the fence itself? I consider it very objectionable to have any permanent fence there.
220. *By Mr. Egan*: Do you think it would be sufficient for all purposes to act upon the permission of the Executive Council, and in the event of a great match, guard the space by ropes through rings attached to iron or wooden stakes? Yes, I think it would be desirable to give the cricketers every encouragement in that way, so long as the fence was not permanent.
221. *By Mr. Driver*: A fence with running ropes you think would be a sufficient check to keep the public out? I think it would.
222. Are you not aware, that even upon the last occasion, many people rushed that fence and refused to pay? I believe a great number of the citizens were more inclined to rush the fence than they would have been to have got over the ropes, because they considered that it trespassed upon their rights.
223. While the iron hurdles were there, were you not aware that numbers of them were continually

continually broken by the public? I have no doubt that they might have been. I recollect when the balloon was sent up here, I happened to be coming in myself, a large crowd of people were kept out and they were going to pull down the gates, and, I believe, that unless some parties had advised the crowd at the time, they would have taken the gates away. They considered that they had no right to be charged for admission.

224. Then, the whole entrance to the Domain was entirely barred? Yes; but I am aware that a large number did get in over the top of the fences, and would not pay.

J. Sutherland,
Esq., M.P.
26 Feb., 1861.

FRIDAY, 1 MARCH, 1861.

Present:—

MR. DRIVER,
MR. EGAN,

MR. LACKEY,
MR. WILSON.

SILVANUS B. DANIEL, Esq., IN THE CHAIR.

John M'Levie, Esq., Inspector General of Police, called in and examined:—

225. *By the Chairman:* The object of this Committee is to inquire into the state and management of the Sydney Domain. Will you please state to the Committee what is your opinion as to its present management? The only matter in connection with the Domain that has occurred to me in my official capacity, is the keeping the gates open at night; I think that is very objectionable.

John M'Levie,
Esq.
1 Mar., 1861.

226. Do the police perform any duty in the Domain; and if so, what are the particulars of their duties? There is a Domain bailiff—one of the officers of the Domain—who is sworn in as a special constable, to enable him to perform a constable's duty when required. In addition to that, the Domain forms part or portions of certain beats in the city; and those portions are patrolled by constables the same as other portions.

227. By day and night? We cannot afford men to do it regularly at night, but they do frequently go in at night.

228. Are you aware of any indecencies that have taken place in the Domain, from your official knowledge, committed by improper persons of both sexes congregating there? Yes. About six weeks or two months ago, one of my inspectors, one Sunday night, reported to me that the scenes of immorality he saw there were beyond comprehension; he said there were—I am almost ashamed to say the number of persons he stated to be in a state of coition at the time, old and young.

229. Was that at a late hour of the evening? About ten o'clock; between nine and ten o'clock.

230. To what portion of the Domain does that refer? To all the Outer Domain; from the gate at Governor Bourke's Statue to Woolloomooloo Bay, to the eastward, and the southern boundary.

231. When this came to your knowledge, did you take any means to endeavour to suppress it? I have, on more than one occasion, mentioned the objection I had to the gates being open; and I expressed my conviction, that so long as the gates were left open such scenes would occur; but the Domain being under a Minister who is not in charge of my department I did not communicate officially to him. I was told by the Chief Secretary that the Minister for Lands had determined upon keeping the gates open, as he was of opinion that it would be depriving the citizens of a privilege to shut the gates.

232. The gates are in fact never shut? They are never shut. I may say it is the only place of public recreation that I have known to be so conducted; in all large towns of the mother country the gates of such places as this are shut at a certain hour of the night.

233. You would recommend then that the gates of the Domain should be closed at a certain hour? Yes; and in order that persons who would use the Domain as a place of healthful recreation after dark should not be deprived of that privilege, I would have a wicket with keys, one of which should be given to any householder or head of a family who might apply for it, on payment of a small fee, and they should bind themselves to use these keys for their own families alone. That is a practice pursued in some of the public squares in London, and also in Edinburgh. The Domain would by that means be used for the purpose for which it was intended—the healthful recreation of the public—instead of being as at present a haunt of vice and immorality.

234. You would not refuse admittance to the humbler class of persons? Certainly not; but the privilege should be confined to persons of respectable character in any class of life, who would make themselves responsible to the department under which the Domain is placed, or perhaps to the Domain-keeper that the key should be used for their own families alone. The fee should be a merely nominal sum.

235. Would you make any suggestion at all about the Domain being cleared of visitors at any time by the officers of the Domain? No; if you place it under these restrictions that would be unnecessary. It is to be inferred from the purpose for which the key would be given that it would be only used for a walk in the evening.

236. Has it ever been reported to you officially that improper persons personate constables and intimidate visitors, and that they have been known to extort money from them? Yes.

237. Has any prosecution taken place in such cases? Yes, a policeman some time ago—I

John M'Lerie, Esq. forget how far back—caught one man who had been personating a constable and extorting money under threats of prosecution from a gentleman, and he got two years imprisonment. I frequently hear of instances of that kind, not officially, but privately, because, of course, the same motives that induce the parties to give the money prevent them giving notice to the police. I knew an instance four years ago where a gentleman was fool enough to give £5 to a ragabond of that kind.

1 Mar., 1861.

238. You have observed a fence lately erected in the Domain, round the cricket ground? Yes, for the late match.

239. From your knowledge of military tactics, will you state to the Committee whether you believe that fence would interfere with the evolutions of the troops or of the volunteers? In a military point of view, I have no hesitation in saying it would do so. Even before the fence was erected, there was scarcely room to review the volunteers; there was not room, in fact, at the late review, our movements were hampered for want of space.

240. Would it be possible for any large body of troops or volunteers to carry out their evolutions while that fence is in existence? Certainly not a body of any number; I should say, with that fence standing, we could not form in line 200 men.

241. *By Mr. Wilson:* Would it interfere with skirmishing? It would certainly. Skirmishing more particularly requires such an extent of ground, without interruption.

242. *By the Chairman:* Would you recommend that lamps should be placed in any portion of the Domain, for the better security of visitors in the evening? If admission to the Domain were limited according to my suggestion, I think a few lamps would be of great use.

243. *By Mr. Lackey:* How would you limit the right of admission—would you make any difference between different classes of persons? No, every householder in Sydney should have a right to a key on payment of a nominal fee, say half-a-crown; at the same time binding himself that the key should be used by his own family, and for proper purposes alone.

244. Would you give him the right of admission for none but his own family? And friends, of course.

245. Do you not think that if every householder in Sydney had the right of admission, the same improprieties would be likely to occur? No, because the very fact of respectable persons being present would act as a check on those who at present go there without any restraint.

246. *By the Chairman:* You think a greater number of respectable people would visit the Domain then? Yes.

247. *By Mr. Driver:* Are you not aware that a very large number of respectable persons are in the habit of walking in the Domain nightly? I have it from heads of families that they are prevented from taking their families there on account of the disgusting scenes they are liable to witness.

248. *By Mr. Lackey:* It is impossible to go without seeing what is going on? Yes; in fact, from what the police tell me, no father of a family would think of taking his children there after dark.

249. I suppose this is of nightly occurrence? It is of frequent occurrence, and no doubt nightly. There are a large number of the homeless female outcasts of Sydney who go into the Domain and live about the drains and holes, and no doubt they disseminate more disease among the youths of Sydney than it is possible to conceive.

250. *By Mr. Driver:* Are you aware in what particular parts of the Domain these scenes are carried on? Principally along the boundary wall behind this House, from the northern end to the gate, the whole way.

251. How long is it since the gates have been kept open? Some of them have been kept open for the last three years. There was a correspondence about it at that time; Sir William Denison took part in the matter, and it was brought before the Executive Council. Since then the Palmer-street gate and the gate at the statue have been left open to give the residents of Woolloomooloo the opportunity of going across. I believe the other gates have been ordered to remain open more recently.

252. You say you have received repeated complaints of the extortion of money by parties representing themselves to be constables? Not repeated; I have had such things mentioned to me on more than one occasion, and I have stated one instance where the police prosecuted one man and obtained a conviction. I tried to check it, and I fancy I did check it, because probably the steps I took became known to these rascals.

253. If the fence at the southern boundary of the cricket ground were removed, would it then interfere with the military or the volunteers? Yes, it would require that both the western and southern fences should be removed, to leave the space open, because the movements of any considerable body would be impeded by any part of the fence.

254. Why the western fence? Because it does not leave sufficient room for wheeling or advancing in line.

255. If the fence at the western boundary were brought back to the road, would not that remedy the objection? If that were done the objection on that side, with respect to military movements, would be removed at once, because they never would go beyond the edge of the road.

256. In your opinion would that fence be an obstruction to the free use of the Domain by the citizens, if a sufficient number of turnstiles were placed in it, and it were removed back to the road? No; it would be rather an improvement, because horsemen would not be able to go in and disturb children playing about there, as they do at present.

257. Without a fence is it not impossible to check horsemen from galloping over the place to the danger of the children? Certainly. I say so—that is, if the fence were removed altogether. I mean that, if the interior fence was removed, and extended round the road, I would look upon that as a great improvement.

258. Are you not aware that, before the erection of the fence, it was almost dangerous to nursemaids and children to use that portion of the Domain, in consequence of the continual galloping over it by horsemen? Yes. I know that, notwithstanding the order in existence in the Domain, I have seen men riding about there in the most reckless manner. Of course the fence would have to be extended some considerable distance to the eastward.
259. Nearly up to the walk leading from the Domain gate to the Botanical Garden? Yes; but even then, for the purpose of skirmishing, it would interfere with the movement of troops, unless you erected such a fence as men could get through.
260. With a portable fence on the eastern boundary, which could be removed on review days, would it not be a great improvement? Yes; that is, of course, if the public were not excluded from its use.
261. With a sufficient number of turnstiles, of course? Yes, and unlimited access to it.
262. In your opinion is the game of cricket worthy of encouragement? I look upon it as one of the most manly games we have, and I think it should be encouraged, certainly.
263. Do you consider that, except in the case of the inter-colonial contests, the occupation or use of that ground by the cricketers interferes at all with the general rights of the public? No, except that looking upon it as a piece of ground for the recreation of ladies and children, of course while they are playing cricket in one part of it children cannot go near.
264. But there would be plenty of room for them? Yes, of course, they could always keep away from the cricketers.
265. Have you any idea as to the number of cricketers in this city and suburbs? Judging from the numbers I see playing on Saturday afternoons I should say they were almost legion.
266. Have you any idea of the number of clubs? There must be a dozen perhaps.
267. *By Mr. Wilson:* When talking about the number of people you see playing cricket in the afternoon, do you allude to the number in the Domain? In the different parts of the city—Cleveland Paddock, University Paddock, Hyde Park, and the Domain.
268. *By Mr. Driver:* The players in Hyde Park are principally children? Yes.
269. Do not the trees on the eastern side of that portion of the Domain slightly interfere with skirmishing? No; for skirmishing purposes trees are an advantage; with them you can instruct the soldiers how to take advantage of cover, which is the principal thing in skirmishing; on cleared ground you cannot do that.
270. Have you any knowledge of the occupations of the various parties who make use of the Domain for cricketing? They are from every grade of society, in my opinion. If it would not be out of place, I would make a suggestion. As the city is increasing, no doubt, the number of cricketers would increase in the same ratio, and, I think, there is a piece of ground close to the boundary of the city where you might make the finest cricket ground in the world.
271. Where is that? Just at the junction of the Randwick Road with Dowling-street, extending, at the back of the barracks, to the Military Cricket Ground. That might be levelled with very little expense, and judging by the success of the Jockey Club with the Racecourse, I think, in twelve months there might be a fine green sward which would be an ornament to the city, instead of the eyesore it is at present. Irrespective of cricket, I think that ground ought to be made a place of public recreation, as it is close to the city, and at present a barren-looking place. If it were only for the sake of taking away that sand hill, and filling up the quarry from which the Barracks were built, it would be a great improvement. It would take nearly the whole of the sand hill to fill up that quarry.
272. *By Mr. Wilson:* You mean the quarry at the back of the Barracks where the water-hole is? Yes, where many persons have been drowned.

Mr. George Kemp called in and examined:—

273. *By the Chairman:* You are Bailiff of the Domain? Yes.
274. How long have you been so? Nearly seven years.
275. From whom do you receive your orders? From Mr. Moore.
276. The Director of the Botanic Gardens? Yes.
277. Will you state to the Committee what your duties are generally? My duties are to look after the plantations of young trees, to see that no damage is done to the fences, and to protect the public.
278. How do you mean, protect the public? From any insults or any obstruction—anything of that kind.
279. From improper persons in the Domain? Yes. To remove improper persons from the Domain, to impound cattle, and to exercise a general surveillance of the whole of the Domain—both the Outer and Inner Domain—and I had also the Gardens until lately; I have had nothing to do with the Gardens for the last six months; but previous to that I had the whole of it.
280. Are you sworn in as a constable? Yes.
281. Have you apprehended any persons for disorderly conduct? Sometimes I have had occasion to remove persons who have been interfering with people sitting on the seats, or molesting them when walking to and fro, and going or coming from the baths, or any other places.
282. Are annoyances of this kind of frequent occurrence? Not very frequent.
283. By whom are they principally committed? Generally by strangers.
284. Strangers to the Colony? Yes, frequently by the crews of ships; the first time they

John M'Levic,
Esq.
1 Mar., 1861.

Mr. G. Kemp.
1 Mar., 1861.

have

- Mr. G. Komp.** have a cruise on shore they always come into the Domain and congregate about, more particularly to meet the females that have come in the immigrant ships. It is quite a usual thing for the seamen to come on Sundays into the Domain to meet these females, and they are not at all particular in their conduct—though of course if I see or hear anything offensive I always check it.
1. **Mar., 1861.**
285. Have any complaints been made to you, while on duty, by females, of persons interfering with them? Not very often.
286. Such has been the case? It has been the case.
287. What do you do then? I take proceedings against them.
288. In what way? Take them into custody.
289. Do you place them in the lock-up? Yes.
290. And proceed against them at the Police Office? Yes.
291. What has been the sentence on these occasions—fine or imprisonment? Generally imprisonment; but they are very rare occurrences.
292. How many cases have occurred during the last twelve months? I do not think I can mention a case where I have had any complaint from females in the last twelve months.
293. Do you do duty at night, as well as by day? Yes, so far as the impounding of cattle, and occasionally going round the Domain.
294. How many cattle are running in the Domain now? About forty—cows and horses.
295. To whom do they belong? To different gentlemen; Mr. Moore has a list of them. I make returns to him whenever he asks me.
296. Regularly? Yes. I gave him a list on the last day of the year.
297. A fence has lately been erected in the Domain, round the ground used by the cricketers? Yes.
298. Have there been any expressions of feeling that you have heard relative to that fence being an obstruction to the public? Yes.
299. What have you heard? I have heard people express their feelings against it in passing to and fro; and I have likewise heard many speak in favour of it. No one speaks against the cricketers themselves, but only against the fence. Although I have had the surveillance and overlooking of the cricketing since it has been established there, I have never had occasion to interfere with any of those gentlemen, neither have I ever heard one single complaint against them, but only against the fence.
300. Are you aware of any large number of people congregating about the baths and sleeping in the Domain? I know that they do sleep about the Domain.
301. Are they permitted to do so without interruption? Not if I see them; I always put them out of the Domain, but I have no power to do more than that; I have taken people to the Police Court, and the case has been dismissed for the want of my having power to act—judgment has been given against me.
302. *By Mr. Driver:* Have you any idea of the number of cricketers that play in the Domain? I think nearly three hundred, as far as I know.
303. Who are in the habit of constantly playing there? Yes, I should say there are that number. I have made an estimate of the number of persons that come into the Domain, which I think I can guarantee to be nearly correct. There are five entrances, and I calculate that at each entrance there is one person comes in per minute, or 25,200 per week, or 1,310,400 in a year; and with this astonishing number of persons passing in and out of the Domain, I am the only person that does duty in it; and, consequently, the duties are very onerous. I am on my feet, generally, fourteen hours a day, and I have to do night duty sometimes as well. I have got the impounding of cattle to see to, and I am beset with people coming and rushing the cattle from me, often in the middle of the night, and I have no protection though I have applied for it.
304. To whom have you applied? I have reported it frequently to Mr. Moore, and I have asked the police to assist me.
305. Do you think the erection of that fence is an obstruction to the general public? As far as my own view of the case goes, I do not think that, with proper gates, it is any obstruction.
306. With proper turnstiles? Just so, because with turnstiles there is plenty of room to pass in and out.
307. Since the cricketers obtained permission to play there, have not more persons been in the habit of using that portion of the Domain? The cricketing has brought in a great number of people.
308. What class of persons? All classes.
309. Is it not frequented on Saturday afternoons by a larger number of respectable families than frequented it before the cricketers commenced there—that particular portion of the Domain? Yes, the Domain is more and more frequented every year. These things attract the people to the Domain—people of all sorts and grades.
310. You have heard something about scenes of vice and immorality there? I have.
311. Do you think that would be checked in any way by closing the gates at night? Yes, I do.
312. Before the opening of the gates—the gate at the Statue and the Palmer-street gate—did not large numbers of persons congregate in the Domain in the evening, from round by the Battery and other places? Yes; there were people that would get over the gates at all times, but not such a concourse of people as at present.
313. Are you not aware that since the opening of these gates, the Domain has been visited nightly by a very large number of respectable families? No doubt but what there are in the early part of the evening a number of very respectable people, and at the same time there is not the slightest doubt that there are improper persons who come in for improper purposes.

314. Who would find their way there under any circumstances? They would. Mr. G. Kemp.
315. *By the Chairman*: You are speaking of after dark? Yes.
316. Do you think with more police protection, that would be checked at all? I think it is very much required, and I would put a check to it. 1 Mar., 1861.
317. *By Mr. Driver*: Have any complaints been made to you of any attempts to extort money from respectable persons in the Domain, by parties disguised as policemen? I have heard of that ever since I have been in the Domain, but I have never been able to get at a single case. It has always come out when I have pushed them, that they have heard it; that some friend has told them. I never could get to the bottom of a single case. I have never known it myself.
318. I suppose you are aware that at certain times, large numbers of idlers frequent the Domain? Yes.
319. *By the Chairman*: Persons that are well known to you as idlers? Not many that are well known to me. I think I can safely say that there are not more than half-a-dozen that I may term habitual idlers.
320. *By Mr. Driver*: These fellows are continually there? They are mostly there, one or two in particular.
321. *By the Chairman*: Could you suggest anything yourself respecting the management of the Domain? I beg leave to say that for the first two years I was there I had a policeman to co-operate with me, and I found it a great benefit; but he has been withdrawn from me four years, and I have had the whole of the duty to perform myself night and day. I think, when you look to the number of people who pass in and out of the Domain, you will see that it is necessary I should have some assistance. In the numbers I have given, I do not include such days as the review day, or when there were ten thousand people there to see the cricketing, but only those who ordinarily frequent the Domain. Sometimes fights take place there for a certain sum of money; I have been amongst them, and tried to suppress it, and have sometimes got very ill treated; I have been obliged then to go to Darlinghurst to get the police, and probably I may get a couple, but by the time we get back, they are all gone—the fight is over. What I have hitherto done in the way of keeping order, when it has been necessary to interfere, has been as much through moral force as anything else—by persuasion I mean. If I take a man into custody, or if I summons a man for anything, it takes me perhaps two hours away from the Domain, and next day it takes me more than half-a-day attending the Police Office, and often the case is put off; and, after all, if the party employs an attorney, it is likely to go against me. I wish to name a case in point.—About twelve months ago, I was ordered to remove a man from the Domain, because he brought in a standing stall and put it up, which is not allowed; I took him into custody, and the case was tried at the Court, and judgment was given against me; the man afterwards brought an action against me, and laid damages at £30, and in that likewise judgment was given against me. The damages were only fixed at one farthing, but it shewed that I had no power to take anybody up when I see them erecting stalls, &c., wheeling in fruit, and selling it from baskets, and frequently such has been the case, but I have no power to act.
322. *By Mr. Egan*: You are sworn in as a special constable, are you not? Yes. In this case I was obliged to pay my own expenses, although I was carrying out a duty there, in doing what I was ordered to do.
323. *By Mr. Lackey*: You said that there were improprieties carried on in the Domain at night between men and women who go in there? I do not know it as an absolute fact; but when I go round I see people sitting about and lying about.
324. Do you know it from information you have received? I have been told that such things are of common occurrence, and my own opinion is that there is very little doubt but what these things are done, but it is a difficult thing to get hold of a case.
325. Has it ever come to your knowledge that these improper practices are carried to such an extent as to prevent respectable parties using the Domain in the evening as a place of recreation? I do not think it is; I think there is a great deal of exaggeration about it.
326. *By the Chairman*: You have seen respectable families there? Yes, up to ten o'clock at night; but still depraved characters come in.
327. *By Mr. Lackey*: You range the Domain at night? I do. My duty extends from five o'clock in the morning to eight o'clock at night.
328. At any time that you have been out at night have any of these occurrences come under your own observation? Never, and I have been up at all hours.
329. These practices could hardly have been carried on to the extent sometimes reported without you seeing them? I must have seen some of them, and if I had I should have taken them into custody instant.
330. Is the Domain used extensively as a place of recreation by respectable families? Up to ten o'clock at night, especially moonlight nights.
331. Do you think it would be any advantage to the Domain to have a few gas lamps there? I think it would, but what we want is a patrol there. In St. James' Park and the Green Park at Home they have seven lodges and twelve policemen on duty by day and twenty-four at night, and here I am by myself.
332. *By Mr. Driver*: Do you not frequently walk from the gate at the Statue round the back of this wall towards the other gate in the evening? Yes.
333. Do you find that the irregularities we have been speaking of frequently take place in that particular locality? I find people lying about there a good deal, and generally speaking of that character, that I put out of the Domain every day more or less. But generally speaking the parties who lie about the Domain are decrepit old shepherds who come down here periodically from the country, and after spending what money they have they cannot get back, but they loiter about the Domain, and some go to the Benevolent Asylum. You may

Mr. G. Kemp: may pick out six or seven every morning before breakfast. The old women are the most troublesome to me, I am continually putting them out.

1 Mar., 1861. 334. You speak of large numbers of persons sitting together of an evening in the Domain, do you not see a large number of persons seated together along the walks in Hyde Park also? Yes.

335. *By Mr. Egan*: And on the grass too? Yes, everywhere.

336. These immoral practices are not carried on to your knowledge? Not to my knowledge. If I see a young man lying down beside a female I generally walk up and say, you must not lie here, you may sit on the seats, and they generally remove at once.

337. Do you ever find any person object to your authority in that way? No, generally they are very quiet.

338. You never saw anything to offend against public decency? Very little indeed. The cases I have had to bring forward during the number of years I have been there have been comparatively insignificant. I am sure that if anything of the kind were to prevail to the extent that they say it does, I must know it, I do not mean to say it does not take place; but all these things are generally hearsay, if I press a person about anything, he generally says some person told him.

Mr. David Wilson called in and examined:—

Mr. D. Wilson. 339. *By the Chairman*: What position do you hold? I am overseer over the Domains and Hyde Park.

1 Mar., 1861. 340. Have you any connection with the Gardens? None at all.

341. From whom do you receive your orders? From Mr. Moore, the Director of the Gardens; he is my superior officer.

342. Will you please to state generally what your duties are? To superintend all the men employed in the Outer and Inner Domains, in the grounds about Government House, and in Hyde Park.

343. Do you perform any duty at night? No, only during the daytime.

344. As overseer over the workmen generally? Yes.

345. Were you overseeing the men during the erection of the fence on the ground where the cricketers play? No, I had nothing to do with the erection of that fence.

346. Are you sworn in as a constable, or connected with the police in any way? No, I have nothing to do with the police. My duty is to superintend the labouring men on whatever works may be going on in the Domains, Government House, and Hyde Park. Whatever men are employed there, are under my directions.

347. *By Mr. Lackey*: Are the plantations under your superintendence? Yes, everything where work is going on.

348. *By Mr. Driver*: Have you observed that large numbers of respectable families visit the Outer Domain in the evening after dark? I know a great many people of all descriptions; I see a very great deal of impropriety carried on at night.

349. You see it carried on? I am living at the lodge, and I see so many people coming out and in of all descriptions—it is becoming quite a nuisance.

350. But your gate is closed? Not now; I have had instructions within the last week to leave the gates open entirely; otherwise it was always shut at nine o'clock. At one time it was shut at eight o'clock, but we found so many respectable people walking about that they were continually making application to get out; they would come in at the gate near the Statue, or at the Palmer-street gate, which were always open, and make their way to our gate; but we thought that any one who had business in the Domain—even for pleasure—it was time they were out at nine o'clock.

351. What were the improprieties you were speaking of? Women of disreputable character would hang about the gate and solicit men until eleven o'clock at night.

352. Have you taken any steps to check it? It was no part of my duty; I had no instructions.

353. Have you reported it to Mr. Moore? Yes, frequently. Every day, when anything particular comes under my notice, I report to him.

354. These things, as I understand you, have taken place immediately outside the lodge gates? The people assembled close up to the gate, and even after nine o'clock, if they had the chance of anyone going out and in—that was when the gates were shut at nine o'clock, which they have been till lately.

355. You yourself have taken no steps to put it down? No, I have nothing to do with it.

356. Have you, inside the Domain itself, seen anything improper? I have seen women and men going out and in frequently, but I do not make a practice of following them, or even to turn them out.

357. Have you not seen large numbers of respectable persons there every night? No question but I have seen them there every night, but I do not make it a practice to follow them, or even to know where they are going.

358. Mr. Kemp, the bailiff of the Domain, is almost continually on the alert, is he not? It is his place.

359. Is he not almost continually on the alert? As far as I know he is, but I do not interfere.

360. Do you not frequently see him walking about of an evening? I do during the summer time, when the evenings are light, but in the winter season I do not see him because it is dark by the time we leave off work.

361. Mr. Kemp is the only person in connection with the Domain whose duty it is to look after these things? Yes.

362. And he has no assistance whatever? No. If any respectable lady, or any one that is ^{Mr. D. Wilson.} insulted, comes up to my house to complain, I interfere in such as that, or report it to Kemp.
363. Are you not aware that a very large number of persons are in the habit of crossing ¹ the Domain of an evening, from boating and other excursions? After my duties are over, at six o'clock, I do not go much in the Domain, but I know a great number of people frequent the thoroughfare from Woolloomooloo up to Bourke's Statue, and all parts of the Domain.
364. Including respectable families? Yes; but there are a good many bad characters of late.
365. *By Mr. Egan:* You go by their appearance? Yes. What I go by is, that I hear them; they will sit there and sing the most blackguard songs you can imagine.
366. Outside the gate? Yes.
367. You have called Mr. Moore's attention to this, you say? I have named it to him frequently.
368. Were these persons in the habit of congregating outside your gate before the gates were kept open? Yes, frequently; in fact the gates were never locked till nine o'clock, and they made a regular practice to attend there.
369. Then keeping open the gates does not increase the nuisance at all? Well, I do not know that it does. They want some policemen to put a stop to these people going out and in as they do.
370. *By the Chairman:* Do you think if a few gas lamps were placed round the walks it would be of any benefit at all? I think they would be very beneficial; there is a place for a lamp over the gate. If there were lamps it would expose anything to sight; but it is a dark miserable place there in the winter time. A great many bad characters go and sleep all night in the bushes, and under the rocks, towards Lady Macquarie's Chair, which I am aware of, for I see them go in at dusk, and out in the morning—a parcel of little boys and girls, from ten to fifteen years of age. There were about half-a-dozen coming out one Sunday morning, about seven o'clock, and I asked them where they had been so early, and they said they had been there all night.

WEDNESDAY, 6 MARCH, 1861.

Present:—

MR. EGAN,
MR. HAY,

MR. LACKEY,
MR. PARKES,

MR. WILSON.

JOHN BOWIE WILSON, Esq., IN THE CHAIR.

Richard Jones, Esq., called in and examined:—

371. *By the Chairman:* You are Vice-President of the Cricketing Association? I am one of the Vice-Presidents. ^{R. Jones, Esq.}
372. Are you aware of the terms on which the Cricketing Association have obtained the privilege of using the ground in the Domain on which matches are played? I can ⁶ scarcely say I am. Although one of the Vice-Presidents, I have not taken much part in the proceedings generally. ^{Mar., 1861.}
373. Are you aware that part of the Domain has been fenced in with a permanent fence, said to be so for cricketing purposes? Yes, that came under my observation at the late Inter-Colonial Cricket Match.
374. Do you think it advisable on the part of the Government to allow such an appropriation of the public lands for that purpose? As the Domain has been set aside for public recreation generally, I do not think the Government are justified in giving to the Cricketers, or any other body, any kind of exclusive occupation which would interfere with the general enjoyment of the Domain by the public at large. At the same time, I think that on exceptional occasions, such as the Inter-Colonial Cricket Matches, provision might be made to allow such an occupation, for some two or three days, as would give those who have got up the Cricket Match some means of reimbursing themselves for the expenses to which they have been put. I see no objection to provision of that kind being made, provided it did not extend beyond the time for which the match was to be held.
375. Are you of opinion that cricketing might be carried on in the Domain, for practice, without a permanent fence standing there all the year round? I think it might.
376. Do you think the fence as it stands is an improvement to the Domain? I think it is an eyesore. I may add, however, that I see no objection to some kind of fence, or railing, or ropes, being put round that large plot in the middle of the Domain, so as to exclude horses and cattle from the enclosure, and which would make it available, not only for cricketing purposes, but for reviews, and other purposes of a like kind, and also give a certain kind of security to women and children in taking recreation in that portion of the Domain.
377. When you speak of fencing in a portion with ropes, do you allude to that part which is used for bowling, or to the whole of that plot of ground? The whole of that piece of the Domain which is enclosed by the road running from Bent-street, then striking off at right angles to the gate at St. Mary's, and back again to the entrance at Bent-street—or nearly the whole of that portion.

378.

- R. Jones, Esq.
6 Mar., 1861.
378. *By Mr. Egan*: That would be nearly the whole of that side of the Domain from the road? Yes, a good portion of it.
379. Do you not think that if so large a portion of ground was fenced in, in the manner you speak of, it would be very expensive to the Government by having to cut the grass and keep it in a fit state—to prevent fires for instance from taking place if the grass were allowed to become long and dry? I think provision might be made for keeping down the grass by allowing sheep to be turned in occasionally.
380. I suppose you are aware that no sheep come to Sydney now since the abattoirs have been finished? I am not aware of that.
381. Still you are of opinion that a place like that, dedicated to the public, ought not to be placed in such a position that the people generally cannot enjoy it? I think so. I think the rights of the whole public ought to be very jealously guarded, and that such privileges should not be given to any number of individuals as would enable them to exclude the general public.
382. You see no objection to allowing the use of that portion of the Domain to the cricketers during the period of a match—but you would give them no further exclusive right? No; nor to any other body. I may say, however, that perhaps the cricketers are better entitled to such privileges as can be granted than any other body of the people who might seek the use of the Domain for purposes of amusement; because I think that cricket is one of the very best games that the people can engage in.
383. *By Mr. Parkes*: Have you turned your attention at all to the management of the Domain—whether it would be better if it were vested in trustees than under the control of the Government of the day? I have not turned my attention to that matter, and, therefore, I should scarcely care about expressing a hasty opinion.
384. You are aware that the Domain is at present under the control of the Secretary for Lands? Yes.
385. I was going to ask your opinion whether, considering the purposes to which it is dedicated, it is under the best possible management? I scarcely see why this particular Domain should be under the control of the Secretary for Lands, any more than any other public recreation ground in any part of the Colony, as a matter of principle; and if trustees form the best agency under which recreation grounds generally can be managed, I see no reason why this Domain should form any exception to the rule.
386. Do you think it would not be better in the hands of an elective trust, on behalf of the citizens? I am disposed to think it would.
387. *By the Chairman*: Have you been in the habit of going into the Domain? I am in there pretty frequently.
388. Did you ever witness any improprieties in the Domain? I cannot say I recollect ever seeing any impropriety in the Domain. I stroll occasionally round by Lady Macquarie's Chair, in the after part of the day, but I never recollect in any single case seeing any impropriety.
389. You are not in the habit of being in the Domain after sundown? No, I am scarcely ever there after five or six o'clock.

Captain Edward Wolstenholme Ward, R.E., called in and examined:—

- Capt. E. W. Ward, R.E.
Mar., 1861.
390. *By the Chairman*: You are one of the trustees nominated by the Government to look after cricketing interests in the Domain? I am.
391. Would you be kind enough to state to the Committee the duties you are expected to perform as trustee? The original instructions to the trustees were sent to them in letters, dated 20th January and 3rd March, 1857, which I understand have been already laid before the Committee. The permission contained in them pretty well ran thus,—To keep enclosed with a temporary or removable fence a space of 60 yards square, to protect the bowling ground against the invasion of horses and cows, but, whenever a match was played, we might extend the enclosure to 200 yards square. Practically, we found it very inconvenient to shift the fence for every match, and the limited space of 60 yards square did not allow of play; therefore, having once or twice shifted the hurdles, we finally left them enclosing the larger space. In fact, the expense of shifting them for every match was more than we could provide for. Mr. Moore, the Director of the Botanic Garden, who has immediate charge of the Domain, thereupon very properly told us we were acting without instructions, and, after the trustees had considered the matter, they came to the following resolution:—"That it was unnecessary to apply for the authority suggested by Mr. Moore, but that Mr. Moore had done his duty in bringing this matter under the consideration of the trustees, and was free from any participation in their act." No one really objected to this extension of the hurdles; we did not exclude anybody from the enclosure, which was merely meant to keep out horses and cows, and there was no invasion of the public rights; so that, although we were acting against the letter of our instructions, we were really acting pretty well in accordance with their spirit. These hurdles were then left in that way during summer, and taken up for the season generally on the 24th of May, and occasionally for reviews. Thus the matter went on for four years. We found, however, that it was very expensive to keep the hurdles up—boys would break them, some cows would jump over or through them; and some persons who thought their cows, which are allowed to run in the Domain by permission of the Government, wanted more provender, would take them up. The consequence was, that the ground was damaged, and the play really spoilt. Cricket could not be encouraged under such circumstances. It did not appear to me that there would be an invasion of any public right to erect a permanent fence, of a character to keep out horses and cows, through which as many turnstiles might be

be made as the public might require, but which would, at the same time, keep them from scampering over the ground on their horses. A fence of a permanent character, too, would be less expensive, because we should not have to repair it every year, as was the case with the hurdles, which were constantly being injured. Previous to this, I may say that petitions had poured in from the Cricketers' Association, and others, to the Government, asking for some fence of this character, which were laid aside to be considered. At last, finding nothing was being done, I saw Mr. Cowper personally. It was also a matter of pounds, shillings, and pence, with those who supported cricket, for, if we could not get the fence we required, we could not have the annual match with Victoria, as we could not have raised the necessary funds. I therefore waited on Mr. Cowper with a minute explaining what it was the Cricketers' Association wanted, which I will read:—"The Cricketers' Association of Sydney respectfully request:—

Capt. E. W.
Ward, R.E.
6 Mar., 1861.

"1. That the Government would surround, with an ornamental fence, that portion of the Outer Domain, bounded on the north by the shrubbery near Sir Richard Bourke's Statue; on the west and south-west by the road leading from the Statue to the lodge, by the Immigration Barracks; and on the east and south-east by the walk leading from the lodge to the Upper Botanic Gardens."

My idea was, that the whole of that particular piece should be enclosed, so that the volunteers might review in it; there might be fountains or trees put inside of it, and the public might be allowed—particularly women and children—to go in and out as much as they chose, and be afforded protection from the galloping of horsemen, and, at the same time, the cricket ground might be protected from damage. That fence would have enclosed a much larger space than that which is there now. The minute I was reading continued as follows:—

"The fence might be 4 feet 6 inches high, open, and of a character ornamental to the Domain. It should be furnished with (say) three carriage or cart entrances, and a turnstile, or a swing-gate or two, for the ready entrance of those on foot. The enclosure would thus serve for cricket, for reviews, or for any other purpose the Government might desire, and being placed under the management of trustees—removable at pleasure by the Government—would be entirely under the control of the Executive.

"2. The Cricketers' Association also desire permission to form a junction with the water main leading to the Botanic Gardens, from which to lead a hose to water the cricket ground, as occasion may require. They are willing to do this at once at their own expense.

"3. Lastly, the Association request permission to erect an ornamental pavilion of a design approved by Government in some part of the proposed enclosure, to be used as a stand from which cricket matches may be viewed; as a place of refreshment for cricketers; and of custody for the clothes, bats, &c., &c. The cost of such pavilion is estimated at £300, and should the Government not be willing to obtain a vote from Parliament for this purpose, the Association will erect it as soon as they can obtain sufficient funds from other sources. It is, however, suggested that it might be put near the lodge end of the enclosure, backed by an ornamental shrubbery, and thus form part of a general Government expenditure for adding to the attractions of the Domain.

"The fence, if approved of, is urgently required before the 12th February, on which day the grand match with Victoria will take place. The connexion with the water main is yet more urgent, in order to improve the ground.

"The cricket ground belonging to the Melbourne Cricket Club is provided with all these requirements, and is held by the clubs on similar terms."

Mr. Cowper granted at once the putting on the water, and the rest remained for consideration for some time. At last I took Mr. Robertson on to the ground and talked the matter over with him. He thought the whole enclosure as asked for would be too much, and permission was ultimately given to run a permanent fence on each side, and a removable fence at the end, which could be taken away when there happened to be a review. The fence on this side was kept further back towards the road, and the fence on the other side was removed back through the trees so as not to interfere with reviews. I sent in a plan of the proposed fence, which is now in Mr. Robertson's hands, with this letter:—(Letter read,—same as Appendix A. to Mr. Robertson's evidence at page 16.) To that letter I received the following letter:—

"Department of Lands,
Sydney, 31 January, 1861.

"Sir,

"In reply to your letter of the 25th instant, I am directed to inform you, that the Secretary for Lands has approved of the enlargement of the enclosure to the cricket ground in the Outer Domain, in accordance with the plan and specification forwarded by you, and which are herewith returned.

"2. I am at the same time to add, that the necessary funds, amounting according to the estimate submitted by you to the sum of £165, will be placed on the Estimates for this year, and submitted to Parliament.

"Captain Ward, R.E.,

"I have, &c.,

"MICHL. FITZPATRICK."

"&c., &c.,

"Sydney.

That was the sanction we had asked, for to put up the fence at once, and we immediately proceeded to act upon it. The plan and specification which I sent to Mr. Robertson has been exactly carried out.

392. After the receipt of this letter then, the Cricketing Association put up the fence themselves? Yes, we at once set to to put it up, and we decided to take the risk whether Parliament would vote the money or not, the Cricketers' Association having previously passed

Capt. E. W. Ward, R.E. passed a minute to the effect that if Mr. Robertson would consent to put the amount on the Estimates, we would take the risk of its being rejected.

6: Mar., 1861. 393. Was any objection stated by the officers of the Government when they saw the fence being erected? Not to me. I may say that I had talked over the subject with Mr. Moore some twelve months before, with a view to ascertain whether he could not join the ornamentation of the Domain with the fence which I proposed; and Mr. Moore seemed, I thought, half inclined to the idea; he said (so I understood) he thought he could plant trees inside, in such a manner as to form a lounge underneath for those who might be looking on at the cricketers.

394. I think you said you applied for an ornamental fence? Well, it was certainly our wish that it should be as ornamental as possible; but, under the circumstances in which we were placed—

395. I was going to ask whether you consider the fence now erected an ornamental one? I do not mean to say it is; but it was not inferior, certainly, in that respect to other fencing in the Domain, and as much as we could do for the money at our command; we adopted the plan of the fences which Mr. Moore has been putting about the trees in Hyde Park.

396. I suppose you are aware that the fences erected in Hyde Park are only temporary—that they are merely put there to guard the young trees, and are intended to be removed? I did not know that.

397. As a military man, are you of opinion that this fence would not interfere with reviews, skirmishing particularly? It would not interfere with any reviews if they take the end down, which can be done.

398. We have it stated in evidence by a military man, that the fence on the lower side would interfere with skirmishing? It would not exercise much ingenuity on the part of a military man to avoid that, by skirmishing first in the direction of the lodge, and then changing front to the left; so far it would interfere, but no further.

399. *By Mr. Hay:* That might be very good practice too? Yes, certainly.

400. *By the Chairman:* Are we to understand that that fence, as erected now, is not the ornamental fence originally proposed by the cricketers? Yes; what we originally proposed was that the whole of that plot of ground should be enclosed with an ornamental fence, within which there might be fountains, and so on, eventually; but the character of this fence is precisely that I proposed to Mr. Robertson, and submitted a plan and specification of with my letter of 28th January last.

401. Do the public interfere much with the cricketers in their ordinary practice? Very little. One or two are troublesome occasionally. We do not assert any right to keep them off. As a rule the trustees treat everybody very civilly, and never allow the cricketers themselves to claim a right to turn people off.

402. Your object in putting up the fence was chiefly to enable the cricketers to collect sufficient money to defray the expenses of the Inter-Colonial Match? Yes; and to keep horses and cows off the ground at other times. Our object never was to keep people out of that part of the Domain, and, as a matter of fact, we never have done so. As the trustees hardly ever meet, I virtually have been the trustee, and I certainly have never sanctioned keeping people out of that enclosure, except on occasions of the great Inter-Colonial Matches; so that they have been kept out at most on four occasions in four years.

403. Are you aware that there is a piece of Government land near the Victoria Barracks unoccupied at present? Yes, I am aware of that; and I am also aware that Mr. Robertson offered us land both at Randwick and elsewhere for the cricketers; but the Cricketers' Association said very justly that you could not possibly expect the large number of persons who live in Sydney and wish to have a little recreation at cricket in the afternoon, to walk out that distance after their day's work is over; and in fact that giving them a piece of ground at Randwick would stop cricket altogether, except among those living near there. But in the Domain, not only the cricketers, but a very large number of the people of Sydney lounge every Saturday afternoon.

404. *By Mr. Egan:* For that purpose you would not require any fencing? Yes; we want to keep the cows and horses off, in order that the ground may be maintained in a fit state for play. There are a large number of cows and horses let into the Domain by privilege, and people ride across the ground when it is not fenced, and we used to find that the ground, which it costs us a good deal to keep in repair, was very much cut up.

405. That small hurdling would have prevented that? No, it did not do so effectually; if you went down there of a morning, you would find the place full of cows. I called one or two meetings on account of complaints made by cricketers, that the hurdles were broken, and the cows let in. They asked me to call a meeting, to consider the question of cattle trespassing in the enclosure; and at last I thought the only practical course was to speak to Mr. Cowper about the erection of a more permanent fence.

406. *By the Chairman:* My object in referring to the vacant ground near the Military Barracks was, to ask whether if put in order it would not supply your want? I do not think you would find many persons who would go out there; but the Domain is within easy reach, and it forms a good lounge for lookers-on, as well as for the players resident in Sydney.

407. The Domain is not very largely used by the cricketers of Sydney for practice? It is open to any club or individual under certain rules. I may state the rules we have for that. The trustees were applied to by the cricketers some time in 1858, upon this resolution of the Cricketer's Association, to throw open the ground for general practice and play on payment of certain fees; on that the trustees passed these rules. The conditions were these:—"1. Any recognised cricket club will be entitled to practice during the season " on the ground set apart by the trustees for that purpose, on payment of a fee of ten pounds.

"2. Any individual, not member of a recognised club, may become entitled to a similar privilege, on payment of a fee of *one pound*. 3. The charge for matches will be as heretofore, and in addition to the above. 4. All fees must be paid in advance. 5. The sums collected, will be applied to the maintenance of the ground."

Capt. E. W. Ward, R.E.

6 Mar., 1861.

408. Will you be kind enough to state how many clubs have availed themselves of the privilege? At the present time four clubs have paid up or guaranteed their subscriptions—namely, the National, the Albert, the University, and the Warwick. There are some other clubs in arrears, but they may pay up and continue their practice there, for instance, the Surrey Club, and the Survey Club, who have each paid £10. Numbers of clubs engage the ground on Saturdays, under that rule I have read, which provides for playing matches, and you will see by this list that it is engaged up to the 20th of April. I mention this, just to shew that the ground is universally used.

409. Are you aware how many cricket clubs there are in Sydney? One way or another, I dare say there are 15 or 20 so-called clubs, in Sydney and the suburbs, I don't know how many there are in Sydney alone; I have heard that number of names, but I may be overstating them.

410. *By Mr. Egan*: Have you heard any persons complain that the putting up of that fence is an infringement on the rights of the public? I have seen those letters in the papers, but nobody has complained to me personally. I do not think that if you called for a petition against it, you would find it very numerously signed.

411. Do you not think that fence, as it stands, is very unsightly? Well, I admit, that it is not so good a one as I should like to see, but we were doing it at our own expense, and we could not afford to spend too much on it. These matches with Victoria cost us, on the average, £400 or £500 a year. We have to engage men, some at five guineas a week, to practice, and we have to give them, or for them, £25 to £40 each, when they go to Victoria, what with one expense and another.

412. Have you any idea what amount was realised for the use of the ground during the last match? Some £500.

413. Does that include the admission fee to the public? Yes. That, with the subscriptions, has to carry us over two years. Next year, when we shall have to send our men to Melbourne, we shall have all the expenses to pay, and nothing to receive; and although we have now about £500 in hand, the expenses of the two years generally work us out of pocket.

414. You do not think the present enclosure keeps the public out in any way? No; they can come in as they please, and we are always very glad to see them there.

415. Do you think any land dedicated to the public, should be infringed on in any way by erecting fences, except of an ornamental character? We do not take the land away from the public, and I do not think we interfere with any public right. I do not think it is a public right to gallop over that piece of ground, or to drive upon it; Mr. Moore would stop it if he could.

416. During the time of the late match, were there not carriages, drays, and carts, all over the ground? On such occasions we could not keep the public off; and I do not think it desirable that we should. It is the same at reviews. But still, I do not think Mr. Moore would allow the public, on other occasions, to drive across that part of the Domain. I confess I do not see that we have interfered with any public right. The good anticipated from the fence was the encouragement of the game of cricket; and, I certainly think, that if it is not encouraged in some way, it will cease altogether for want of means to keep it up.

Mr. William Tunks, called in and examined:—

417. *By the Chairman*: You are one of the trustees appointed by the Government for the cricket ground in the Domain? Yes.

Mr. W. Tunks.

418. Are you aware how much ground was originally set apart by the Government for cricketing purposes? Yes; 60 yards by 40 in the centre of the ground, with the occasional use of the paddock.

6 Mar., 1861.

419. By the paddock you mean the large enclosure? Yes; a space of about 200 yards square.

420. For several years past you have had a hurdle fence round the larger portion of 200 yards? Yes; but the space fenced in became less every time we took the hurdles up, as they became diminished in quantity by getting out of repair.

421. Was that fence made permanent with the sanction of the Government? No; it was removed at the end of every cricketing season.

422. On whose application was the present wooden fence put up? I cannot say who immediately applied for that. I have not attended the last meetings of the trustees.

423. Do you know who granted the authority for it? I understood Mr. Robertson did.

424. Do you consider that that permanent fence is necessary for cricketing purposes in the Domain? As it is arranged I do not look upon a large portion of it as permanent; I never had any idea of the central portion being permanent—it is a shiftable fence.

425. That shiftable portion remains there still? Yes.

426. Are you aware of any reason why it has not been removed? I understood that it was to be removed when there was any occasion for it, but in the mean time it remains to protect the ground.

427. Are you aware what quantity of ground is enclosed within that fence? No; I have no measured it.

428. Do you not think the fence as it at present stands is very unsightly? Well, it is not unsightly as compared with the other enclosures. I take it that the fence, as it now stands on the eastern and western sides, was intended as the inner fence of an enclosure for a plantation,

Mr. W. Tanks. plantation, allowing space between it and the roads for a plantation similar to that in the eastern and western avenue.

6 Mar., 1861. 429. Whose suggestion was that? I think it was suggested by me years ago, but I do not know who suggested it lately. I made application for the ground myself years ago, and we then promised to put some trees round about the cricket ground and some seats for the accommodation of the public.

430. You proposed to take the management of it into your hands? I proposed trustees to the Government; I was the active party in the matter at that time, and I proposed, as trustees on the part of the cricketers, Mr. Driver, who was Secretary of the Australian Club, myself, as Secretary of the Marylebone Club, and Mr. Still, who was Secretary to the Victoria Club. The others, Captain Ward, Colonel Barney, and Mr. Moore, were nominated by the Government to represent them.

431. The Cricketing Association expected the Government to be at the expense of putting up this fence, did they not? Well, I do not think they did, but I am not positive. I am a Vice-President of the Cricketing Association, but I am not in favour of applying to the Government for anything, if they give us permission to use the ground.

432. Have you heard any objection stated by the public, in your intercourse with them, as to that fence being put up? I have heard one or two object to it.

433. As interfering with the rights of the public? Yes.

434. And as being unsightly? In my intercourse with a number of people I have heard a few say that; but the great majority of those I come in contact with are of the contrary opinion. I have made it my business to inquire what are the public rights, and I am unable as yet to ascertain what they are. If merely walking across there, at such times as the Government choose to open the gates to let them, be a right, we have not interfered with that.

435. You are aware that the gates are always open night and day? No, they have been closed on one or two notable occasions against the public; for instance, on the occasion of the great balloon ascent, when a fee was taken at the gate, and, until recently, the gates have been closed every night.

436. Do you consider the closing of the gates in that way objectionable? I do, and so far as the cricketers are concerned I opposed the closing of the gates against the public, when it was proposed to do so, with a view to revenue, at the first Inter-Colonial Cricket Match. I had influence at that time, and I think I prevented the closing of the gates.

437. Do you not think the principle holds good with a part of the Domain, as well as with the whole of it? I do not see that, because the Government have appropriated portions of it to Robinson's baths, the Corporation baths, Mrs. Biggs' baths, Bourke's Statue, and the Gymnasium. I cannot see what rights the public have if these appropriations can be made.

438. My question is not as to the propriety of such appropriations, but I ask whether in principle it is not as objectionable to exclude the public from a portion of the Domain as from the whole? I think that for the public to have any enjoyment out of the Domain it must be subject to rule, because every man cannot walk about there as free as the air, else he would walk across the beds in the Botanic Gardens. We must have rule to have enjoyment. If not, it would be just as competent for anybody to demand to walk across the beds or to eat the fruit out of the Gardens as anything else.

439. Are you of opinion that it would be advisable that the question as to the Domain should be settled by its being granted and vested in trustees for certain purposes? Yes, I think it ought to be.

440. *By Mr. Egan*: In that settlement would you give any person or persons an exclusive right to any portion at all? Yes, I would give the cricketers a portion. I profess as much regard for the Domain as any man in this country, but to have the legitimate use of it we must subject it to rule. As I understand we are enjoined to keep order on the cricket ground, but how can we keep order without some authority?

441. But I believe you applied and got the use of the police on the occasion of the late match? Yes, because we saw there was to be a large assemblage of persons. That is not a question about the right at all. If a large number of persons were to assemble in any public place it would be the duty of the police to be there.

442. I only asked you, because you said you were expected to keep order? Yes. As far as I can judge of this matter, if I were to take hold of any person to put him off the ground I should very likely subject myself to an action at law, as I did in a similar way on one occasion.

443. Do you think the present fencing at all interferes with the rights of the public? As I said before I do not know what rights they may have, but so far it interferes with their freedom that they cannot go where they like; if they want to go there they must go in and out at the turnstiles, and I do not think that is any great hardship. But according to my view they have a greater good out of it by being able to witness and orderly game of cricket, if they do not play themselves.

444. Did not the cricketers make application for the purpose of cutting down some trees in the enclosure? I do not know; I applied one time, but not lately.

445. Do you think the fence at all improves the appearance of the place? Well, I do not think it improves it; but under the view that it may be made use of for a plantation, I do not think it is any harm. It is better than the other fences that are there.

446. *By the Chairman*: Is there any other observation you wish to make to the Committee? I desire to say, that, in my opinion, it is indispensably necessary to furnish some piece of ground on which the cricketers can play cricket, and in a central place, inasmuch as if they have to go out of town, it amounts to a prohibition to those persons who are engaged in offices all day, and who so much need a little recreation.

447. *By Mr. Egan*: Do you not think the Inter-Colonial Matches might be played out of town? That would deprive the public of the pleasure of seeing them; but, whether or not, there must be daily practice. Mr. W. Tunks.
6 Mar., 1867.
448. For that there would be no necessity for permanent fencing? Yes; we have laid out £300 on that ground, and if you leave it open to those cows and horses that go in and destroy the ground in the winter season, when the ground is saturated, that money would be thrown away. If it is necessary to eat the grass off, I would suggest sheep.
449. *By Mr. Hay*: When the ground is left open, people gallop their horses across it? Yes, they may drive waggons over it if they like.
450. *By Mr. Egan*: I presume the money spent there comes from the general public? Yes, from subscribers. (*Vide Addendum.*)
451. I am alluding to the revenue from the Inter-Colonial Matches? Yes, from subscriptions, admission money, and one thing or other.
452. On this occasion you have got a decent balance? Yes, this time we have.
453. *By Mr. Hay*: This money does not come from the Government, but from those who encourage the game of cricket? Yes. We have about £300 this time from subscribers.
454. *By Mr. Egan*: You manage to pay expenses? Yes; but if we are to continue the Inter-Colonial Matches we must have money in hand to meet the expenses of going to Melbourne. I was going to say that once we have begun to play orderly cricket we have much better conduct, morally and socially, among our young men. We used to have a much larger number smoking and dissipating about the Domain, and a much larger number of children as a nuisance in the streets, flying kites, playing with peg tops, wearing out their clothes playing marbles, and so on. Now we get them to that kind of recreation which tends to develop their physical powers; and that is of some consequence in this climate, where we fear physical degeneracy. That is why I recommend that we should encourage such exercises as cricket, in order that our young men may come up to the standard of the old country. This game of cricket stands first among all field recreations, because we do not play for money. There is rather more interest in the matter than we can manage without money. The thing is carried on in an honorable and decent kind of way, and such a thing as a decided cheat in the game of cricket, no man can allude to in this Colony. For 20 years I have never known a cheat at a game of cricket. It is not a game to be lost or won to accommodate anybody, or any set of men.
455. *By Mr. Hay*: How do you propose to keep down the grass in the enclosure, by mowing or feeding off? In the winter sheep would eat off the grass, but I find, from my experience in having to attend to this, that nothing will do us but the scythe; it will not follow into the hollows like sheep will, but it leaves the grass a little long, and the alluvium washed down by the rain tends to level the sward.
456. So that even sheep would not answer the purpose? The sheep eat out the couch grass and leave tufts* of the coarser sort, and every year the tufts have a tendency to enlarge. The scythe cuts it all down level, and the inequalities are gradually filled up.
457. Horses or cows going on it in wet weather would permanently destroy the ground? Yes, so as to make it dangerous to play.
458. I suppose, by degrees you would fill up all the holes? If we had control over the place. We would then, under this self-supporting plan of ours, have some money to improve the place—to cut the hill and put the cuttings into the hollow, and make the ground level. No person would get any gain out of it, except in the way of trade. The whole proceeds would go to improve the appearance of the Domain. If we are to be tolerated there it would seem to me necessary to allow the erection of a pavilion to deposit our things in. There are a number of young men now who are forced to leave their bag of bats and so on about the town at different public-houses; and, thus, they are under the necessity of doing the business of their clubs at public-houses of a night, which furnishes a pretext for many of them to be out at night. If we had a pavilion there those persons could leave their things there, and they would be taken care of.
459. Could not that be erected without disfiguring the Outer Domain—for instance, in that vacant paddock near the entrance to the Gardens—would not that be sufficiently near? I have not said anything about where it should be. I should put it in a conspicuous place, because I would propose to have a building worthy of the place.
460. Tastes would differ—supposing that were considered undesirable, it would be near enough to have the pavilion erected on the site I name? Anywhere about there would be near enough, but if it were my taste I should build a place that would be an ornament to the Domain. We have a plan of a building which we submitted to the Government, to cost £300.
461. No doubt extreme inconvenience must be felt for want of some place of retirement? Yes; for instance, if people go there to play cricket at ten o'clock in the morning they must play on regardless of the calls of nature, to the injury of health, or else commit an offence against the law and decency.
462. *By Mr. Parkes*: I think you have stated your opinion that the Domain should be under the management of a trust? Yes.
463. Do you think it should be an elective trust? The difficulty in that case would be in saying who should be the constituency.

ADDENDUM.

Answer No. 460.

Each club practising there pays a subscription of £10 per annum, and each match of eleven a side £1 2s. to the trustees, to keep the ground in order. There is also some understanding with respect to expenses between the trustees and the Cricketing Association of New South Wales.

THURSDAY,

* NOTE (*by witness on revision*):—The tufts alluded to, I understand to be a grass called "Beut" grass, and was imported in the early days of the Colony.

THURSDAY, 28 MARCH, 1861.

Present:—

MR. DRIVER,	|	MR. PARKES,
MR. LACKEY,	|	MR. WILSON,
MR. WINDEYER.		

SILVANUS B. DANIEL, Esq., IN THE CHAIR.

Alexander Grant M'Lean, Esq., called in and examined:—

A. G. M'Lean,
Esq.
28 Mar., 1861.

464. *By the Chairman:* You are Surveyor General? Acting Surveyor General.
465. Will you please describe to the Committee what you know relative to the boundaries of the Sydney Domain, and its extent, and any matters generally connected with it? I am not prepared to say what is the precise extent of the Domain; I was not aware that the question would be asked.
466. Have you no map of it? No map giving the contents very accurately. Our surveys of it are very old surveys indeed. The Botanic Gardens occupy a considerable part of it now. I could not give the contents very accurately from existing surveys.
467. You could furnish the Committee with this information and with a sketch of the Domain? Yes. (*Vide Plan.*)
468. Are any portions of the Domain under your control and management? No. The Outer Domain is entirely under the care of the Director of the Botanic Gardens.
469. Under the Minister for Lands? Yes.
470. Nothing comes before you officially in any matter connected with it? Nothing. The matter respecting the granting of a portion of it as a cricket ground did come into the Surveyor General's Office some three years ago.
471. What was the nature of that reference? It was entirely managed by Colonel Barney, who was then Surveyor General. He took an interest in cricket, and was, I believe, a member of the Cricketing Association. There was, I believe, no official record of what his recommendation was, but it resulted in their obtaining possession of a portion of the Domain.
472. *By Mr. Windeyer:* I believe you were not in any way consulted about the recent fencing off of a portion of the Domain. Not in any way.
473. I believe you are a Captain of Volunteers? I am.
474. Do you think that fencing will interfere with the use of the ground for a parade ground, and general exercising ground for the Volunteers in reviews? Certainly the fencing, as it at present exists, would prevent a review of the whole Volunteer Force—such a review as was held some two months back.
475. Would it not also prevent the use of the ground for light infantry movements? Undoubtedly it would.
476. I believe that is almost the only piece of ground, near Sydney, that is adapted for that purpose? It is, certainly, by far the most convenient piece of ground, and admirably suited for light infantry movements.
477. *By Mr. Wilson:* Are you aware whether the piece of ground called the Sydney Domain, was originally set apart for public purposes, or for special purposes? For general public recreation, I imagine.
478. You cannot state, at present, what are the boundaries of the Outer Domain? The boundaries of the Domain, over which the Director of the Botanic Gardens has charge, are represented by the Domain wall and gates. There are certain appropriations within it for different purposes. The City Corporation have two portions for baths, male and female; and Mr. Robinson has a provisional permission to occupy two other portions, or rather what he occupies is now all in one portion.
479. *By the Chairman:* Does he pay any rent? He pays no rent; but he has given an undertaking to remove at any moment when called upon.
480. *By Mr. Wilson:* Do you think the fence at present erected around the cricket ground is an improvement, or otherwise, looking at it otherwise than as interfering with military movements. Do you consider it unsightly? It is quite a matter of taste; but as far as my taste goes I should say it is unsightly.
481. *By Mr. Windeyer:* Even if the southern end of the fence were removed, the fences on the western and eastern sides would still be in the way, would they not? The fence on the eastern side is in the way of light infantry movements; I do not think that on the western side would interfere materially.
482. Do you not think that, if any fence at all be allowed to remain on the green, it would be better if it were further up, nearer the road? I think the nearer it is to the road the better, so long as there is sufficient space for foot passengers between it and the road.
483. *By the Chairman:* Have any applications been made to your office, by coasters or others, for permission to land or ship goods in any part of the Domain? Not that I am aware of. Perhaps I should mention to the Committee that it was at one time proposed—I think by Mr. Hay, when Minister for Lands—to include within the Domain that portion of land between the present Domain wall and the narrow roadway passing by St. Mary's School, and, further on, up to Woolloomooloo-street. These lands are now, somewhat inappropriately considered as part of Hyde Park. I think Mr. Hay proposed, but no decision was ever arrived at, that the present stone wall of the Domain, leading down to the head of Woolloomooloo Bay, should be removed, and that the boundary should be made along the road by St. Mary's School, and along Woolloomooloo-street.

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

484. *By the Chairman:* You are Under Secretary for Lands? I am.
485. Will you favour the Committee with what information you may possess relative to the Sydney Domain—firstly, as to its dedication, by what means did it become dedicated to the public? I am afraid that what I can say to the Committee on that point will be very indefinite, and the result rather of my own opinion than of any specific official information.
486. The Committee are anxious, in the first instance, to know how the public got this Domain—was it by grant? So far as I know there is no grant. I have a sort of traditional knowledge or idea that the Domain is, as the name implies, an appendage of Government House, and that by very long usage, extending beyond my memory, the Outer Domain, which is the one in question, has been accessible to the public, but always with certain restrictions. All along, the gates have been shut at night against the public, at certain fixed hours, and the Government has repeatedly exercised the right of excluding the public, and giving the use of the Domain to individuals for private purposes. So that I cannot say that I am clear in my own mind that there has been any dedication to the public at all.
487. *By Mr. Parkes:* You are not aware of the existence of any deed or instrument by which it has been dedicated? No; so far as I know, the dedication, if there has been any dedication at all, has been a dedication by use.
488. How many years have you been in the public service? Very nearly 24 years.
489. During the first part of that time in the Colonial Secretary's Office? The whole of that time until within the last 4½ years.
490. And you do not recollect ever seeing any instrument of any kind, or public notification in the *Government Gazette*, by which the Outer Domain was dedicated to the public? No.
491. It is very probable then that it never has been dedicated, but that it has been devoted to its present purpose by prescriptive use? I believe there has been no dedication except what has grown out of use; and that is of a very qualified character, because, as I have said, the Government have frequently excluded the public.
492. Are you of opinion that the Domain could be legally diverted from its present use by the Government? I am hardly competent to give an opinion.
493. You can state your own opinion from all the knowledge you have, and your impressions of the real state of the facts? My opinion, so far as my opinion is worth anything, is, that the Government *could* resume it, but that is irrespective of the question whether they *ought* to do so.
494. What I wished to elicit was your opinion, for what it is worth, as to whether the Government have the power to resume it? My opinion is, that there never was any formal dedication, and that the use has always been qualified and sometimes controlled by the Government, and that, therefore, the Outer Domain is still, in some shape or other, an appendage to Government House.
495. *By the Chairman:* Waste lands of the Crown? Not exactly waste lands of the Crown.
496. *By Mr. Parkes:* It is probable that the use of the Domain by the public arose in this way—that when land was of no value this large portion of ground was marked out as an appendage to Government House, and being conveniently situated for the recreation of the public, gradually a certain portion of it became set apart for that purpose? I think so, though I cannot state it as a fact. I think there has been a gradual relaxation of the right which belonged solely to the Governor, when the Governor was the governing power.
497. *By Mr. Windeyer:* Was there not some dedication by Governor Macquarie? I am not aware of it.
498. Have you ever seen the inscription on the rock at Lady Macquarie's Chair, as it is called? Yes, I recollect an inscription to the effect that the road had been planned by Lady Macquarie.
499. Does it not say there that it is formally dedicated to the public? I cannot say. I believe the right of the public to use the Outer Domain differs only in degree from that to use the Inner Domain, and, in fact, the Botanic Gardens, for admission to which the Government made specific regulations by their own inherent right.
500. *By Mr. Parkes:* Would you have any objection to state your own opinion as to what steps ought to be taken for securing the Domain to the public? My opinion, as a citizen, is that it ought to be dedicated to the public—that it ought to be granted to trustees, under the Parks Act. I believe that, under the Parks Act, there could be a continuing trust, if it were dedicated to the public by proclamation—always assuming that the Government have the power to dedicate, about which there is some legal difficulty at present. I have no hesitation in saying that it ought to be dedicated.
501. *By the Chairman:* These lands were formerly under the control of the Colonial Secretary? Up to the inauguration of Responsible Government. I conceive they were under the direct control of the Governor for the time being; for instance, it was by the authority of the Governor that some one individual, as was occasionally the case, obtained the exclusive use of the Domain for a purpose of his own for a time.
502. There is a board with rules and regulations on it placed at the entrance of the Botanic Gardens? That is applicable to the Gardens only.
503. That was under the hand of the Colonial Secretary of the day? The power by which the notice was issued was the Governor's; it was the inherent right of the Governor; Mr. Deas Thomson signed it only as Colonial Secretary. Now, the Domain is under the administration of the Minister for Lands, who also has excluded the whole public, and allowed an individual the use of the Domain.
504. Do you know whether Hyde Park and the Outer Domain were originally all one block of land? No, I think Hyde Park stands in quite a different position.

M. Fitzpatrick
Esq.
28 Mar., 1861.

M. Fitzpatrick Esq. 505. What do you conceive to be the boundaries of the* Domain? As fenced. There is no doubt about them, I believe.

23 Mar., 1861. 506. Commencing at the gate? Commencing at the gate, and following the Hospital wall and fences to Woolloomooloo Bay at Palmer-street. In fact, I take it the Outer Domain is all that is not the Inner Domain and the Gardens, which are fenced off.

507. By whose authority were certain portions of the Domain devoted to the public baths and Robinson's baths—by permission of the Minister for Lands? I think it was with the advice of the Executive Council that the Corporation obtained a portion. Mr. Robinson obtained a permissive occupation many years ago from the Government, and he has never been disturbed.

508. Is any rent exacted from him? I think he pays a nominal rent, half-a-crown a year or something of that sort.

509. You have seen a fence that has been lately erected on the ground where the game of cricket is played? Yes.

510. Do you know by what authority that was erected? By the authority of the Secretary for Lands.

511. On whose application? On the application of the Committee of the Cricketing Association, represented by Captain Ward, who was their Chairman.

512. Do you know by what means that Committee was formed? It was formed with the approval of the Executive Government.

513. How long since? During the administration of Mr. Hay, I think,—since the introduction of Responsible Government.

514. What powers were originally given to this Committee over the cricket ground, and on what conditions did they hold it? I have here a Minute of the Executive Council, dated 15th December, 1856, which will explain. That was the first authorization of the cricketing in the Domain. (*The witness read and handed in the Minute referred to,—same as Appendix C. to Mr. Robertson's evidence. Vide Page 16.*)

515. Has anything else occurred since that? On that minute certain ground was allotted, which was considered to be very much too restricted, being only some sixty yards square, and since that the ground has been very much enlarged, and the nature of the enclosure has been greatly qualified. Originally there were iron hurdles which were to be removable on notice when required, for military parades, and so on; and, quite recently, permission to put up a wooden fence was granted, some portions of which were to be regarded as permanent, and some to be removable, so as to permit the free use of the ground for military purposes.

516. The order for the erection of this fence came through the department of the Minister for Lands? Yes.

517. Where did the money to pay for the erection of this permanent fence come from? It was advanced by the Cricketing Association, under the impression that it would be voted by Parliament. There was a promise given that the sanction of Parliament would be asked. This letter, and the words of the reply to it, will explain the matter to the Committee. (*The witness read a letter from Captain Ward, dated 25th January, 1861, for which see Captain Ward's evidence.*) That application was complied with only in a qualified sense. The authority of the Minister was, "I see no objection to this request; the necessary funds to be provided on Estimates. I have marked the plan." These words were qualified by personal instructions to me, that the Government did not pledge itself to the money, but that Parliament would be invoked to grant it. Upon that the Cricketing Association made their own arrangements, and built the fence.

518. *By Mr. Windeyer:* As a private citizen, do you think it is advisable that this part of the Domain should remain fenced in as it is now? Not unless it is made accessible for other purposes besides cricket. My belief was, when this request was made, that they intended to have permanent fencing at those parts only where it would not exclude the citizens, and that the other portions would be removable. My opinion may be somewhat qualified, as I am known to be an old and devoted cricketer, and my leanings are therefore in that direction; but I never conceived that that part of the Domain was being devoted to cricketing purposes absolutely.

519. Then your opinion is that the present fencing would interfere with the use of the Domain for other purposes—that free use of it which the public ought to have? I cannot answer that unqualifiedly, because my impression is that there are turnstiles in various directions, by which the public can have access; but, if the permanent fencing does exclude the public, I think the first intention has been departed from. I have not been over it lately, but I understood from this plan that in several directions there would be turnstiles to admit the public to walk on the sward—and, if that be so, I conceive that the fence is rather an advantage, as it allows ladies, nursemaids, and children, to be there in safety from horses that are frequently ridden over it very dangerously. I do not think the fence ornamental, by the way; I think it is ugly, in fact an eyesore.

520. *By Mr. Lackey:* Do you think it would be more advisable that the Domain should be vested in the hands of trustees, or that it should remain under the control of the Minister for Lands for the time being? As an individual I would prefer that it should be in the hands of trustees. Of course, I am not speaking officially.

521. *By Mr. Parkes:* Would it not be more in accordance with the form of management of similar public properties in other parts of the world, that it should be vested in trustees? My knowledge is rather limited as to the practice in other parts of the world. I believe, in England, for instance, the Royal Parks, though nominally under the Minister, are rather in the hands of a Board than otherwise; it is not so much the individual will of one man that controls them.

522. Your observation relates simply to the Royal Parks, not to places of public recreation in other parts of England? My information on such matters is limited, but I believe most of these places in England have been gifts, frequently from individuals, in which provision has been made for trusts. There is little in England in those matters that is analogous to what takes place here. I have a very strong impression, from all I have seen of public reserves in this country, that all reserves intended for public use should be vested in trusts, as provided for under Mr. Nichols' Act.

M. Fitzpatrick.
Esq.
28 Mar., 1861.

Captain William Harbottle called in and examined:—

523. *By Mr. Windeyer*: You are a Captain of the Volunteer Rifles? Yes.

524. This Committee has been appointed to consider the present management of the Sydney Domain, especially with reference to the fencing in of a certain portion used as a cricket ground—Is it your opinion that that fencing is in any way a hindrance to the drilling of the Volunteers, or the use of that portion of the Domain as a ground for military exercises? I think that for battalion drill, or for purposes of review or inspection of any large body of men, it has entirely destroyed the ground; it has rendered it useless for that purpose.

Captain
W. Harbottle.
28 Mar., 1861.

525. Does it not also spoil the ground for light infantry movements? Of course it would, even for small bodies of men. When practising light infantry movements that fence would stop you, unless you wished to practise the men in getting over it.

526. What is your opinion as a citizen? I think it is a monstrous encroachment on the rights of the public. I believe that is the universal opinion in the city.

527. You hear that opinion largely expressed? I have heard it many times, even this morning; I have heard it in all directions, in fact.

528. You know how the fencing is situated—do you think it would materially improve matters if the southern fence were taken up, and the eastern and western fences allowed to remain? Do you mean for review purposes?

529. Yes? It would better it, but still it would be very objectionable.

530. It would be still as useless as ever for light infantry purposes? Yes, the fence would entirely stop skirmishers from moving about.

531. That portion of the Domain is the only piece of ground near Sydney that is fitted for these purposes? It is, now that Hyde Park has been planted and fenced. At the last review that we had of the Sydney battalion we were obliged to go round to the Glebe; partly because we had not room in the Domain, and partly because the ground was required for a cricket match.

532. You are aware that inconvenience has already been experienced from giving the cricketers so exclusive possession as they have? As far as relates to the volunteers, it has been so.

533. *By the Chairman*: Do you think that fence, as erected, interferes with public recreation? I do; I think the fence has no right to be there at all; people ought to be free to move backwards and forwards, and to cross any part of the Domain they please, not to be compelled to go round about by fences or through turnstiles.

534. The fencing itself is no improvement or adornment to the Domain? No; I think it is an eyesore. I believe the cricketers have a portion of the ground conveyed to trustees in some shape or way; but it appears to me, if that be the case, that all they would require would be that light iron fencing, which they recently had upon the ground, round their bowling ground, a square of about forty yards. That, I think, might be tolerated, but enclosing more than half that part of the Domain is undoubtedly a very great encroachment on the public. Perhaps you will allow me to remark, as I see the Committee is appointed to inquire into the general management of the Domain, that a number of people have permission to have horses and cows there, almost making a common of the place. Now if one person has that privilege, I do not see why another should not. If there is to be any commonage at all, I do not see why all the citizens should not have their horses and cows there as well as a few privileged individuals. Not that I envy them at all, for my own part, but that I think the pasture there might be put to some good purpose. For instance, the Sydney Infirmary pays a large sum, perhaps £200 a year for milk; and we know that pure milk, which is of great importance to the welfare of the patients, is not always to be had in Sydney. I think it would be very desirable that they should have a number of cows of their own to run in the Domain, which would be a great saving to a public institution, and at the same time very beneficial indeed to the invalids. I have no doubt that many persons in the country, where their value is not great, would present cows to the Infirmary, instead of subscriptions.

535. *By Mr. Parkes*: Have you ever had your attention directed to the management of the Domain? In what respect?

536. As to the form of management. It is given in evidence before the Committee, that it is very doubtful whether the Domain has, in reality, ever been dedicated to the public—that it is merely used by permissive sanction; and what I want to elicit from you is, whether you have ever directed your attention to the question whether such a place of public recreation ought not to be made more secure for the benefit of the public, by being legally granted to trustees, on behalf of the public? The Crown would be the trustees for the public, I imagine, the same as in the case of the Parks at Home.

537. I suppose, as a citizen, you would not like that the Domain should be resumed by the Government, and sold in building allotments? Certainly not.

538. There is reason to believe they have power to resume it any day? In that case, it ought to be dedicated—specially set apart for the public. I take it that it is of the greatest importance, that Hyde Park and the Outer and Inner Domain should be left open. I do not see why a part of the Inner Domain should not be thrown open to the public; there is a large piece of ground between the fence and the Government Stables which seems to be of no use, at present, except for shooting rubbish. I think there is far more ground than is required for a private Domain round Government House.

Sergeant Major Thomas Baynes called in and examined :—

- Sergt. Major
T. Baynes.
28 Mar., 1861.
539. *By the Chairman* : The Committee have summoned you for the purpose of eliciting your opinion, relative to the erection of the fence round the ground where the game of cricket is played in the Domain ; as to whether it interferes with the military evolutions of the Volunteers ? To a certain extent it does interfere with them ; but if the south end of the fence were made with shifting panels, so that it could be removed when required, we should have plenty of room for inspection or review, where the troops are only drawn up in line ; but for manœuvring there is not room.
540. Do you think the western fence would not interfere at all ? Not for inspection or review, but if we wanted to manœuvre it would. The last time we had 1,400 men drawn up, and there was not sufficient room to form the line ; we had to draw up the artillery at a right angle, and the mounted troopers again at another right angle ; but that was before the fence was put there. If they had been drawn up in two lines there would have been plenty of room. For manœuvring, the fence on the western side, next the wall, would be in the way.
541. Is the eastern side of the fence, near the walk leading to the Gardens, in the way at all ? That is not in the way, that I see, at all. But all the posts at the south end would have to be put in sockets, so that they could be taken up ; I am informed some of them are so arranged. If you will allow me, I will just run down and look at it again, and then I can speak more positively. (*The witness retired, and after the lapse of a few minutes returned.*) I find all these posts at the south end have got sockets, except fourteen panels at the south-eastern corner, which also ought to be made removable, as far as a double gate which I see there.
542. May I ask whether you, as a citizen, consider that fence, as now placed, an ornament to the Domain or otherwise ? I do not consider it any ornament ; I do not know whether to call it an eyesore or not ; but as far as my knowledge goes I do not see anything wrong in it. It is scarcely seen when you enter the Domain, if the south portion is down.
543. Do you think the fence interferes with public recreation ? In my opinion it does not, because it lies quite out of the way of the passage of people ; you seldom see any persons congregate there where the fence is.
544. *By Mr. Parkes* : It prevents the freedom of walking to foot passengers ? There are no pathways crossing it except what are open to the public.
545. Have you not noticed that a footway has been worn since the fence was put up from one turnstile to another, shewing that persons have been compelled to walk in one particular line ? Yes, where the turnstiles are ; that has been worn by persons passing.
546. *By Mr. Lackey* : Did the Committee understand you to say that the operations of the volunteers would be in no way impeded if the southern fence were removed ? If all the southern boundary were removed it would not interfere with any manœuvres we would require to make. In the first place, the ground itself is not large enough for moving a large body of troops ; it is only fit for inspection and review, where you form line and march past.
547. *By Mr. Windeyer* : Would not the eastern fence be in the way of practising the troops or volunteers light infantry movements ? He would be a very bad light infantry man who could not get over it.
548. Is it advisable to have it there ? It is not advisable if it could be done away with without inconveniencing the public, or rather the cricketers, too much.
549. When the troops have been exercised there have they not principally skirmished in an easterly direction, under the trees where the fence is ? The left of the line only need be placed there, supposing the southern fence were down, the remainder of the troops being drawn up at the other end where there is no fencing.
550. Do not the trees planted at the southern end make it inconvenient to draw up a body of men there ? Yes ; those squares of fencing within which the trees are planted are in the way, but they ought to be removed ; they are a greater impediment than the fence would be. It would be a great convenience to the troops, if the fence, on the eastern side, were made movable, the same as that on the southern side ; but it is no very great impediment, as it now stands, for reviews or inspection, and that is all the ground has ever been used for. If it is intended to make it a drill ground for the troops altogether, then you had better remove all the fencing, and a great many of the trees too ; we cannot have too much room.
551. *By Mr. Driver* : Could not the obstruction, said to be caused by the eastern fence, be avoided by skirmishing first in the southern direction, and then changing front to the left ? Yes, I could manage to put them all past it ; but an impediment sometimes spoils the appearance of a movement.
552. *By Mr. Parkes* : Could they not leap the fence ? Certainly ; he is a very bad light infantry man who cannot leap a fence his own height.
553. *By Mr. Driver* : In the case of a review, would not the fences at the eastern and western sides protect the volunteers from the intrusion of the crowd ? There is not much need for that ; but they would be awkward in manœuvring, in eschelon movements particularly. It would not cost much, and it would be better, to have the eastern side removable, the same as the southern side, with sockets and shifting panels.

TUESDAY, 9 APRIL, 1861.

Present:—

Mr. DRIVER, | Mr. PARKES,
Mr. WILSON.

SILVANUS B. DANIEL, Esq., IN THE CHAIR.

The Rev. J. H. A. Curtis, O.S.B., called in and examined:—

554. *By the Chairman:* The object in summoning you here to-day was to obtain your evidence on some points relating to the state and management of the Domain. You have seen the fence lately erected there, round the ground used by the cricketers? Yes.
555. Do you consider that fence, as it now stands, an ornament to the Domain, or otherwise? I consider it is not an ornament.
556. Do you consider that the public are obstructed by it in their usual walks, or that it prevents the free use and enjoyment of the Domain by the citizens? Of course wherever there is a fence there necessarily is, to a certain extent, an obstruction; but I do not think this is an obstruction of a kind that any one can reasonably complain of.
557. No doubt the game of cricket is a very manly game, and is one of our national sports, but inasmuch as a fence round so large an extent of ground is only required once in two years, on the occasion of the Inter-Colonial Cricket Match, do you not think an iron railing, that would be movable, would answer every purpose? Do you mean an iron railing of the kind that was there before?
558. Yes? No, I scarcely think that would answer. It would be, in the first place, more expensive to maintain, because more easily broken, and liable to be knocked down; and on the occasions you speak of, if there were a rush, or anything of that kind, I do not think such a fence would be sufficiently strong.
559. It has been suggested to the Committee that the Domain would be improved as a place of useful recreation to the inhabitants generally, if lamps were placed in various parts of it—do you think that desirable at all? From my own knowledge I cannot speak—I have never been there after dark—but, from what I have heard from many clergymen of our body, I should think it highly desirable.
560. Upon what grounds? I have heard, in general terms, that a great deal of immoral conduct goes on in the Domain at night, which to a great extent I should say would be prevented by having the place lighted; but I am not sure whether this takes place in the Outer Domain or further down. Only last Sunday evening the Archbishop spoke of it in the Church in addressing the congregation.
561. From what he had heard himself? I suppose so. He spoke of the immoral conduct in the Domain in the evening, and cautioned fathers and mothers of families how they allowed their children to go there without proper protection.
562. Of course the hours of business in Sydney during the day prevent persons from taking that useful exercise and recreation which is necessary to health—are you aware whether after nightfall these persons do or do not use the Domain for these purposes? No, I am not aware. I generally leave when it is beginning to grow dark on the occasions that I go there.
563. You think the place is not visited by respectable families after nightfall? I cannot say.
564. *By Mr. Driver:* You are a native of the Colony? I am.
565. And of course you have known this Domain for many years? As long as I can remember.
566. Are you aware that it has ever been dedicated to the public in any way—any actual dedication? I have always supposed that it was set aside for public amusement and recreation, but I do not know in what way.
567. You think the fence that has been alluded to is not an ornamental fence? I think it is not so. Of course I answered the question just as it was put, but if you wish for my opinion with regard to the fence of course I could give it.
568. I should feel obliged by your doing so? My opinion is that the fence ought to have been erected along, or that it would be better now to have it removed to, the road on either side—that it should skirt along the eastern and western roads, and be a permanent fence, made more ornamental than the present one, not so close; and strong, so that it could not be knocked down easily.
569. *By Mr. Wilson:* To enclose the whole of that triangular space? Yes.
570. *By Mr. Driver:* Do you think such a procedure would be tolerated by the general public? Well, I do not know. My own opinion is, that the public do not complain at present, that there is only a very small portion of the community that objects, and I think it highly desirable that the cricketers should be protected in some way. Of course they are necessarily at very great expense in getting up their matches, and unless they have some way of keeping the public out on certain occasions, and only allowing them to come within certain precincts, by the payment of money, I do not think they would be able to defray their expenses; and besides that, it seems the ground on which they play has been already given to them in some way, or at least they are allowed the exclusive use of one portion of the ground, which they have been at the trouble to have trenched and properly levelled to fit it for the game; and it seems to me, that unless some kind of enclosure were made the ground would be completely spoiled by persons walking over it repeatedly in one place till they made a track, and it would also be injured to a certain extent by cattle going on it.
571. You think the general public would not complain of the fence that you propose? I think not. I should suggest, in that case, that there should be more openings than there are at present—larger gates, and four or five of them, on each side.

The Rev. J.
H. A. Curtis,
O.S.B.

9 April, 1861.

The Rev. J.
H. A. Curtis,
O.S.B.
9 April, 1861.

572. *By the Chairman*: Do the Committee understand you to say, that the present enclosure used by the cricketers is not sufficiently large, and that you would have it extended? It is sufficiently large for the cricketers, but I think it would not look quite so bad if it were larger; that is one reason. It would not be so noticeable, and would not spoil the look of the Domain as it does now. I think it does now, to a certain extent, take away from the beauty of the ground. I consider that, if the fence were put in the way I have suggested, and were to be somewhat more ornamental—made of iron, if it could be afforded—that it would then add to the beauty of the place.

573. *By Mr. Driver*: Do you think it advisable that the cricketers should be encouraged in the promotion of their game? Certainly, for many reasons. My main reason is, that I think it the duty of every well-minded person to encourage every innocent kind of amusement as much as possible, and there is no out-door amusement that I know of more innocent than cricket.

574. And you think that the handing over of that portion of the Domain to the cricketers for cricketing purposes only, not to the exclusion of the general public, would be beneficial? To whom beneficial?

575. For the promotion of the game itself? Undoubtedly. There is one point I may mention, with regard to giving the cricketers permission to have a permanent building of some kind there, which they generally call a pavilion; I think that would be desirable for many purposes. It ought, of course, to be in some place where it would be no obstruction, not to be too large, and to be built in a style that would be ornamental; and there ought to be water-closets somewhere near the pavilion.

576. *By Mr. Parkes*: The Domain is set apart for the recreation and the promotion of the health of the whole of the population, more especially invalids, young children of tender years, and sickly women, none of whom can be supposed to have any particular interest in the game of cricket; and if it were interfered with by the cricketers, however manly and thoroughly English their game may be, and however desirable it may be to encourage it, might not others claim also to have portions of it set apart; for instance, no one will dispute for a moment that the study of Zoology is very important and very instructive, and suppose any persons were to form a Zoological Society, with a collection of living specimens, and claim space in the Domain for a menagerie, equally strong reasons could be advanced why they should have a portion set apart; or suppose any persons interested in gymnastics generally were to claim a similar dedication for their persons, equally strong reasons could be urged on behalf of their application. Thus we should find the public Domain, set apart for the recreation of the whole bulk of the population, not simply of Sydney but of the whole Colony when they are here, invaded by various bodies of men whose objects were good in themselves but whose occupation of the Domain in the promotion of them would very seriously interfere with the purposes for which the Domain is dedicated? Yes, that is the great difficulty.

577. Is not that a great danger? Yes, that is the great danger, no one can dispute that. But with regard to a Gymnasium there is a body who have had a piece of ground granted for that purpose. With regard to having cages for animals there, I think if a sufficiently large portion of the public were to petition to have the ground devoted to that purpose, there might be spots in the Domain found for the exhibition of these animals that would not at all interfere with the general public going there also. The cricketers you see already have some kind of title to the ground.

578. How so? They have been allowed to have that part trenched and prepared for cricketing purposes, and no one is allowed to go and play there without paying a certain amount of money yearly. I suppose, therefore, they must have some claim to it, or at least to a portion sufficiently large for the game. That has been the case for some years past.

579. I am not aware that any vested right is admitted? You are aware that no one can go and play there without paying a certain amount annually. Each club has to pay a certain amount yearly. There are a large number of persons there every evening during the cricketing season, who go there merely for the purpose of being amused by the cricketing, and who, I think, would not go out to take recreation at all, were it not for the sake of looking at the game.

580. As I understand your evidence, what you would wish would be an ornamental fence following the line of road round that particular division of the domain, so as not to interfere with the space of green sward in any way—not to intersect it—and to have a sufficient number of gates to admit free ingress and egress in all directions for the public? Excepting that they should not be allowed to walk across the cricketer's bowling ground in such a way as to make a track across it as they did before.

581. Do you not think that having gates in the way you suggest would be the very means of making these tracks from one gate to the other; if there were no fence, the persons going there would walk in such a number of different ways that they would form no tracks? No, I do not think so; speaking from my own experience, I should say the contrary. In spite even of the paths that have been formed on the Racecourse tracks are made in other directions, and it was so here at one time; people would actually get over the iron fence that was there, and they formed a track just cutting off one end of the bowling green.

582. Have you not noticed that there is a complete beaten track from one turnstile to the other, which had no existence previous to the erection of the fence—the fence has caused it? I should have the gates so placed, that the track which would be made in going from one to another would not cross the bowling green of the cricketers, which is a parallelogram of about 40 yards by 20, I think. But I must still admit that I see the difficulty of giving the cricketers a special preference, although I am very fond of the game.

583. *By Mr. Driver*: Would not shutting the cricketers out of the Domain effectually put

- a stop to crickoting in Sydney? I am afraid it would. Many of them would not go to the Racecourse, which is too open, and too much exposed to intrusion.
584. Have you not noticed many paths across the green before this fence was erected at all? Yes.
585. And on Hyde Park also before the roads were formed there? Yes, wherever the people were in the habit of going there were tracks formed.
586. *By Mr. Wilson:* With regard to the tracks in the Domain before this fence was put up, are you not aware that those tracks led in a direct line from the gate in Macquarie-street to the gate in Palmer-street, and to the other gate? Yes.
587. Those were the only two tracks? Yes, and one of those just skirted the cricket ground. People will take the shortest line, and if the cricketers find that their ground is interfered with they should level the ground elsewhere, so as to give the people a straight line down.
588. *By Mr. Parkes:* If the fence were erected as you propose, following the line of road, would it not be very inconvenient to spectators on the outside of the enclosure, who would then have to stand in the road? I think they could see from the ground under the trees, between the road and the wall.
589. It is said there were as many as 20,000 people at the last Inter-Colonial Match—with such a number of persons present would there not be a greater liability to accident from the passage of vehicles, if the people were thrust into the road? Yes; I was only proposing to obviate the unsightly appearance of the present fence.
590. You had not thought of this crowding of the people? No, I had not foreseen it; but seeing now the difficulty, I think it would be better to have the fence moved much nearer to the road than it is at present, leaving a margin. As it is at present the fence is too noticeable. I think a stronger iron fence than that they had before, not quite so open, would scarcely be noticed, or if noticed, would only be what is round every gentleman's park in England. I think it would be ornamental. The present fence is almost like a wall stuck there, and certainly seems to me very unsightly.

The Rev. J.
H. A. Curtis,
O.S.B.

9 April, 1861.

Mr. Josiah Mason Illidge called in and examined:—

591. *By the Chairman:* The object of this Committee is to inquire into the state and management of the Sydney Domain, and particularly with reference to the fence recently erected round what is called the cricket ground—you have seen that fence? I have.
592. Do you consider it an ornament, or otherwise, to the Domain? I cannot exactly consider it ornamental; I think a stone dwarf wall and iron railing would have looked far better.
593. In the same spot where the fence is now erected, or in some other part? Just on that very spot, enclosing either a larger or smaller portion, as might be required. I am not aware how much ground is required.
594. Do you know anything of military matters? No, except by reading.
595. From what knowledge you may have acquired, should you consider that that fence would interfere with the evolutions of any considerable body of troops? I should not consider it would if there were large gates, at proper distances, to admit the troops passing in and out. I think it would enable them to manœuvre in a way that they perhaps could not on the plain open ground.
596. What may have been the number of years during which you have had knowledge of the Domain? Twenty-four years.
597. Have you been led to believe, during the last twenty-four years, that the public were entitled to perfectly free access to the Domain, or have they ever been restricted? They have only been restricted at night, and not now even at night.
598. Have you had reason to believe that the Outer Domain has been dedicated to the public, for their use and enjoyment? Certainly; and much more so now than formerly.
599. *By Mr. Parkes:* By the term dedication do you understand the alienation of that portion of land from the Crown for a given purpose—that is, did you understand that it had been dedicated for ever, for the use of the inhabitants of Sydney and the Colony generally? That it was to be devoted to the use of the public for purposes of recreation.
600. For ever? Yes, certainly. I have always understood that it is a public reserve for the benefit of the citizens as well as strangers and others that might be sojourning in the neighbourhood.
601. Did you ever understand definitely in what way it had been dedicated to this purpose, whether by grant from the Crown or otherwise? I am not acquainted with the way in which it has been dedicated, further than that it has always been open to the public, and used by them.
602. Suppose you were to be assured that there never has been any formal dedication, and that the Crown could legally resume it at any moment, would you not feel some concern as a citizen? I should indeed; I think it would be a most unjust thing for the Government to do.
603. As far as the evidence of some witnesses goes, who may be supposed capable of giving reliable evidence on the point, there never has been any dedication at all, and the Crown might resume it, and cut it up and sell it for building allotments? I do not think the public would allow them to do it.
604. If that is the case, as a citizen of Sydney and the head of a family, do you not think steps should be taken to secure the Domain for the use of the public? Certainly, if it is as you

Mr. J. M.
Illidge.

9 April, 1861.

Mr. J. M.
Hidge.

9 April, 1861.

you state; but I never had a passing thought in my mind that it could ever be resumed by the Government.

605. There is reason to believe that it never has been dedicated by any instrument whatever? There can be no doubt that it has been virtually ceded to the citizens, if not legally.

606. Would it not be better that it should be legally placed beyond doubt? Most decidedly it would be better; but, as I said, it never entered into my mind that there was a doubt. I thought twenty years use gave full possession.

607. *By the Chairman*: Has it not come within your knowledge that the gates of the Domain have been locked at different times against the public, and a fee paid for permission to enter it—on the occasion when the balloon was inflated, for instance? Yes.

608. Did you not, as a citizen, then imagine that the Government must have had some power, entirely in their own hands, of dealing with the Domain? I never knew it was a legal right; it was a conceded right, I imagined, to the authorities that had possession of the Domain, to do so for the public benefit on these occasions.

609. *By Mr. Parkes*: Supposing any steps were taken to legally confirm the dedication of the Domain for the public use of the inhabitants of the Colony, what form do you think the management ought to assume—do you think it ought to be in the hands of the Executive Government, or in the hands of an elective trust on behalf of the people? Perhaps it would be better in the hands of an elective trust on behalf of the people.

610. *By the Chairman*: Would the municipality be the proper trustee? I should rather not see it in their hands.

611. *By Mr. Parkes*: You would rather see a separate trust for such an important property as that? Yes.

612. *By the Chairman*: Considering that a fence of a strong character, to enclose a large space, is only wanted once in two years—? It is not simply an occasional game that is played there; there are constant games, which attract thousands to the Domain who would not perhaps enter it otherwise.

613. If there is to be a fence, do you not think it would be better to have it extended to a greater area? I think it would look better if the fence were extended, and a nice low dwarf wall and iron railing substituted for the present wooden fence. I think that would be a great addition to the place, and would make it more attractive than it has hitherto been to the public; and that money voted for such a purpose would be well expended.

614. Has your attention been drawn to the state of the Domain after sundown, as to the persons who frequent the Domain? Not lately, except on very few occasions. When I have been in the Domain after dark I have never seen anything improper.

615. Are you aware that respectable families make the Domain a place in which to enjoy their evening's walk? Yes, especially on moonlight nights. I have gone round myself, with portions of my family, on moonlight nights, and I have never observed anything that would appear to be improper.

616. Have you seen many other families there? Yes, numbers who seemed to enjoy it exceedingly, some of them walking as far as Lady Macquarie's Chair.

617. Do you think if lamps were erected it would be beneficial? Yes, in dark nights, and they would tend very much to prevent any improper proceedings. I think you made an observation just now about nursery maids and invalids frequenting that part of the Domain where the fence is; I have rarely observed such or other persons using otherwise than crossing it; you find the company that assemble in the Domain generally walk round to Lady Macquarie's Chair and take seats there. The number who make use of the part of the Domain alluded to is very limited.

618. *By Mr. Driver*: But admitting that they do use that particular portion, would not the fence be an advantage to them, to protect them from horses and the cattle that graze there? Most decidedly; when there is no match going on it is a great advantage to them, because without it they were exposed to annoyance from horsemen galloping across.

619. Do you think, as a citizen, that the general public complain of the erection of this fence? I have read complaints in the papers, but I have seen no reason to complain myself. I think it is an advantage, though I must confess I should like to see a better one. The old fencing was insufficient. I think allowing cricket matches there, and the exercise of the volunteers, tends very much to attract thousands of citizens with their families who would not otherwise use the Domain. I know it is so with my own family.

620. Is not the Domain much more frequented now than it was before the introduction of the cricket matches? Yes, by thousands.

621. Who have been attracted there by these cricket matches? Entirely.

622. *By the Chairman*: Is there any other improvement you would suggest with regard to the Domain generally? I think planting shady trees on the outside of the fencing would be a great advantage.

TUESDAY, 23 APRIL, 1861.

Present :—

Mr. EGAN, | Mr. WINDEYER,
Mr. WILSON.

SILVANUS B. DANIEL, Esq., IN THE CHAIR.

The Honorable John Fletcher Hargrave, Esq., M.L.C., Attorney General, called in and examined :—

623. *By the Chairman* : The object of the Committee in summoning you was to obtain your opinion as to the dedication of the Sydney Domain—whether any grant has been issued or any promise of grant—or whether it has been dedicated in any way for public use? There are so many questions involved in what you say that perhaps I had better tell you what I did on receiving your notice. I sent, with the letter, this memorandum to the Secretary to the Crown Law Officers :—“ Will Mr. Plunkett look out any opinions on this subject,” and the answer I received was, “ I cannot trace any correspondence through this office in reference to the subject of the annexed letter.” This applies generally to the records of the office, as well during my term of office as those of my predecessors. I have no recollection whatever of ever having given any opinion on the subject, or of having taken it into my consideration in any way.
624. Do you recollect having expressed any opinion, within the last six months, relative to some of the public parks or domains of the Colony—particularly that called Hyde Park—as to whether they were to be considered as waste lands of the Crown? None whatever. If I had it would have been a written opinion. I never give a written opinion without a copy being kept by the Secretary, Mr. Plunkett, and here is his answer, saying that there is no such thing in the office. I have not the slightest recollection of anything of the kind.
625. *By Mr. Windeyer* : Perhaps you will be kind enough to state what is your opinion as to the position in which this Domain is? It is impossible to give a legal opinion except upon a state of facts. If a legal opinion is wanted it is always given on facts stated. If any such statement is made to me I will advise on it in the usual way. At present I have no idea at all as to the position of the question.
626. *By the Chairman* : Are you not aware that in many cases usage grows into law—usage for a long period, or from time immemorial? Most assuredly.
627. *By Mr. Windeyer* : Then we understand that your attention has never been directed to this matter? Never in the slightest degree.
628. Since being summoned here, have you not looked into the matter in any way, so as to be prepared to give the Committee an opinion? No, certainly not; I have had the business of the office to attend to, and I am not aware of any mode by which I could qualify myself to give legal advice to the Committee. I have no information as to the facts, and there are no documents in my office on the subject. The Lands Department would probably be able to state all the facts, and whether any grant has been issued. As regards usage, of course usage in many cases amounts to a dedication to the public, particularly with regard to public roads. I think I can say, from memory, that there is an Act, in 15 Victoria, I believe, to be found in Callaghan, authorizing the enclosure of a road in continuation of Macquarie-street, across Hyde Park, in which Hyde Park is spoken of as being then a place of public recreation. That is a statutory recognition. It recognises the fact of the locality being then dedicated, admitting the right of the public to it. That is the only statute of the kind that I recollect.
629. Then you cannot give us any information as to whether the Domain is still in the position of Waste Lands of the Crown, or whether it has been in any way dedicated? No more than any other person walking over it. I have no professional knowledge of the matter at all. If it has been dedicated, no doubt the evidence of the fact will appear in the proper office; but, as Attorney General, the matter has never come under my notice at all; and, according to this memorandum from Mr. Plunkett, there are no opinions in the office relating to it.
630. *By the Chairman* : Then the matter has never been questioned at all? Never in any way that I know of.
631. *By Mr. Windeyer* : Then you cannot give any legal opinion as to what position the Domain is in? If the facts were stated, on those facts I could give an answer; but I cannot, on a question put in general terms, give an opinion as to the position of the Domain.
632. Not with regard to the property in it? Certainly not. The property, we all know, must have been originally in the Crown, and if it has been passed out of the Crown, there will be a record of it, I presume. I could give an opinion on the facts if they were laid before me, but I should not think of giving any legal opinion, except on reflection, and on a state of facts. (*Witness requested to withdraw. Committee deliberated. Witness re-introduced.*)
633. I understand you to say, that at present you are not in a position to give any legal opinion as to the property in the Domain? No more than what I have already stated, that the property in all lands is of course in the Crown originally, and may be passed out of the Crown in various modes—by grant, usage, or dedication for public purposes.
634. Can you state whether it has so passed out of the Crown? I have not the slightest idea. I have not the remotest knowledge of the facts—whether any grant has ever been issued, or whether there are any entries on the public records or maps of the Colony. It would be only on such facts as these, or evidence of usage for a number of years, that I could give an opinion. I have mentioned already that there is an Act of Council which recognises Hyde

The Hon. J.
F. Hargrave,
Esq., M.L.C.

23 April, 1861.

The Hon. J. Hyde Park as a place of public recreation. I am not aware whether there are any other Acts.

F. Hargrave,
Esq., M.L.C.
23 April, 1861.

635. Then you do not know if there is any difference, or if so, what it is, between Hyde Park and the Domain? Not in the least. In the Law Offices there are no records of the facts at all. Grants are kept in the Lands Office, and the maps are there.

636. *By the Chairman*: This is what the Committee appear to wish to have explained. A letter having been written to you requesting your attendance this morning, and indicating the subject on which you were to be examined, they were under the belief that you would furnish them with particulars of any deed or other instrument dedicating the Domain, if there be any such, and they thought you would have made inquiries of the Crown Solicitor. Have you done so? I did make inquiry through Mr. Plunkett, and here is the answer I received, that there is no opinion whatever with reference to it. We have no records of grants that have been issued.

637. *By Mr. Egan*: Supposing no grant has ever been issued in favour of any one, what position would you consider the land in then? That depends upon the facts that have taken place since it has been used by the public.

638. Supposing nothing has been done, but that it has been used by the public for the last 30 or 40 years? Speaking generally, that would be, to my mind, a dedication to the public by usage; but that must depend on the number of years, and many other things. A great deal also would depend on what was done with the land all round it; because, if the lands all round have been constantly sold, that mere fact, being in the Government records, would seem to indicate a reservation for public purposes. But, as a lawyer, I am rather loth to give opinions off-hand without knowing exactly how the facts stand.

639. *By the Chairman*: Before our Report is brought up, it is, of course, the object of the Committee to satisfy themselves in the matter. Is it your opinion that the Minister of the day could to-morrow remove any person from, or put up for sale any portion of, that land now included in or called the Sydney Domain? I could not answer that question without having considered the facts. It is a question of law as to the Domain which it is impossible to answer off-hand. I am not by any means clear that I am not, to some extent, precluded from doing so, except through the Government. I doubt whether I can properly be called on to do so by a Committee of the Assembly. That may be, or may not; but I am certainly not prepared to answer a question of law, as to the Domain, put to me off-hand.

640. The Committee have also requested me, as Chairman, to request the Attorney General to furnish the Committee with an opinion in writing, whether the Domain is considered a part of the waste lands of the Crown, or otherwise? If that question is submitted to me in the usual way I will answer it of course. I am sure whatever question is sent to me to advise upon I will be most happy to afford any assistance in my power.

641. *By Mr. Egan*: What is your opinion in reference to the land—do you think it ought to be granted for the use of the public, having been so long dedicated for that purpose? Yes, I should think so. The public having been in the habit of using it, it would be as well to make that use perpetual.

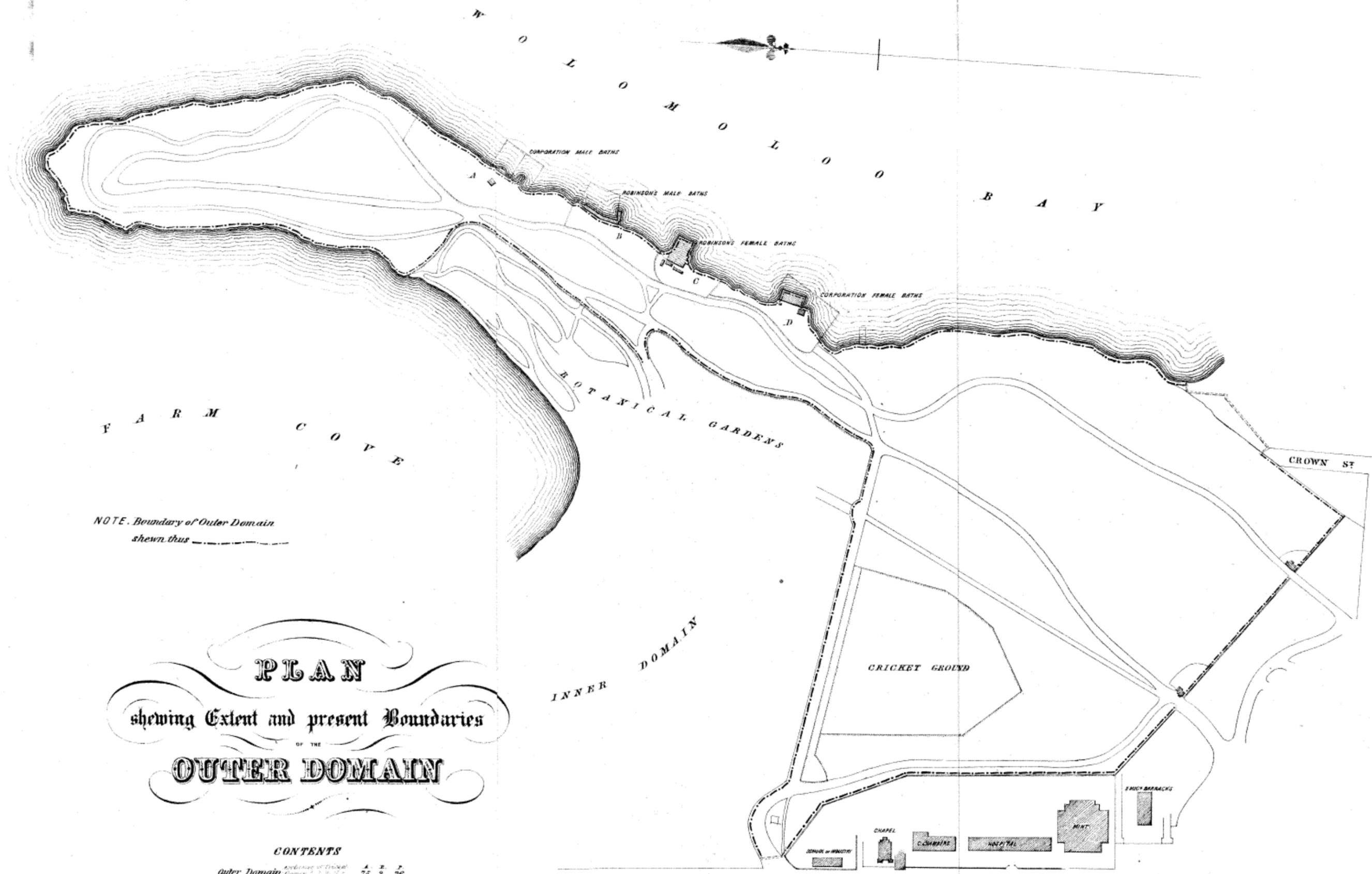
642. Do you think the proper way of treating it would be to make the Minister of Lands for the time being trustee for the public? I should think he might be joined with other gentlemen of local information. There has been an Act passed recently in England—22 Vic., cap. 27—19th April, 1859—intituled "*An Act to facilitate Grants of land to be made near populous places for the use of regulated recreation of adults and as playgrounds for children*"; it is a short Act, declaring how they shall be granted to local trustees. An Act of that sort would be much better than keeping the Minister of Lands in the position of general trustee for the Colony, because he cannot have any local knowledge of what is required at different places.

643. He would in the city of Sydney, where he is located? Yes, that would be a special exception; but as he must go out, of course, with the Government, and is not a corporation, there would be a difficulty in his being a trustee.

644. The House would have some control over him? I think the estate should not be in him. It might be arranged that nothing should be done without his consent, but the legal estate should be in trustees, or in a corporation; the House would then have control, to some extent, through the Minister.

645. *By the Chairman*: Do you think it would be necessary to pass any declaratory Act for the purpose? No, I do not think it would. It is probable that, on the facts being looked into, it might be found that there has been a dedication by use for public recreation, even though we knew that no grant has ever been issued, and a dedication by use is better than a grant, very often, as it saves difficulty about the construction of the grant.

646. *By Mr. Windeyer*: You know of no Act touching this question? I am not aware of an Act relating to it, but I could tell in ten minutes if I were to consult Callaghan, and so could anybody else. If there is nothing there, then the next place to look to would be the Lands Office, and if nothing appears on the public records of the Colony in any way affecting the Domain, then it is to be presumed that the property in it is still in the Crown, subject to what has been done by way of user and rights of way, by which the public may have acquired rights as against the Crown.



F A R M
C O V E

NOTE. Boundary of Outer Domain
shewn thus

PLAN
shewing Extent and present Boundaries
OF THE
OUTER DOMAIN

CONTENTS

	A.	R.	F.
Outer Domain <small>Area of District</small>	75.	2.	26
Cricket Ground	8.	1.	24
A	2.	0.	7
B	3.	9	
C	3.	25	
D	2.	0	
Total of Outer Domain	88.	1.	11

(Sig 185)



1861.

Legislative Assembly.

NEW SOUTH WALES.

EXERCISE OF PRE-EMPTIVE RIGHT AT MUSWELLBROOK.
(PETITION.)

Ordered by the Legislative Assembly to be Printed, 6 May, 1861.

The Petition of the Inhabitants of Muswellbrook.

To the Honorable the Legislative Assembly,—

HUMBLY SHEWETH:—

That it is the ill fate of your Petitioners to be surrounded by some rich men who, exercising their pre-emptive right as squatters, are purchasing every arable piece of ground in the vicinity of the township, in anticipation of the passing of the new Land Bill now in progress through the House: accordingly your Petitioners earnestly beseech your Honorable House, to stay the sale of all lands within the circumference of twelve miles of this township, pending the time the new Land Bill becomes a law.

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

[Here follow 66 Signatures.]

1861.

Legislative Assembly.

NEW SOUTH WALES.

TENDERS FOR RUNS UNDISPOSED OF.

Ordered by the Legislative Assembly to be Printed, 9 May, 1861.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 18 January, 1861, That there be laid upon the Table of this House,—

“ A List of all Tenders for Runs remaining undisposed of
“ up to this date, with their dates of application and names of
“ the applicants.”

(*Mr. Rusden.*)

RETURN OF TENDERS FOR RUNS.

I BELIEVE that the majority of cases in which, as shewn in the enclosed Return, Tenders for Runs appear from the books of this Office to have remained many years undisposed of, the causes of delay are to be found in the imperfect descriptions of the Runs applied for, and in the neglect of the applicants to take any steps in reference to their tenders after the first filling up and transmission of the forms. This will be better understood when I state, that they are almost all for back-lying and unwatered country, which, until within a recent period, has been looked upon as valueless, and tendered for only to keep out interlopers (by having the claims recorded), and that tenders *by the thousand* have been sent in merely on speculation, and to enable the applicant to secure any land that might turn out to be vacant, and become valuable in progress of time.

In some instances too that I observe, the land has been leased to the same parties under later tenders, better defining the country, or has been ascertained to have been previously under license.

In stating my belief that the main causes of delay have been the foregoing, I must not be understood as defending it, for I am only too sensible that there has been much neglect and unjustifiable delay, and that many abuses, which it is now difficult to contend with, have been the result. I had, however, taken active steps soon after assuming charge of this department to bring up these arrears, and have now on my table, in process of disposal, over two hundred tenders ranging back to 1850.

A. O. M.
B. C., 11 April, 1861.

The Under Secretary for Lands.

TENDERS FOR RUNS UNDISPOSED OF.

RETURN of Tenders for New Runs remaining undisposed of to the 31st of December last, shewing the dates of the Applications, the names of the Runs, and the names of the Applicants.

NO. OF TENDER.	NAME OF RUN.	NAME OF APPLICANT.
14 Feb., 1848	North Boyongga or Bonderonga	John Peter
7 November, "	Lumella	S. Sadler and W. Leamey
11 " "	Wallah Back Run	E. Hungerford, junr.
23 " "	Gum Swamp	G. L. Huon
8 January, 1849	Googoora	D. Bonworth
23 April, "	Gunjarry	E. Rouse
31 June, "	Murrarirrah	J. Jackson
38 September, "	Clear Hill, South Boridgeree	H. Burchit
18 November, "	Wamarawah	M. Scott
25 January, 1850	Whorlmer	R. Eather
32 " "	Willery	J. Hall
65 " "	Clear Hill	A. A. Huon
66 " "	Ditto	Ditto
11 February, "	Lower Myrtle Brook	R. Wilkin
12 " "	Upper ditto	Ditto
17 " "	Billa	D. Baldwin
45 " "	Boy Beyan on the Back Creek	J. B. Suttor
21 March, "	"	H. R. Daly
44 April, "	Cronowlu	J. B. Suttor
14 June, "	Undercliff	J. B. Rundle
22 " "	"	W. Lawson
23 " "	Neverfail	J. Onus
25 " "	(Unknown)	T. Eather, senr.
26 " "	Mullingdade	Atkins and Bather
27 " "	Muggaru	M. Griffiths
29 " "	Buggaril	J. Onus
39 " "	Quondary	J. Manning
53 July, "	Marule Creek	C. Hugheston
56 August, "	Wommagul	J. Launt
59 " "	Barriwul	P. Adamson
60 " "	Gunnathaby	A. Baldwin
61 " "	Pidgegangindy	Ditto
62 " "	Warrawrynyo	Sarah M'Donald
63 " "	Tootha	R. Skathorpe, junr.
64 " "	Thurra	Ditto
114 " "	Willis	S. Reeves
52 September, "	Bigroy	J. Picton
57 " "	Mixmongalindi	B. Rickards
58 " "	Ditto	Ditto
47 November, "	Wamarawagh	D. E. O'Sullivan
23 December, "	(Unknown)	Joseph Browne
33 " "	Bullagutta	William Buss
34 " "	Mulger	Ditto
35 " "	Kerkle	John Neville
36 " "	Gidger	Ditto
54 " "	Billybong Forest	George Sherwin
57 January, 1851	Tootha	John Ezzey
58 " "	Tootha Waterhole	William Deacon
62 " "	Gunnathaba	Charles Button
63 " "	Therrie	Ditto
69 " "	Warrec	Michael Cummings
93 " "	Gallederry, No. 2	Charles Hudson
33 February, "	Dillick Nurra	James M'Lachlan
21 March, "	Ganni Gunnibri	John Johnston
22 " "	Nindoo Springs	D. M'Lean and J. Harthill
26 " "	Cler Waa	John Patterson
27 " "	Whyaberor	James Coleman
38 April, "	Wyabbara	Ditto
75 May, "	Tantangra	William Sherwin
83 " "	Tantangara	H. J. A. Taylor
84 " "	Kiandara	Wm. C. Herbert
90 " "	Meilparo	A. M'Callum and Wm. Ross

TENDERS FOR RUNS UNDISPOSED OF.

No. OF TENDER.	NAME OF RUN.	NAME OF APPLICANT.
35	June, 1851 Black Mountain Creek	William Sharpe
42	" " Illing Illing	Maurice Hennessey
54	" " Timbegan	Joseph Kenyon, junr.
55	" " Gibson's Plain	C. Horsley and E. Craske
47	July, " Quanbone	Charles Doyle
17	September, " Langleybury	William Freeman
16	October, " Goan	John Gillies
30	" " Bradbow	John Coleman
8	November, " Mogemul	Wm. Wilson
9	" " Weringerrigel	James Coleman
6	January, 1852 Undercliff or Rocky River Glen	H. B. Fitz
4	February, " Undercliff	Ditto
5	" " Boonoooboo Creek	Ditto
8	April, " Cole	James Coleman
6	May, " Langleybury	William Freeman
7	" " Wamerawha	Maurice Hennessey
8	June, " Tyalgum	C. H. Fawcett
12	" " Kyeamba Island	David Hull
12	July, " Tyalgum	C. H. Fawcett
4	August, " Bondoin	Walter Hindmarsh
8	" " McInlay's Old Run	Hy. E. Michel
50	October, " Lower Wooral	D. Ramsey
51	" " Moral	Ditto
8	Feb., 1853 Canowley	Andrew Murray
13	July, " Devenport	Wm. Yabsley
14	" " Cookaboy or Anoryons	J. and E. Orr
29	September, " Willon	B. Rickards
14	November, " Tilgrivil and Blangrey	William Beit
34	" " Cagellica	C. N. Bagot
35	" " Outer Embalong	S. B. Daniel and J. West, junr.
36	" " Battleham	Ditto ditto
37	" " Blouclear	Ditto ditto
38	" " Talmagundia	Ditto ditto
39	" " Mungolia	Ditto ditto
40	" " Mulu	G. B. Fletcher
15	December, " Beauport	S. B. Daniel and J. West, junr.
16	" " Colterry	Ditto
9	Feb., 1854 Moomah	Archibald Meston
184	March, " Harvey's Hut Run	S. A. Sylvester and W. E. Smith
185	" " Mostyn's Hut Station	Ditto ditto
54	April, " Willow	James White
47	July, " Wealba, Block D	James Maiden
48	" " Ditto, ditto B	Ditto
49	" " Ditto, ditto A	Ditto
50	" " Ditto, ditto C	Ditto
51	" " Meldior	David Denny
112	September, " Adacumbene	B. Rouike and T. Delany
41	" " Euaklong, Block A	David Denny
42	" " Tarawonga	Ditto
43	" " Cockinwonga	Ditto
24	October, " Long Point, Ryan Creek	C. W. Bucknell
53	" " Lower Gurmowha	David Ramsay
54	" " Upper Gurmowha	Ditto
40	November, " Dickhobble	Joshua Eason
67	" " Boonoran	Samuel Smith
68	" " Warinary	Ditto
69	" " Gunagai	Ditto
21	December, " Burran Plains, East	G. and A. Loder
22	" " Ditto, West	Ditto
65	January, 1855 Marool Creek	Thos. O'Kell
66	" " Ditto	Ditto
19	February, " Cumbrah Springs	T. G. Dangar
36	March, " Goonathobie	W. Baldwin
52	May, " Terranary	W. J. Forrester
23	June, " Capiti	Joshua Eason
39	" " Dry Lake Run	John Grierson
67	" " Bungena	Michael Bourke
26	July, " Imberga	Henry Eagar
27	" " Ditto	Ditto
100	August, " Cumberah Springs	Thomas G. Dangar
26	September, " Denebung	Michael Cummings
33	" " New Corrodgarry	Edward Grainger
34	" " Back Creek	Michael M'Guinness
20	October, " Moulla Ridges	John Davis

TENDERS FOR RUNS UNDISPOSED OF.

NO. OF TENDER.		NAME OF RUN.	NAME OF APPLICANT.
21	October, 1855	Manger	Thomas Purvis
25	November, "	Imbegua	George Forrester
65	" "	Kippirbia	Wm. M'Lean
28	December, "	Tullegar	James Wilson, junr.
20	January, 1856	Goangra Retro	E. K. Cox
11	February, "	Tultier	Geo. Forrester
13	March, "	Murcaban	James White
18	" "	Durall	K. and V. Cox and W. Lewis
47	" "	South Clover Creek	Samuel Smith
40	" "	Clover Creek	Ditto
31	April, "	Umolo	James Hall
71	" "	Glensturt	H. and B. Jamison
72	" "	Stanley	Ditto
83	" "	Mount Lyell	Ditto
84	" "	Baranabby... ..	Ditto
85	" "	Mount Robe	Ditto
24	May, "	Boogira	James White
12	June, "	Uraubah	W. G. M'Guiggin
26	July, "	Cookaminnia	Jas. M'Phillamy
28	" "	Anagoonal	Richard Bligh
70	" "	Gal a Galla	Wm. M'Lean, junr.
71	" "	Bantantra	Ditto
32	August, "	Black Stump	J. N. Nevell
39	" "	Warren	G. T. and J. C. Bagot
94	September, "	South Benonglo	J. L. Phelps and N. Chadwick
97	" "	Warrawenca	Geo. Mawson
69	October, "	Upper Mulgutherie	Geo. W. Lord
24	November, "	Wilbillbil	T. G. Dangar
25	" "	Go Gurrilley	Ditto
48	" "	Harriette Plains	R. R. Haverfield
39	December, "	Weelwally	J. and J. D. Brown
45	January, 1857	Warrangerawalby	Jas. Coleman
46	" "	Bandycoot	J. T. Bell
47	" "	Yoolbung	A. Brown
67	" "	Salt Plains... ..	Richard Box
4	February, "	Jews' Lagoon, or Boggy Creek	Wm. Kerrigan
7	" "	Billeboo	G. A. and J. Loder
26	" "	Weeran	Joseph Aarons, junr.
18	March, "	Imbegua	Geo. Forrester
30	" "	Gamyall Gunyah	J. N. Nevell
32	" "	Tallegar and Mooroombye... ..	M. Lowe
37	" "	Ford's Creek	J. Blekemore
40	" "	North Burrowang	J. F. Clements
13	April, "	Chaukendull	W. Allingham, junr.
28	" "	Brewer Ridges	C. E. S. Macdonald
29	" "	Calarewa	G. Matthews
31	" "	Derriman	C. E. S. Macdonald
32	" "	Bandikoot	T. Boyle
33	" "	Manger Water Hole	J. C. Tibbitts
41	" "	Warri	H. Gordon
44	May, "	Moolan	J. W. Lloyd
45	" "	Quandong	Charles Colwells
47	" "	Colga Creek	J. Weston and J. Hyland
46	July, "	Ninmicate	John Campbell
58	" "	Gelgi	James White
60	" "	Coonamoona, Back Run	J. B. Rundle and E. Parsous
62	" "	Cubboombone	James Coleman
79	" "	Lacaboo	S. Smith
80	" "	Bonry	Ditto
81	" "	Back Wogongo	Ditto
82	" "	Yarru	Ditto
83	" "	Cacaboo	Ditto
94	" "	Tooloon	David Ramsay
98	" "	Cutply	James Scott
28	August, "	Coogallah	Thos. Hoskinson
29	" "	Crudu	Jno. Spink Johnston
30	" "	Collingo	Wm. F. Buchanan
31	" "	Lower Imbegua	George Forrester
32	" "	Upper ditto	Ditto
35	" "	Galga	Michael Boyle
39	" "	Gimble Gunyech	Elizabeth Nevell
40	" "	Kurdu	Edward Bingham
48	" "	Haddouriggo	Christie and Wellington

TENDERS FOR RUNS UNDISPOSED OF.

5

No. OF TENDER.	NAME OF RUN.	NAME OF APPLICANT.
70	August, 1857 Ramsay's No. 1, Wollandra, Billybong ...	David Ramsay
71	" " Ditto, No. 11, ditto, ditto ...	Ditto
72	" " Malagadery Springs ...	Ditto
73	" " Mereywa ...	Ditto
74	" " Keigmev Creek ...	Ditto
75	" " Ramsay, No. 10, Wallandra, Billybong ...	Ditto
76	" " Ditto, No. 8, ditto, ditto ...	Ditto
77	" " Ditto, No. 9, ditto, ditto ...	Ditto
78	" " Ditto, No. 5, ditto, ditto ...	Ditto
79	" " Ditto, No. 3, ditto, ditto ...	Ditto
80	" " Ditto, No. 2, ditto, ditto ...	Ditto
81	" " Ditto, No. 4, ditto, ditto ...	Ditto
82	" " Kendal ...	Ditto
83	" " Ramsay, No. 7, Wallandra, Billybong ...	Ditto
84	" " Ditto, No. 6, ditto, ditto ...	Ditto
85	" " Mount Dispersion ...	John MacNicol
22	September, " Backline, or Merri Merri Creek ...	Wm Bowman
28	" " Marthagv ...	Ditto
29	" " The Molle ...	Ditto
31	" " Back Run, East of the Molle ...	Ditto
34	" " Back Run, on Merri Merri Creek, at the Molle ...	Ditto
68	" " The Gunhaw, Back Run ...	E. J. Spence and J. G. Morley
72	" " Mary Mary, Back Run ...	Edwd. H. Acres
74	" " Woolawoolla, Back Run ...	E. J. Spence and J. G. Morley
22	October, " Urawilky ...	James Hall
28	" " Carwell ...	J. F. Wilson
29	" " North Ballamore ...	Eliza Dulhunty
46	" " The Back Run of Juno ...	E. J. Spence and J. G. Morley
47	" " The Back Run of Mulla Mulla ...	Ditto ditto
49	" " The Back Run of Lovestock ...	Ditto ditto
50	" " Tit-for-Tat ...	J. M. Sanger
7	November, " The Back Run of Bundar ...	T. Icely and E. J. Spence
11	" " The Back Run of Gamber ...	Ditto ditto
16	" " Boorader ...	D. Macrae
17	" " Moriman ...	W. F. Buchanan
23	" " New Lock-na-Gaa ...	E. Sharpe
25	" " Thollallaboy and Tellellaboy ...	S. Smith
28	" " The Back Run of Banga ...	T. Icely and E. J. Spence
63	December, " No. 2, North Gulgore ...	W. W. Bucknell
69	" " New Lock-na-Gaa ...	E. Sharpe
70	" " Worri Beddy ...	James Coleman
71	" " Gunnine Pear ...	Ditto
73	" " Cumblecubinbar ...	Fredk. Millon Hill
74	" " Truroo ...	George Forrester
75	" " Lower Truroo ...	Ditto
76	" " Boogindinna ...	Ditto
77	" " Lower ditto ...	Ditto
78	" " Bankcet ...	Ditto
79	" " Upper Bankcet ...	Ditto
93	" " Wallandry ...	William Marshall
94	" " Buddigower ...	Ditto
98	" " The Creek Station ...	Geo. Butler Fletcher
104	" " Cutpy ...	James Scott
105	" " Kilon ...	John Cameron
107	" " Pipilta ...	G. Butler Fletcher
18	January, 1858 Collybiggala ...	Wm. Griffiths
19	" " Cwrygall ...	Ditto
20	" " Ticoo, South ...	William Eckford
21	" " Coodernato or Peodegran ...	Ditto
22	" " Picoo, North ...	Ditto
23	" " Walwaddledi or Bunado ...	Ditto
24	" " Noonbar ...	Alexr. Hodgdon
25	" " Bibbegibbery, Back Run ...	Jonathan L. Hassall
27	" " Upper Wallandra, Billibong ...	Patk. J. Keighran
28	" " Ditto 3 ...	Ditto
29	" " Wallandra Billibong, 2 ...	Ditto
30	" " Marble Ground ...	Ditto
46	" " Run, No. 1 ...	Edward Flood
47	" " Run, No. 2 ...	Ditto
49	" " Werrigoodyan ...	J. Smith
50	" " Tom's Lake ...	Henry Tom
51	" " Natue ...	Ditto
52	" " South Booraran ...	Samuel Smith

TENDERS FOR RUNS UNDISPOSED OF.

No. OF TENDER.	NAME OF RUN.	NAME OF APPLICANT.
53	January, 1858	South Gunagai Samuel Smith
54	" "	South Warranary Ditto
56	" "	East Barara Jas. McLeod
14	February	Bearbilla Wm. Field
17	" "	Cogildon West Wm. Hughes
35	March,	Bumbleberria F. M. Hill
36	" "	Minnun W. Eckford
38	" "	Warruigerong Creek Donald Fraser
43	" "	Calgar Creek Ditto
44	" "	Mickey Mull Spring J. Twaddle and T. Kirkpatrick
47	" "	Lower Stonehenge... .. R. P. Raymond
48	" "	Lower Haradon Ditto
49	" "	Marungle V. Dowling
50	" "	Pine Plain Run R. J. Higgins
51	" "	Back Enabelong James Moulder, senr.
43	April,	Teriibold James White
44	" "	Back Gooloogoola E. B. Cornish and A. Cruikshank
51	" "	Gidgier John Knight
52	" "	Rimbanda W. F. Buchanan
53	" "	Cowga James White
55	" "	Byerawering, South Thos. Hungerford
57	" "	Ditto, North Ditto
58	" "	Canwell Ditto
60	" "	The Gulf Thomas Gillon
61	" "	Inchigoodbie Christopher Bourke
69	" "	North Doetheboy Hugh Hamilton
70	" "	South ditto Ditto
77	" "	Southern Outer Yaltalka James Pile
83	" "	Gunpanoola, East Jas. McLeod
37	May,	Winter Vale James Sweeny
44	" "	Glennudabog Alexr. and Jas. Glass
45	" "	Bomangabah, South Jas. Glass and Jno. Corrigan
47	" "	Crudie John Spink Johnston
48	" "	Glennudabog, West Jas. Glass and Jno. Corrigan
49	" "	Bomangabah Alex. and Jas. Glass
52	" "	Big Emins, South Joshua Dowe
53	" "	Ditto, North Ditto
54	" "	Gurry, West Ditto
55	" "	Big Emins, West William Hill
56	" "	Ditto Ditto
57	" "	Gurry Gurry, East Ditto
63	" "	Back Lower Stonehenge Robert Peel Raymond
65	" "	Back Stonehenge Ditto
67	" "	Back Lower Harradon Ditto
70	" "	Back Harradon Ditto
77	" "	Warrego, No. 8 Ditto
79	" "	Ditto, No. 5 Ditto
81	" "	Ditto, No. 7 Ditto
82	" "	Ditto, No. 6 Ditto
83	" "	Ditto, No. 4 Ditto
89	" "	Block, No. 2 G. W. Lord
23	June,	Nombi Nombi T. E. and H. J. Lanco
24	" "	Tunawandi James Grimes
28	" "	Warrea, on the east side of Narran Creek Francis M. Doyle
32	" "	Ballara T. L. Richardson
33	" "	Triagara Ditto
34	" "	Yamba Yamba Wm. W. Richardson
35	" "	Mobanah, No. 1 Wm. Murray
36	" "	Ditto, No. 2 Ditto
41	" "	Gunnowlia, East John B. West
42	" "	Addition to Ballangeramble, or Duckama David Ramsay
43	" "	Gunnowlia, East Jno. B. West
44	" "	Ditto, West Ditto
45	" "	Ditto, West Ditto
23	July,	Euraba, West Jas. E. Davys
24	" "	Cobran Fredk. Wherriatt
25	" "	Tatala Ditto
26	" "	Papperson E. G. Eggleston
27	" "	Tacaba Jos. Manton
28	" "	Bomba Ditto
29	" "	(Unnamed) John Lamrock
30	" "	Burrawood Walter Bagot

TENDERS FOR RUNS UNDISPOSED OF.

No. OF TENDER	NAME OF RUN.	NAME OF APPLICANT
31 July, 1858	...	R. Skuthorpe, junr.
32 "	...	Ditto
33 "	Elu, East	Wm. Griffiths
34 "	Woromona	F. G. Eggleston
35 "	Cobram	E. Wherritt
36 "	Tatala	Ditto
37 "	Kanthai-Canthari	Jno. Williams
39 "	Wambolong, South	Chas. Colwell, genr.
40 "	Weribidde	Wm. Riley
43 "	Outer Back Mullah	Wm. Lawson
44 "	Dovandoo	James Collett
45 "	Emanar	Ditto
46 "	Ula	Ditto
47 "	Warambilla	Ditto
48 "	Cococanda	Ditto
49 A "	Gungallgall, No. 1	W. H. Hill
B "	Ditto, No. 2	Ditto
C "	Ditto, No. 3	Ditto
D "	Ditto, No. 4	Ditto
50 "	Weeroon	W. W. Richardson
60 "	Block C	Geo. W. Lord
62 "	Block, No. 11	Ditto
63 "	Kitehold	Peter Tyson
64 "	Yalgo	Geo. W. Lord
65 "	Tarawong	Peter Tyson
66 "	Block, No. 10	Geo. W. Lord
67 "	Block B	Ditto
68 "	Block 5	Ditto
69 "	Block F	Ditto
70 "	Crohamy	Ditto
75 "	Block A	Ditto
76 "	Block 3	Ditto
79 "	Block 4	Ditto
80 "	Block E	Ditto
82 "	Block D	Ditto
85 "	Shelly's Camping-place	C. S. Oakes and C. J. Richardson
86 "	Cookerga	John M'Kinley
87 "	Palinoa	G. B. Fletcher
32 August,	Curiwara	Wm. and Geo. Colless, junr.
33 "	Bullanbumbo	Ditto ditto
34 "	Binkinear	Ditto ditto
36 "	Knurcebereo	James Evans
37 "	Bullanbumbo	Wm. and Geo. Colless, junr.
38 "	Jimbege, East	Wm. Leard
39 "	Ditto, West	Ditto
40 "	Biroo	Joseph Pearce
41 "	Upper Dunwarian	T. G. Dangar
42 "	Cobonbudgeri	G. R. M'Lean and Sydney Scarvell
43 "	Warrigal	G. R. M'Lean
44 "	Willi	Ditto
47 "	Grudantheri	G. R. M'Lean and S. Scarvell
49 "	Dingo	Ditto ditto
50 "	Tallygar	Wm. Hurley
51 "	Meri Matong	G. R. M'Lean
52 "	Bael	Ditto
53 "	Comborah Springs	J. Glass and Jno. Corrigan
54 "	New Gradgery	Geo. Wood
55 "	Ditto	Ditto
56 "	Taaraa	G. R. M'Lean
57 "	Bulhunuto	Wm. and Geo. Colless, junr.
58 "	Bublemara	G. R. M'Lean
59 "	Montezuma	W. W. Richardson
60 "	Crodgi	Geo. R. M'Lean
61 "	Budgel	Ditto
62 "	Gerilambone, No. 2	Thomas Sinden
63 "	Whombat	G. R. M'Lean
64 "	Niami	Ditto
65 "	Narranwater	James Glass
74 "	Dubbot	Thomas Morris
75 "	Bingwell, No. 2	Jonathan Hassan
76 "	Ditto, No. 1	Ditto
77 "	Ditto, No. 3	Ditto

TENDERS FOR RUNS UNDISPOSED OF.

No. OF TENDER.	NAME OF RUN.	NAME OF APPLICANT.
79	August, 1858 Lower Tabratong	J. J. Mills
80	" " Dubbot	Jas. Rawsthorne
81	" " Back Wallenbiling	J. Arons, junr.
84	" " Guwaroo	John Brown
85	" " Back South Tabratong	S. F. Simpson
86	" " Doando	T. Morris
87	" " Gewaroo, West	John Brown
88	" " Upper Terrooble	H. Morraghan
89	" " Tollendool	A. Davidson
92	" " Back Lower Moorai	David Ramsay
93	" " Back Upper ditto	Ditto
95	" " Nadbuck	Donald Mackenzie
96	" " Topar	Ditto
97	" " Coontaralba	Ditto
101	" " Outer Wallara	James Pile
102	" " Outer Outhro	Ditto
61	September " Redao	H. and B. Jaimeson
64	" " Imbergeria, West	Wm. Leard
65	" " Ditto, East	Ditto
66	" " Bottle Tree	A. Johnston
73	" " Gungallgall on the Bogan... ..	Wm. and Geo. Colless, junr.
74	" " Upper Terandian, West	T. Daniell
76	" " Upper Cajildrah, West	Ditto
78	" " Melinquerar	Thomas Grant
82	" " Doonambirra	P. P. Hungerford
84	" " Berrambirrah	Jno. Botton
85	" " Kiengal	Collin M'Kenzie
87	" " Nadurce	Thomas Grant
88	" " Moomo or Coomoo	George Sanderson
89	" " Yerrangal, West	Collin M'Kenzie
90	" " Berrambirrah, West	John Botton
91	" " South Willbe	Thomas Hungerford
92	" " Yarrangal, East	Collin M'Kenzie
93	" " Gungalman, South... ..	Henry Frost
94	" " Nimbic	Niehl. Morris
110	" " Gregory	John L. Phelps
1	October, " Bubbling Spring	Hugh Hamilton
2	" " West Peri	Ditto
3	" " West Warrego	Ditto
4	" " West Pharo	Ditto
5	" " East Peri	Ditto
6	" " East Pharo... ..	Ditto
7	" " East Warrego	Ditto
10	" " Killisland	L. Millar and T. Maxwell
11	" " Mossgeil	Ditto ditto
12	" " Strathaven	Ditto ditto
13	" " Abbotsford	Ditto ditto
14	" " Avondale	Ditto ditto
15	" " Alma	Ditto ditto
17	" " Nyall Forest	Robert Kennedy
18	" " Barigan	Ditto
23	" " Kidgerur Springs	R. P. Raymond
24	" " Marbling Ground Lake	Ditto
26	" " Nurrang Googil Spring	James White
27	" " Ota... ..	T. A. Smith
30	" " Waller	Samuel Smith
31	" " Tawa	Ditto
32	" " Tian	Ditto
33	" " Bullong	Ditto
34	" " Boys	T. A. Smith
42	" " Booroomba, North... ..	James White
45	" " Kunrreeberce	Geo. Lee
46	" " Nurney	W. C. T. and J. C. Bagot
49	" " Baric	Geo. Lee
50	" " Dunmurry	W. C. T. and J. C. Bagot
10	November " New Bogewan	James Coleman
11	" " Waddieman	Ditto
12	" " Bingtry	Ditto
15	" " Harriawacki	Ed. Bradford
17	" " Ditto	Ditto
21	" " North Bigabadah	C. H. Buchanan
28	December " Torwood	L. Millar and T. Maxwell

TENDERS FOR RUNS UNDISPOSED OF.

9

No. OF TENDER.	NAME OF RUN.	NAME OF APPLICANT.	
29	December, 1858	Comby Cabinbar	W. H. Hill
30	" "	Lamington	L. Millar and T. Maxwell
31	" "	Boniton	Ditto ditto
32	" "	Bogiria, East	Wm. J. McDonald
34	" "	Bannoockburn	L. Millar and T. Maxwell
35	" "	Dereary	T. H. Hill
36	" "	Cartland	L. Millar and T. Maxwell
38	" "	Bogiria, East	Wm. J. McDonald
39	" "	Burrawandool and Millincowba, Block No. 2	T. E. Lance
40	" "	Calinebone and Theakway	Ditto
41	" "	Lincluden	L. Millar and T. Maxwell
42	" "	Cora	Ditto ditto
43	" "	Bunna Bunna, Back Block 2	F. N. Bucknell
45	" "	Wheebo	Neal Kennedy
46	" "	Bunna Bunna, Back Block 1	F. N. Bucknell
47	" "	Tinibeegee, East	W. H. Hill
50	" "	Wanibiddie	Thos. McNamara
51	" "	Warren, East, Block No. 2	T. E. Lance
52	" "	Warren, West, ditto No. 1	Ditto
53	" "	Warren, or Lower Marthgy	Charles Friend
55	" "	New Springs	Alexr. Ferguson
56	" "	Boonbarong	Duncan Macrae
57	" "	Bella-der	Ditto
60	" "	Quondah	W. A. Groyne
61	" "	Belaha	Ditto
62	" "	Lower Quondah	Ditto
63	" "	Bimbel	Ditto
66	" "	South Bolero	Alexr. Murphy
67	" "	Upper Wyalong, No. 2	Garland and Bingham
69	" "	Mareeta	Samuel Smith
72	" "	Scrub Run, No. 11	E. M. M. Kinley
73	" "	Ditto, No. 12	Ditto
74	" "	Mitta	Joseph Dunne
76	" "	Coontwanda, East	J. N. McIntosh and R. H. W. H. Oakes
77	" "	Coontwanda	Ditto ditto
78	" "	Usterwonga	Ditto ditto
79	" "	Ditto, East	Ditto ditto
80	" "	Burrorunga, East	Ditto ditto
81	" "	Wercoola	Ditto ditto
82	" "	Thooloo	Ditto ditto
83	" "	Burrorunga	Ditto ditto
85	" "	Outer Toorale	E. B. Scott
87	" "	Huckabald	John Cockburn
27	January, 1859	Minnoon	T. Wollaston
30	" "	Tyrone	Wm. H. Brotherton
31	" "	Milkiini	Wm and S. Kennedy
32	" "	Ninia	G. J. Gibson
33	" "	Gundygalong	Jas. Wilson
34	" "	New Boogara	Chas. H. Buchanan
35	" "	New Boogiwan	Ditto
36	" "	Como	G. J. Gibson
37	" "	Yalundra	Jno. Cameron
38	" "	Wyabra	Wm. H. Brotherton
39	" "	Warocora	Jno. Blackman
9	March,	Langboyde	Wm. Picton
10	" "	Langboyde, South	Ditto
14	" "	Chinup	John Cameron
15	" "	East Yangar	Robert Lynch
16	" "	East Tula	Ditto
17	" "	Wooloary, East	Wm Rutledge
19	" "	Back Moodana	T. A. Smith
20	" "	Back Gumball	Saml. Smith
27	" "	Wingurbah	Jas. Grounds
37	" "	Outer Wallandra	W. H. Suttor
18	April,	Curragh, No. 1	Henry Dangar
19	" "	Bulgeori, South, No. 2	Ditto
20	" "	Ditto No. 1	Ditto
22	" "	No. 2 River	Wm. Renwick
23	" "	Buck Dubbo	H. W. Gwynne and D. Soane
24	" "	Tuckabilla	Donald Fraser
27	" "	East Darling, No. 2	L. MacBean

TENDERS FOR RUNS UNDISPOSED OF.

No. OF TENDER.			NAME OF RUN.	NAME OF APPLICANT.
31	April,	1859	West Darling, No. 2	L. MacBean
32	"	"	Ditto, No. 1	Ditto
56	"	"	Cumby	Wm. Rutledge
61	"	"	Wancockaroo Station	Charles Manton
63	"	"	Yancowenna Glen Station, Block B	Ditto
64	"	"	Ditto, Block A	Ditto
66	"	"	Gairdner Creek Station	Ditto
37	May,	"	Torrybrunella	Joseph Andrew
38	"	"	Modell	Jas. T. Bell
39	"	"	Ditto	Ditto
41	"	"	Ditto	Ditto
42	"	"	Little ditto... ..	Ditto
43	"	"	East ditto	Ditto
51	"	"	Tothar, East	R. Skuthorpe, junr.
52	"	"	Wailmaringle	John Drinan
53	"	"	Mollaroy	Ditto
57	"	"	Emu	Jno. H. A. Lister
59	"	"	Bunyip	Ditto
61	"	"	Kangaroo	Ditto
63	"	"	Ditto	Ditto
64	"	"	Williori	P. McKellor
65	"	"	Milrea Minor	A. Glass and J. Corrigan
66	"	"	Boomer, South	Jas. Coleman
67	"	"	Ditto, North	Ditto
68	"	"	Block No. 2	Chas. Wray Finch
69	"	"	Ditto No. 3	Ditto
70	"	"	Ditto No. 1	Ditto
78	"	"	Tantangara... ..	Twofold Bay Pastoral Company
79	"	"	Boggy Plain	Terence Mahoney
54	June,	"	Culgoa River, No. 2	David Roberts
55	"	"	Ditto	Ditto
77	"	"	Warrab-bah	Benjn. South
78	"	"	Burbadah, East	Ditto
79	"	"	Mugarah	Jas. B. Johnston
80	"	"	Burbadah	Ditto
81	"	"	Wallah	Ditto
84	"	"	Barraneal	Jno. Whitford
85	"	"	Birie, No. 2, East	C. Parnell and R. Gaiden
86	"	"	Ditto, ditto, West	Ditto ditto
87	"	"	Ditto, No. 1, West	Ditto ditto
88	"	"	Gundagalouq	J. J. Wilson
89	"	"	Birie, No. 1, East	C. Parnell and R. Gaiden
94	"	"	Block 1	Edward Jno. Finch
99	"	"	Cockellerina	A. and J. F. Doyle
101	"	"	Block 2	E. J. Finch
113	"	"	Bon Forest... ..	W. A. Broadribb
116	"	"	Tala Back Plains	Ditto
118	"	"	Lower Geunolia, Block A... ..	Joseph West, junr.
119	"	"	Ditto ditto B	Ditto
121	"	"	Lisnawilly	W. Bagot and Brothers
122	"	"	Wyanawonda	Ditto ditto
123	"	"	Wofandilly... ..	Ditto ditto
124	"	"	Barrunga	A. and J. Glass, and J. Corrigan
125	"	"	Bundarwood	Ditto ditto
126	"	"	Enregel	Ditto ditto
127	"	"	Bervo	Ditto ditto
128	"	"	Warreegal	Donald M'Rae
129	"	"	Poolia	Ditto
130	"	"	Maruze	A. and J. Glass, and J. Corrigan
134	"	"	Clunes	D. Macrea, junr., and D. Macrea
135	"	"	Glen Albert	A. J. Glass and J. Corrigan
136	"	"	Stretton, No. 3	G. B. Boulton
137	"	"	Ditto, No. 1	Ditto
138	"	"	Ditto, No. 2	Ditto
139	"	"	Minebarra	Gerald Spring
142	"	"	Warrego, East, No. 3	Finch, Brothers
143	"	"	Ditto, ditto, No. 2	Ditto
33	July	"	Stephens' Creek Station, Block 2... ..	Charles Manton
36	"	"	Gairdner Creek Station, Block 2	Ditto
37	"	"	Block B	M. Miles and H. Wise
38	"	"	Block A	Ditto ditto
42	"	"	Toorah Back	Henry Jeffries

TENDERS FOR RUNS UNDISPOSED OF.

1

No. OF TENDER.	NAME OF RUN.	NAME OF APPLICANT.
43	July, 1859 Darling, No. 1	Gerald Spring
44	Albertonia	Ditto
45	" " Darling, Block 3	Wm. A. Brodribb
48	" " Mere Back	Henry Jeffries
49	" " Hopeless	J. D. Brown
50	" " Chance	Ditto
51	" " Springvale	Ditto
52	" " Darling, Block B	Wm. A. Brodribb
53	" " Tourango	Colin Mackenzie
54	" " Neptate	D. Macrea, junr., and D. Macrea
57	" " Eutheera	A. and J. Glass, and J. Corrigan
59	" " Kileallo	Donald Macrea
60	" " Darling, Block A	Wm. A. Brodribb
62	" " Yeramang Towry	John Corrigan
63	" " Duck Holes	Ditto
64	" " Sand Ridge	Ditto
65	" " Ditto Minor	Ditto
67	" " Gairdner Creek Station, Block 3	Chas. Manton
68	" " Binaran	Donald Macrea
69	" " Duck Holes, Minor	John Corrigan
78	" " The Grawin	T. G. Dangar
79	" " Yamby, West	T. H. Hill
81	" " Buinia or Binyah Springs... ..	J. A. H. Price
84	" " Bumblebeera	T. H. Hill
85	" " Block No. 2	Geo. W. Lord
86	" " Block No. 1	Ditto
87	" " Neo... ..	T. H. Hill
88	" " Ditto	Ditto
89	" " Bucklenbaa, East	J. and H. C. White
91	" " Hermguli, East	E. Glaskeen
92	" " Ditto, West	Ditto
93	" " Barragillo	C. W. Bucknell
99	" " Boomerang... ..	A. R. Collins and G. Barber
111	" " Busaco	Jas. Jackson
112	" " Heliman, No. 7	A. R. Collins and G. Barber
113	" " Short Cut, No. 1	Ditto ditto
114	" " Bergen, No. 4	Ditto ditto
115	" " Theolo, No. 3	Ditto ditto
116	" " Bone Bone, No. 2	Ditto ditto
117	" " Boonde, No. 6	Ditto ditto
118	" " Jereel, No. 5	Ditto ditto
119	" " Kolkibertoo, North	Stephen Fennell
121	" " Weangraban	Wm. Watts
138	" " Block D	G. W. Lord
139	" " Cudgoa	T. G. Dangar
141	" " Guooroo Back Run	G. Loder and C. Capp
142	" " Mohannah Back Run	Ditto ditto
143	" " The Hospital	Ditto ditto
144	" " Upper Bukharah	Ditto ditto
145	" " The Junction	Ditto ditto
147	" " Block C	G. W. Lord
148	" " Back Cuddle, or Beard's Corner	Wm. Brotherton
149	" " Buckinbah	Rd. Ridge
152	" " The Upper Bree	T. G. Dangar
137	August Gumble Gubbin	J. H. Rutter
141	" " Guibalunga, East	Edwd. Pearce
142	" " Gariunga, North	J. E. Pearce
143	" " Ditto, South	Ditto
144	" " Irrawang	E. Sparke, junr.
146	" " Guibalunga, West	E. Pearce
147	" " Merrivale	E. Sparke, junr.
148	" " Buggie	Chas. Eather
150	" " Nuggarah	J. B. Johnston
151	" " Meelceber	F. N. Bucknell
152	" " Kiora	James Price
153	" " Bucklebow	Geo. Jarvis
156	" " Tilba Tilba... ..	E. Sparke, junr.
160	" " Sand Holes	Wm. McClelland
168	" " Mollyerroi	T. G. Dangar
164	" " Bangato	B. Burrell
165	" " Timbuctoo	H. Hamilton
166	" " Trincomalee	Ditto

No. OF TENDER.	NAME OF RUN.	NAME OF APPLICANT.
167	August, 1859	Pondicherry H. Hamilton
168	" "	Back Timbuctoo Ditto
169	" "	Lygnun Michael Healey
170	" "	Bungil Chas. E. Lyons
171	" "	Boogara, East, Block No. 1 Thos. H. Hill
172	" "	Ditto, West, ditto Ditto
173	" "	Upper Cumblebone... .. G. W. Lord
174	" "	Geronen Lagoon A. and J. Glass, and J. Corrigan
175	" "	Boogara, West, Block No. 2 T. H. Hill
177	" "	Monky, adjacent to Merry Merry... .. Michael Healey
178	" "	Milria Minor A. and J. Glass, and J. Corrigan
179	" "	Boogara, East, Block No. 2 Thos. H. Hill
180	" "	Yallidar Jno. Eaton
181	" "	Madeara, No. 1 Ditto
184	" "	Yamby Run, Block No. 1... .. T. H. Hill
185	" "	Cumblebone G. W. Lord
186	" "	Block No. 2 David Forbes
187	" "	Block No. 1 Ditto
188	" "	Ditto James Green
189	" "	Spring Field J. B. Johnston
191	" "	Speculation, No 5 W. W. Richardson
192	" "	Ditto, No. 4 Ditto
193	" "	New Gunningbah, Block No. 1 Edwd. Dougherty
194	" "	Speculation, No. 2... .. W. W. Richardson
197	" "	Ditto, No. 1... .. Ditto
199	" "	Truintenailegy Samuel Smith
206	" "	Wogongo Ditto
208	" "	Wyathery Ditto
210	" "	Block No. 2 James Greer
211	" "	Speculation, No. 3... .. W. W. Richardson
215	" "	Torowang Plains Wm. Tyson, junr.
216	" "	West Mandima Jas. Noonan
232	" "	Warrego, No. 1 Henry Jeffreys
233	" "	Barunga, No. 1 Ditto
234	" "	Ditto, No. 2 Ditto
235	" "	Warrego, No. 3 Francis E. French
236	" "	Ditto, No. 2 Ditto
239	" "	Bundanna Gerald Spring
243	" "	Barringa Ditto
244	" "	Wondarra Ditto
245	" "	Yarree R. T. B. Gaden
246	" "	Barilla Gerald Spring
248	" "	Wyrundra Ditto
255	" "	Nount Dispersion, North-east Donald Mackenzie
257	" "	Sebastapol, Block A, No. 1 F. C. Brodribb
258	" "	Ditto, Block C, No. 3 Ditto
261	" "	Kitcho, Back Run... .. Peter Tyson
262	" "	Yelkeer, ditto Ditto
263	" "	Kulpaterong, Back Block Ditto
264	" "	Ghnowe, Back Block Ditto
265	" "	Bomarhong, Back Block Ditto
266	" "	Yhowe, Back Block Ditto
267	" "	Dolmorrye, Back Block Ditto
268	" "	Beuelkay, Back Block Ditto
269	" "	Till Till, Back Block Ditto
270	" "	Sebastapol, Block D, No. 4 F. C. Brodribb
272	" "	Darling, Block D Ditto
277	" "	Sebastapol, Block B, No. 2 Ditto
213	September,	Werrahbah... .. Henry C. Jones
214	" "	Coobungooba William Morris
215	" "	Jona, No. 3 Lockhart, Millar, and Maxwell
216	" "	Mungaroo John W. Eckford
218	" "	Carrabillina, No. 1 John Eckford
219	" "	Randon, Gulgoa Creek, North side George Forrester
220	" "	Ditto, ditto, South side Ditto
222	" "	Staffa, No. 2 Lockhart, Millar, and Maxwell
223	" "	Lismore, No. 5 Ditto ditto
225	" "	Pookanoonry, East side of the Gulgoa William M'Kenzie
226	" "	Damble, or Bogan Creek Barney Burrell
228	" "	Wailmoringle and Collinge William M'Kenzie
230	" "	Lincluden, No. 4 Lockhart, Millar, and Maxwell
231	" "	Glencoe, No. 6 Ditto ditto

TENDERS FOR RUNS UNDISPOSED OF.

13

No. OF TENDER.			NAME OF RUN.	NAME OF APPLICANT.
232	Sept.,	1859	Culloden, No 1	Lockhart, Millar, and Maxwell
234	"	"	Mungaroo, No. 2	John W. Eckford
235	"	"	Pigeonbull, Block No. 2... ..	A. and J. F. Doyle
236	"	"	Carbenbry	Dennis Holland
237	"	"	Mogunthra and Bandoo	William M'Kenzie
238	"	"	Bogara	Augustus Hill
242	"	"	Carrabillina, No 2... ..	John Eckford
243	"	"	Pigeonbull, Block No. 1	A. and J. F. Doyle
245	"	"	Moolaman	John Spicer
246	"	"	Dingo, No. 2	J. Single and H. J. Adams
247	"	"	Bangett, East	Edmund Shephard
248	"	"	Dingo, No. 1	J. Single and H. J. Adams
249	"	"	Nedgear	John J. Mills
250	"	"	Wilbee Wilbee, West	Robert Search
251	"	"	Kiguigil, South	James White
252	"	"	Dingo, No. 3	J. Single and H. J. Adams
253	"	"	Boyalbider	Ditto ditto
254	"	"	Boyalbiddier, North	Ditto ditto
255	"	"	Warren	James White
256	"	"	Woiren	George Wood
257	"	"	Narrieawogh	Ditto
259	"	"	Dickehable	Josiah Fosom
260	"	"	Kedgererburroway... ..	Alexr. M'Loughlin
261	"	"	Wonga Wonga	Ditto
262	"	"	Kegerer Burroway... ..	Ditto
263	"	"	Wonga Wonga	Ditto
264	"	"	Collygo	James White
265	"	"	Grandool, South	Ditto
266	"	"	Coobungeree	George M'Guiggan
268	"	"	Bimbijng	John Spicer
275	"	"	Cullany, or the Scrub	Harry Smith
276	"	"	Milbry, Block No. 35	A. and J. F. Doyle
278	"	"	Ditto, ditto No. 4	Ditto
279	"	"	Pigeonbull, Block No. 5	Ditto
280	"	"	Milbry, Block No. 1	Ditto
281	"	"	Pigeonbull, Block No. 7	Ditto
286	"	"	Ditto, ditto No. 8	Ditto
288	"	"	Ditto, ditto No. 6	Ditto
290	"	"	Lower Bree	T. G. Dangar
292	"	"	Milbry, Block No. 2	A. and J. F. Doyle
293	"	"	Ditto, No. 3	Ditto
294	"	"	Pigeonbull, Block No. 4	Ditto
301	"	"	Myall Plains	E. H. Woodhouse
302	"	"	West Mormalong	Ditto
304	"	"	North Oaks Run	G. A. and P. Mier
305	"	"	South Oaks Run	Ditto
307	"	"	Guthul	Izett Stewart
308	"	"	Mundonah	Ditto
310	"	"	Lower Genoulia, Block C... ..	J. West, junr.
311	"	"	Culpotaro	G. W. Whipple
312	"	"	Outer Paringe	Peter Macfarlane
315	"	"	Marjaro	G. W. Whipple
316	"	"	Milparo of Mamfred	Izett Stewart
317	"	"	Porcupine Run	W. L. Reid and R. T. Reid
318	"	"	Bolion	Ditto ditto
319	"	"	Moothumbal	William Tom
322	"	"	Mulurulu	J. S. Robertson
323	"	"	Saharah, West	Flood Mayne Morris
324	"	"	Ditto, No. 2	Ditto
326	"	"	Toorimean	W. L. Reid and R. T. Reid
327	"	"	Huco	Ditto ditto
328	"	"	Boura, Back Block	George Perry
329	"	"	Tulrigo	James Scott
330	"	"	East Birie, No. 2	R. Taylor, B. Gaden
331	"	"	Ditto, No. 1	Ditto ditto
332	"	"	West Birie, No. 2	Ditto ditto
333	"	"	Ditto, No. 1	Ditto ditto
334	"	"	Dowling, Block C	George Perry
336	"	"	Ditto, ditto A	Ditto
337	"	"	Ditto, ditto B	Ditto
272	October	"	Naugohra	G. H. Rowe
273	"	"	Ganado	H. C. Jones

TENDERS FOR RUNS UNDISPOSED OF.

No. OF TENDER.	NAME OF RUN.	NAME OF APPLICANT.
378	October, 1859	Mongul William M'Kenzie
380	" "	Pockanoonry Ditto
393	" "	Bogara, East Augustus Hill
397	" "	Caidmurry, East Block Joseph Cooper
407	" "	Buggin Buggin, East Joshua Dowe
408	" "	Ditto, West Ditto
409	" "	Bundoo, West Ditto
410	" "	Ditto, East Ditto
411	" "	West Muckerawea Ditto
412	" "	West Thrumbril Ditto
413	" "	East ditto Ditto
414	" "	Lower Muckerawea Ditto
415	" "	Upper ditto Ditto
416	" "	Gransildoo, South C. Pitt Burne
418	" "	Yarraabah, North F. M. Hill
420	" "	Colling William M'Kenzie
421	" "	Yamby, or Gwydin Ditto
422	" "	Caidmerry, East, Block No. 4 Joseph Cooper
423	" "	Coobungaru William M'Kenzie
429	" "	Guaniidoo, North Charles Pitt Burne
431	" "	Crawney, South A. and J. F. Doyle
432	" "	Goonoo, North Ditto
433	" "	Cumbil, North Ditto
434	" "	Crawney, South Ditto
435	" "	Thumbil, North, or Bokirah, North Francis M. Doyle
436	" "	Ditto, South, ditto, South Ditto
437	" "	Rainetagabah A. and J. Glass, and J. Corrigan
438	" "	Teriibold, No. 2 James White
439	" "	Kignigil, North Ditto
440	" "	Mugarah, South J. B. Johnston
441	" "	Ditto, East Ditto
442	" "	Cunaboora Springs S. B. Walker
443	" "	Gundergalong James J. Wilson
444	" "	Begundah, East J. B. Johnston
445	" "	Drumdelang A. and J. Glass, and J. Corrigan
446	" "	Cowga, No. 2 James White
447	" "	Narran, Block 1 George M'Guigan
448	" "	Ditto, ditto 2 Ditto
449	" "	Gidjar T. L. Richardson
453	" "	No. 2, Culgoa Creek D. Ramsay, junr.
456	" "	Doongarreen T. L. Richardson
457	" "	Ulumbarge, No. 1 T. M'Colm
458	" "	Ditto, No. 2 Ditto
459	" "	Gerilany T. L. Richardson
461	" "	Ingar Ditto
462	" "	Guwong Ditto
463	" "	No. 1, Culgoa Creek David Ramsay, junr.
468	" "	Euroka T. L. Richardson
470	" "	No. 4, Culgoa Creek David Ramsay, junr.
471	" "	No. 5, ditto Ditto
472	" "	West Binnagillee T. G. Dangar
473	" "	No. 6, Culgoa Creek David Ramsay, junr.
474	" "	East Nylora, No. 2 Archibald Meston
475	" "	West, ditto, No. 2 Ditto
476	" "	Ditto, No. 1 Ditto
477	" "	Leeroomah George Dougharty
478	" "	Cumbo Ditto
479	" "	East Nylora, No. 1 Archibald Meston
481	" "	Wellington Extremity Back T. G. Dangar
483	" "	No. 3, Culgoa Creek David Ramsay, junr.
485	" "	Wellington Extremity T. G. Dangar
490	" "	Hiawatha J. D. Macansh and N. R. Besnard
495	" "	No. 3 P. J. Reighran
496	" "	Youngee Plain William Jamieson
502	" "	East Booroohimilly George Watson and Cyrus Hewitt
503	" "	No. 10 P. J. Reighran
504	" "	No. 9 Ditto
505	" "	Sebastopol, No. 8 Ditto
506	" "	No. 2 Ditto
507	" "	No. 1 Ditto
508	" "	Urabadalla William Coman
509	" "	Begadbi Thomas Buckland

TENDERS FOR RUNS UNDISPOSED OF.

15

No. OF TENDER.	NAME OF RUN.	NAME OF APPLICANT.
512	October, 1859	Netal William Ross
513	" "	Dedai Ditto
514	" "	Lower Darling Plains Run, North John Frewen
515	" "	Ditto ditto, South Ditto
516	" "	Jereclumbie Creek, No. 5 P. J. Keighran
517	" "	Ditto, No. 7 Ditto
518	" "	Ditto, No. 6 Ditto
519	" "	Ditto, No. 4 Ditto
520	" "	Bulgarbugerygam Peter Tyson
522	" "	No. 3, East Warrego Francis Oakes
523	" "	Beyond Outer Culpaulin W. L. Reid and J. Dunne
524	" "	Woylehagga G. M. and A. L. Parry
525	" "	Beyond Outer Bonley W. L. Reid and J. Dunne
528	" "	No. 2, East Warrego Francis Oakes
529	" "	No. 1, ditto Ditto
530	" "	Cultrowarra G. M. and A. S. Perry
46	November,	Narran, No. 2 James White
55	" "	Dungall Henry Rourke
83	" "	Balmoral James Keenan
84	" "	Glencee Ditto
90	" "	Weera, East Michael Neale
91	" "	Cullenbullybully John Smith
106	" "	Triangle John Brown
109	" "	Bundabulla, East, Block No. 3 A. and J. F. Doyle
111	" "	Ditto, West, Block No. 4 Ditto
112	" "	Ditto, ditto No. 2 Ditto
118	" "	Tindgerie, South Jas. and H. C. White
114	" "	Upper Guige Back T. G. Dangar
115	" "	Back Gallagambroon George Tully
116	" "	Goondobiera John W. Collegs
117	" "	Booyalbiddie Ditto
118	" "	Ulambe F. M. Doyle
119	" "	Boryalbiddie G. Collegs, junr.
120	" "	Ulomogo, No. 2 J. and H. C. White
121	" "	Carshalton George Gardner
122	" "	Bogenoon, No. 2 James White
123	" "	Bultah Thomas M'Colm
124	" "	Boyewon James White
125	" "	Lower Urawilky James Hall
126	" "	Williariee George Woods
127	" "	Goondaubiera John W. Collegs
128	" "	Lower Go Gurrilly T. G. Dangar
129	" "	Upper ditto Ditto
130	" "	Upper Will Bill Bill Ditto
131	" "	Lower ditto Ditto
132	" "	Neimor Wilson and Everett
133	" "	Warrapa, South W. F. Buchanan
143	" "	Rivertra A. V. Cullen
147	" "	East Mundarah E. H. Woodhouse
148	" "	South Buckimbong Ditto
153	" "	Allkein W. Tyson, junr.
204	" "	MacCulloch's Range Nicholas Chadwick
205	" "	Mulga, No. 1 J. Crozier and A. T. Perry
206	" "	Ditto, No. 2 Ditto
207	" "	Miranda, Block No. 4 Julius Jeffreys
208	" "	Outer Miranda, Blocks Nos. 3 & 4 Ditto
209	" "	Miranda, Block No. 2 Ditto
210	" "	Outer Miranda, Blocks Nos. 1 & 2 Ditto
211	" "	Miranda, Block No. 3 Ditto
212	" "	Ditto, No. 1 Ditto
213	" "	Mulga, No. 3 J. Crozier and A. T. Perry
214	" "	Urambe, No. 2 E. T. R. T. and J. Curr
215	" "	East Block No. 2, on the Warrego J. Macfarlane, senr.
216	" "	Urambee E. T. R. T. and Julius Curr
220	" "	East Block No. 1, on the Warrego River... .. Peter Abercrombie
221	" "	Ditto No. 2 ditto, Ditto
225	" "	Cowary Watson and Hewitt
226	" "	Merlo Ditto ditto
228	" "	East Block No. 1, on the Warrego River... .. James Macfarlane, senr.
229	" "	Comba James Scott
243	" "	Narran, No. 4 James White
246	" "	West Block, No. 3, on the Warrego River Walter Beames

NO. OF TENDER.			NAME OF RUN.	NAME OF APPLICANT.
247	Nov.,	1859	West Block No. 7, on the Warrego River	R. Taylor, B. Gaden
248	"	"	Ditto No 3, ditto	Charles Abererombio
249	"	"	Ditto No. 1, ditto	Walter Beames
250	"	"	Ditto No. 2, ditto	Ditto
253	"	"	Lower Willery	Henry Rotton
269	"	"	Warren, South	John Town
274	"	"	Piangobler	James R. Doyle
275	"	"	New Coobunda	David Spring
281	"	"	West Block, No. 1, on the Warrego River	R. Taylor, B. Gaden
282	"	"	Ditto No. 3, ditto	Ditto
283	"	"	Ballinbingga, West	Augustus Hill
1	December,	"	Cobangary	Lockhart, Millar and Maxwell
3	"	"	Galar	T. L. Richardson
4	"	"	Goonaro	Ditto
5	"	"	Payera	Lockhart, Millar and Maxwell
6	"	"	Kiar	T. L. Richardson
7	"	"	Mullian	Ditto
10	"	"	Wombainbang	Ditto
12	"	"	Birraon Birroo	Ditto
13	"	"	Yaraldool, New Run	Benjamin Richards
14	"	"	Narraway, West	Henry Smith
15	"	"	New Backambah	William Peberdy
16	"	"	Woorra	James Hall
17	"	"	Barwan	William Peisly
18	"	"	Willwoolly	T. G. Dangar
20	"	"	Multam in Parvo	James Hall
23	"	"	Frenchman's Lagoon	James Wilson
27	"	"	Boomer	William Peisley
32	"	"	Back Warren	William J. Lawson
34	"	"	Belar	T. L. Richardson
36	"	"	Womboin	W. W. Richardson
37	"	"	Coolo	T. L. Richardson
38	"	"	Drub Warrina	Ditto
39	"	"	Bimbel	Ditto
40	"	"	Bullingbang	Ditto
41	"	"	Lower Crosbel	John Brown
42	"	"	Molyandra	James Collits
46	"	"	Garoulgan, East	William Horne
47	"	"	Ditto, West	Ditto
52	"	"	Back Block of Modana	T. A. Smith
53	"	"	Pauban	Maurice H. Black
55	"	"	Miranda, Block 5	Julius Jeffreys
56	"	"	Ditto, Block 6	Ditto
57	"	"	Outer Miranda, Block 6	Ditto
58	"	"	Back of Back Gumball	Samuel Smith
65	"	"	Back of Clover Creek	Ditto
66	"	"	Back of South Clover Creek	Ditto
67	"	"	Meruabah Spring	William Jenkins
68	"	"	Back of Back Woolla Woolla	Samuel Smith
72	"	"	Warrego, No. 15	W. W. Richardson
73	"	"	Ditto, No. 14	Ditto
74	"	"	Ditto, No. 17	Ditto
75	"	"	Ditto, No. 11	Ditto
76	"	"	Ditto, No. 9	Ditto
77	"	"	Culgoa	Charles Shelly Oakes
78	"	"	Ditto, No. 2	Ditto
79	"	"	Dorwee	Benjamin Richards
80	"	"	Corwee	Ditto
81	"	"	Moree	Ditto
82	"	"	Torce	Ditto
83	"	"	Warrego, No. 8	W. W. Richardson
84	"	"	Ditto, No. 6	Ditto
85	"	"	Ditto, No. 13	Ditto
86	"	"	Ditto, No. 16	Ditto
87	"	"	Ditto, No. 5	Ditto
88	"	"	Upper Culgoa, No. 1	Charles Shelly Oakes
89	"	"	Lower ditto, No. 2	Ditto
90	"	"	Warrego, No. 2	W. W. Richardson
91	"	"	Ditto, No. 4	Ditto
92	"	"	Junction Run	Charles Shelly Oakes
93	"	"	Upper Culgoa, No. 2	Ditto
94	"	"	Lower ditto, No. 4	Ditto

TENDERS FOR RUNS UNDISPOSED OF.

17

NO. OF TENDER.	NAME OF RUN.	NAME OF APPLICANT.
95	December, 1859	Biree Charles Shelly Oakes
96	" "	Warrego, No. 1 W. W. Richardson
97	" "	Ditto, No. 3 Ditto
2	January, 1860	Corenia Lake Jas. Hibberson and R. Bell
3	" "	Mallambray, Block B W. A. Brodribb
4	" "	Ditto ditto A Ditto
5	" "	Mount M'Pherson Jas. Chisholm
6	" "	Balara Ditto
7	" "	Back Hallara, No. 3 R. P. Raymond and J. Cameron
9	" "	Narbahourak Spring Wm. Scott
10	" "	Dunlop, S. W. Back Run, No. 3 R. P. Raymond and J. Cameron
11	" "	Corenia Lake Jas. Hibberson and Rob. Bell
13	" "	Wilgawarrena Thos. M'Namara
15	" "	Waugerawally, East Jno. C. Bagot
16	" "	Ditto, West Ditto
17	" "	Oakfields Thos. M'Namara
18	" "	Carinda Ditto
19	" "	New Grandule James White
20	" "	The Black Ranges... .. Alexr. Mackay
21	" "	Pigman's Back Block W. Norton
23	" "	No. 2 J. Gorrick, junr., and A. M'Kenzie
24	" "	No. 3 Ditto ditto
25	" "	No. 5 Ditto ditto
26	" "	No. 4 Ditto ditto
27	" "	Pialy C. W., F. N., and A. W. Bucknell
28	" "	No. 1 J. Gorrick, junr., and A. M'Kenzie
29	" "	Direbmabildy C. W., F. N., and A. W. Bucknell
30	" "	Caranga Ditto ditto
31	" "	Come by chance James Evans
32	" "	Ditto Geo. Colless, junr.
33	" "	East Block, No. 3 Robert Abercrombie
34	" "	Ditto, No. 4, Warrego River Ditto
40	" "	Ditto, No. 5... .. Ditto
43	" "	Ditto, No. 1... .. Ditto
44	" "	Ditto, No. 2... .. Ditto
49	" "	Ditto, No. 4... .. P. Abercrombie
51	" "	Ditto, No. 6... .. R. Abercrombie
57	" "	Cothill E. W. Hollinworth
58	" "	Dartmoor Ditto
61	" "	Towra Alexander Walker
71	" "	Meralaga, No. 1 John Boston
72	" "	Picco W. H. Hill
73	" "	Towry Ditto
75	" "	Back Taganda Georgy S. Smith
76	" "	Dumble B. Burrell
77	" "	Meralaga, No. 3 J. Boston
78	" "	St. Aubyn E. W. Hollinworth
80	" "	Meralaga, No. 2 Jno. Boston
81	" "	Back Talaa Bomny S. Smith
1	February	Warrego, West, Block No. 15 W. H. Hill
2	" "	Kennedy's Last Camp Chas. W. Birch
3	" "	Giralong Geo. T. Suttor
6	" "	Ellangowan, No. 2... .. Thos. Coutts
8	" "	West Warrego, Block No. 4 Jno. Mackintosh
11	" "	Joldins Gabriel de Milhan
12	" "	Mudabin Minor Glass and Corrigan
13	" "	Toridzone Ditto
14	" "	Warrego, West, Block No. 3 W. H. Hill
16	" "	East Warrego, Block No. 11 Jno. Mackintosh
17	" "	Warrego, East, No. 9 Alexr. Salmon
18	" "	Ditto, No. 8 Ditto
19	" "	Back Timbuctoo James Hamilton
20	" "	Warrego, West, Block No. 2 W. H. Hill
21	" "	Ditto, ditto No. 8 Ditto
22	" "	Ditto, East, ditto No. 10 Alexr. Salmon
24	" "	Priority Glass and Corrigan
25	" "	East Warrego, No. 1 G. T. Suttor
26	" "	Alby Gabriel de Milhan
28	" "	Ellangowan, No. 1 Thos. Coutts
30	" "	Warrego, West, Block No. 9 W. H. Hill
31	" "	Block No. 8, on the Culgoa River Ditto
32	" "	Cumbadoon Glass and Corrigan

TENDERS FOR RUNS UNDISPOSED OF.

No. OF TENDER.	NAME OF RUN.	NAME OF APPLICANT.	
33	February, 1860	Warrego West, Block 5	W. H. Hill
36	" "	Ditto, ditto 12	Ditto
37	" "	Block No. 1, on the Culgoa, East...	Ditto
38	" "	Collygo	Benjn. Richards
39	" "	Ellangowan, No. 3... ..	Thos. Coutts
40	" "	Coly-guy-guy	Benjn. Richards
41	" "	Warrego, West, Block No. 10	W. H. Hill
42	" "	Block No. 2, on the Culgoa River	Ditto
43	" "	Warrego, West, Block 11... ..	Ditto
44	" "	Laboon, Block No. 3	Benjn. Richards
45	" "	East Warrego, Block No. 8	John Mackintosh
46	" "	Trambone, Block 2	Benjn. Richards
58	" "	Tirone, Block 1	Ditto
59	" "	Colly-guy, Block 2... ..	Ditto
60	" "	Warrego, West, Block 6	W. H. Hill
61	" "	Mooro	Andrew Doyle
67	" "	Warrego, East, No. 7	Alexr. Salmon
72	" "	Ditto, No. 6	Ditto
73	" "	Terrawalcha	Glass and Corrigan
74	" "	East Warrego, No. 10	Jno. Mackintosh
75	" "	Warrego, West, Block 4	W. H. Hill
76	" "	Wirley, North	Glass and Corrigan
78	" "	Block No. 3, on the east bank of the Gulgoa	W. H. Hill
83	" "	Cabalowan	Glass and Corrigan
85	" "	Kigwigel, Back Run	Ditto
87	" "	Wirley	Ditto
88	" "	Warrego, West, Block 7	W. H. Hill
93	" "	East Warrego, No. 4	Jno. Mackintosh
95	" "	Warrego, West, Block No. 13	W. H. Hill
97	" "	East Warrego, Block No. 8	Jno. Macintosh
98	" "	Ditto, ditto No. 9	Ditto
100	" "	West Warrego, Block No. 1	Ditto
101	" "	Ditto, ditto No. 8	Ditto
102	" "	Ditto, ditto No. 2	Ditto
103	" "	Ditto, ditto No. 1	Ditto
106	" "	Warrego, West, Block No. 1	W. H. Hill
107	" "	East Warrego, No. 2	Jno. Mackintosh
109	" "	Booga Booga	Glass and Corrigan
113	" "	Warrego, West, No. 14	W. H. Hill
114	" "	Ditto, No. 9	Ditto
115	" "	Upper Gulyocarninarl	Josiah Easom
116	" "	Warrego, West, Block No. 16	W. H. Hill
117	" "	Ditto, ditto No. 10	Ditto
118	" "	Block No. 2, on the east bank of the } Gulgoa River	Ditto
122	" "	East Warrego, No. 3	Geo. T. Suttor
123	" "	Ditto, Block No. 5	Jno. Mackintosh
124	" "	Ditto, ditto No. 2	Geo. T. Suttor
125	" "	Ditto, ditto No. 6	Jno. Mackintosh
126	" "	West Warrego, ditto No. 5	Ditto
127	" "	Ditto, ditto No. 12	Ditto
128	" "	East Warrego, ditto No. 7	Ditto
129	" "	Ditto, ditto No. 12	Ditto
130	" "	Mudabun, South	Glass and Corrigan
131	" "	Gulyoc-urminarl	Josiah Easom
134	" "	West Warrego, Block No. 3	Jno. Mackintosh
137	" "	West Block, No. 1, Warrego River	Jas. Macfarlaue, senr.
138	" "	Ditto, No. 2, ditto	Ditto
139	" "	Ditto, No. 2, ditto	Peter Abercrombie
140	" "	Ditto, No. 4, ditto	Ditto
141	" "	Ditto, No. 3, ditto	Ditto
142	" "	Ditto, No. 1, ditto	Ditto
146	" "	Ditto, No. 1, ditto	Robt. Abercrombie
147	" "	Ditto, No. 3, ditto	Ditto
148	" "	Ditto, No. 2, ditto	Ditto
149	" "	Ditto, No. 4, ditto	Ditto
150	" "	Ditto, No. 5, ditto	Ditto
151	" "	Ditto, No. 6, ditto	Ditto
152	" "	Darlula	Geo. Watson
153	" "	Mouma	Ditto
154	" "	Echura	Ditto
155	" "	St. Germain's	E. W. Hollinworth

TENDERS FOR RUNS UNDISPOSED OF.

19

No. OF TENDER.	NAME OF RUN.	NAME OF APPLICANT.	
156	February, 1860	Edgecombe...	E. W. Hollinworth
157	" "	Trematon ...	Ditto
158	" "	West Block, No. 2, Warrego River	Donald J. Coghill
159	" "	Ditto, No. 1, ditto	Ditto
160	" "	Ditto, No. 1, ditto	George Coghill
161	" "	Ditto, No. 2, ditto	Ditto
162	" "	West Bourbee, Block 4	Benjamin Richards
163	" "	Bourbin, Block 3	Ditto
164	" "	Bollondoon, Block 2	Ditto
165	" "	Bollol, Block No. 1	Ditto
166	" "	No. 6, West Warrego	Francis Oakes
167	" "	No. 12, ditto	Ditto
169	" "	No. 9, ditto	Ditto
170	" "	No. 8, ditto	Ditto
172	" "	No. 10, ditto	Ditto
173	" "	No. 5, ditto	Ditto
175	" "	No. 3, ditto	Ditto
176	" "	No. 7, ditto	Ditto
177	" "	No. 2, ditto	Ditto
178	" "	No. 11, ditto	Ditto
179	" "	No. 1, ditto	Ditto
180	" "	No. 4, ditto	Ditto
181	" "	Lot 1, Back Block of Bunsba, South	Wm. Town
182	" "	Lot 2, ditto ditto	Ditto
183	" "	Sandhole ...	A. Doyle and T. B. Rossiter
184	" "	South Gingham ...	W. W. Bucknell
187	" "	West Burumbuttook	R. Wilson and T. Purcell
191	" "	Kiribili, No. 11	J. Walker and E. B. Cornish
192	" "	Ditto, No. 10	Ditto ditto
193	" "	Ditto, No. 13	Ditto ditto
194	" "	Ditto, No. 12	Ditto ditto
195	" "	Ditto, No. 4	Alexr. Thomson
196	" "	Ditto, No. 3	Ditto
197	" "	Ditto, No. 2	Ditto
198	" "	Ditto, No. 7	Ditto
199	" "	Ditto, No. 5	Ditto
200	" "	Ditto, No. 1	Ditto
201	" "	Ditto, No. 8	Ditto
202	" "	Ditto, No. 9	Ditto
203	" "	Ditto, No. 6	Ditto
207	" "	Wangen, North	T. G. Dangar
208	" "	Upper Nangahra	Geo. H. Rowe
209	" "	Back Illilawa, No. 5	How, Walker, and Co.
218	" "	Lower Wingingar	T. H. Sinden
219	" "	Buggill, West	Wm. Lee, junr.
221	" "	Diggoe	Jno. Archer
222	" "	West Yonindah	Henry Keyes
223	" "	Towrie	Jno. Archer
226	" "	Gunile	Duncan Mackay
228	" "	Gulpa Gulpa	Ditto
229	" "	Watergunna	Ditto
230	" "	Billyboola	Ditto
231	" "	Whacabarnbone, South	Wm J. Fraser
232	" "	Ditto, North	Ditto
17	March,	Bong Bong...	Francis E. French
18	" "	Rankin's Range	Ditto
19	" "	Darling, No. 4	Ditto
22	" "	Bebocia	Dennis Holland
23	" "	Cuke Cuckery	Ditto
24	" "	Kelso	J. Ford and W. P. Mylesharane
25	" "	East Kelso...	Ditto ditto
28	" "	East Wilary	John Gilles, junr.
29	" "	Back Nimbia	Jno. L. Campbell
35	" "	Back Goonog, No. 2	Henry W. Gwynne
36	" "	Back Goonog	Ditto
38	" "	Sebastapol, No. 1	Edward M. Curr
39	" "	Ditto, No. 7	Ditto
40	" "	Ditto, No. 4	Ditto
41	" "	Ditto, No. 3	Ditto
42	" "	Ditto, No. 8	Ditto
43	" "	Ditto, No. 2	Ditto
44	" "	Ditto, No. 5	Ditto

TENDERS FOR RUNS UNDISPOSED OF.

NO. OF TENDER.	NAME OF RUN.	NAME OF APPLICANT.
45	March, 1860	Sebastapol, No. 6 Edward M. Curr
46	" "	Alma, No. 1 Willm. M. Symons
47	" "	Ditto, No. 2 Ditto
48	" "	Ditto, No. 3 Ditto
49	" "	Ditto, No. 4 Ditto
50	" "	Ditto, No. 5 Ditto
51	" "	Ditto, No. 6 Ditto
52	" "	Ditto, No. 7 Ditto
53	" "	Ditto, No. 8 Ditto
56	" "	South Lob's Hole David Hull
57	" "	South Plain, No. 2 David Reid
58	" "	Ditto, No. 1... .. Ditto
59	" "	Happy Jack's Plain Stewart Ryrrie
60	" "	Berimbrie Spring Charles Arming
61	" "	Gillgunia John Tom
62	" "	Noothumbul Ditto
63	" "	Yetti-bin-bin G. W. Whipple
64	" "	Bondemon Ditto
65	" "	Massey Samuel Smith
66	" "	Fredericus Ditto
67	" "	Marian Ditto
68	" "	Humbug Ditto
69	" "	Newfoundland Julius Jeffreys
70	" "	Ditto, No. 4 Ditto
71	" "	Ditto, No. 2 Ditto
72	" "	Ditto, No. 1 Ditto
73	" "	Papatoitoi, No. 2 C. W. Ligar
74	" "	Ditto, No. 1 Ditto
75	" "	Roto Ditto
76	" "	Papakura, No. 1 Ditto
23	April,	Outer Back of Woy Ditto
24	" "	Rankin's Hill, No. 6 Ditto
25	" "	Ditto, No. 5 Ditto
26	" "	South Boolegal Ditto
27	" "	Papakura, No. 2 Ditto
28	" "	Ditto, No. 3 Ditto
29	" "	Ditto, No. 5 Ditto
30	" "	Ditto, No. 4 Ditto
31	" "	Ditto, No. 6 Ditto
32	" "	Outer Back Pinpara Ditto
33	" "	Papatoitoi, North Ditto
34	" "	Ditto, East Ditto
35	" "	Roto, North Ditto
36	" "	Rankin's Hill, No. 2 Ditto
37	" "	Ditto, No. 1 Ditto
38	" "	Durban's Group, No. 1 Ditto
39	" "	Ditto, No. 2 Ditto
40	" "	Culpauling, North... .. Ditto
41	" "	North Gregory Ditto
42	" "	North Wallandra Ditto
43	" "	North Moorowy Ditto
44	" "	North-East Wallandra Ditto
45	" "	North Hyandra Ditto
46	" "	Outer Turlee Ditto
47	" "	Outer Gall Gall Ditto
48	" "	East Albermarle Ditto
49	" "	Waitemata, No. 1 Ditto
50	" "	Ditto, No. 2 Ditto
51	" "	Rankin's Hill, No. 3 Ditto
52	" "	Tatara, North Ditto
53	" "	Ditto, South Ditto
54	" "	Rankin's Hill, No. 4 Ditto
55	" "	Cairston Jno. G. Marwick
56	" "	Ramsgate Ditto
57	" "	Wangaroa Ditto
58	" "	Nairn Ditto
59	" "	Hastings Ditto
60	" "	Margarra Ditto
61	" "	Stromness Ditto
62	" "	Birsay Ditto
63	" "	Wakawaitai Ditto
64	" "	Mungarra Ditto

TENDERS FOR RUNS UNDISPOSED OF.

NO. OF TENDER.			NAME OF RUN.	NAME OF APPLICANT.
150	April,	1860	Buggergala	W. W. Richardson
152	"	"	Murga Murga, West	Wm. Deane
157	"	"	Inbetweener	W. W. Richardson
159	"	"	Oxley's Table Land, No. 2	C. W. Ligar
160	"	"	Ditto, No. 1	Ditto
161	"	"	Murga Murga, East	Wm. Deane
163	"	"	Yelkogrín, or Myall Creek	James Jones
165	"	"	Tourable, North	Jas. Hall
166	"	"	Lead Mine, Block 2	Alfred Davis
167	"	"	Ditto, ditto 1	Ditto
168	"	"	Silver Mine, Block 3	Ditto
169	"	"	Ditto, ditto 2	Ditto
170	"	"	Ditto, ditto 1	Ditto
171	"	"	Bobo	Wm. M'Phillamy
173	"	"	Copper Mine, Block 1	Alfred Davis
174	"	"	Ditto, ditto 2	Ditto
175	"	"	Ditto, ditto 3	Ditto
176	"	"	Nulló	Wm. Thompson
179	"	"	Yongell	Ruben Sheather
180	"	"	Aga tooth back, or Gee eye	John Somer
186	"	"	Booroo, No. 16	Wm. Nicholson
187	"	"	Ditto, No. 19	Ditto
188	"	"	Yew Tree	S. Callaghan
189	"	"	Booroo, No. 20	Wm. Nicholson
190	"	"	Culgoa, West	Jessce Sharpley
191	"	"	Upper Culgoa, West	Ditto
194	"	"	Booroo, No. 17	Wm. Nicholson
195	"	"	Ditto, No. 7	Ditto
196	"	"	Ditto, No. 21	Ditto
197	"	"	Ditto, No. 22	Ditto
198	"	"	Ditto, No. 5	Ditto
199	"	"	Ditto, No. 9	Ditto
200	"	"	Ditto, No. 13	Ditto
201	"	"	Ditto, No. 30	Ditto
202	"	"	Ditto, No. 29	Ditto
203	"	"	Ditto, No. 18	Ditto
204	"	"	Ditto, No. 10	Ditto
205	"	"	Ditto, No. 26	Ditto
206	"	"	Ditto, No. 4	Ditto
207	"	"	Ditto, No. 15	Ditto
208	"	"	Ditto, No. 27	Ditto
209	"	"	Ditto, No. 28	Ditto
210	"	"	Ditto, No. 3	Ditto
211	"	"	Ditto, No. 8	Ditto
212	"	"	Ditto, No. 23	Ditto
213	"	"	Ditto, No. 14	Ditto
214	"	"	Ditto, No. 11	Ditto
216	"	"	Ditto, No. 6	Ditto
217	"	"	Ditto, No. 2	Ditto
219	"	"	Ditto, No. 25	Ditto
220	"	"	Ditto, No. 1	Ditto
221	"	"	Ditto, No. 12	Ditto
222	"	"	Ditto, No. 24	Ditto
1	May,	"	Carbalena, Block No. 5	Wm. J. M'Donald
2	"	"	Kigela	G. Tate and G. Davidson
3	"	"	Carbalena, Block No. 3	Wm. J. M'Donald
4	"	"	Ditto, ditto No. 7	Ditto
5	"	"	Ditto, ditto No. 3	Ditto
6	"	"	Ditto, ditto No. 1	Ditto
7	"	"	Namoon	L. Millar and T. Maxwell
8	"	"	Pabara	Ditto
9	"	"	Carbalena, Block No. 4	Wm. J. M'Donald
10	"	"	Boolman	G. Tate and G. Davidson
11	"	"	Carbalena, No. 2	Wm. J. M'Donald
16	"	"	Lower Minei Minei, Block No. 2... ..	Joseph Teale
17	"	"	Turnbill	Josiah Easom
18	"	"	Minei Minei, No. 1	Joseph Teale
19	"	"	Bunna Bunna	Josiah Easom
20	"	"	Cowree, No. 1 Block	Ditto
21	"	"	Lower Cowree, ditto 2	Ditto
22	"	"	Nallabar	Ditto
23	"	"	Tooreel	Jas. Blackham

TENDERS FOR RUNS UNDISPOSED OF.

23

No. OF TENDER.	NAME OF RUN.	NAME OF APPLICANT.
24	May, 1860 Barra Barra, Block 2	Geo. M'Quiggin
25	" " The Lagoons	Jas F. Plunkett
26	" " Sullivan's Mole	Daniel Sullivan
27	" " Middle Willera	Thos. H. Sinden
28	" " Gammalally, Block No. 1... ..	Wm. J. M'Donald
29	" " Sullivan's Mole	Thos. H. Sinden
30	" " Barra Barra, Block 1	Geo. M'Quiggin
31	" " Gummalally, ditto No. 2... ..	Wm. J. M'Donald
32	" " Ditto, ditto No. 3... ..	Ditto
33	" " Back Bogan Creek, West	David Ramsay, junr.
34	" " Cattle Water-hole	John Readford
36	" " Bogan Creek, West	David Ramsay, junr.
37	" " Back Bogan Creek, East	Ditto
38	" " Lower Bogan Creek, West	Ditto
39	" " Warrawinna	Mary Evans
41	" " Bogan Creek, East... ..	David Ramsay, junr.
45	" " Lanky's Plain, Ducks or Holes	John Readford
46	" " Marylebone	Mary Evans
47	" " Gumbar	Wm. Hail
48	" " Wiscassct	Jno. G. Marwick
49	" " Hythe	Ditto
50	" " Mobile	Ditto
51	" " Dover	Ditto
52	" " Pensacola	Ditto
53	" " George Town	Ditto
54	" " Passamaquoday	Ditto
55	" " Tokomairo	Ditto
56	" " Buffalo	Ditto
57	" " Baltimore	Ditto
58	" " Kirindi, No. 2	C Haylock
59	" " Omata	Jno. G. Marwick
60	" " North Way	Wm. Boyd
61	" " North Eubalong	Ditto
62	" " Yara	Ditto
63	" " Moonec	Ditto
64	" " Mordie	Ditto
65	" " Oramata	Jno. G. Marwick
66	" " Miami	Ditto
67	" " Penobscot	Ditto
68	" " Balaclava, Middle... ..	Jno. O'Shanassy
69	" " Chicago	Jno. G. Marwick
70	" " Yallock	Jas. M'Cormell
71	" " North Clare	Ditto
72	" " Clare	Ditto
73	" " Youal	Ditto
74	" " Youyang	Ditto
75	" " Miparo, North	Ditto
76	" " Kennebec	Jno. G. Marwick
77	" " Philadelphia	Ditto
78	" " Niagara	Ditto
79	" " Oak Forest... ..	Edward Lloyd
80	" " Nantucket	Jno. G. Marwick
81	" " Moothumbil, No. 1	Thos. H. Power
82	" " Ditto, No. 2	Ditto
83	" " Watakai	Jno. G. Marwick
84	" " Detroit	Ditto
85	" " Annapolis	Ditto
86	" " Saco	Ditto
87	" " Providence	Ditto
88	" " Boston	Ditto
89	" " Pittsburg	Ditto
90	" " Tennessee	Ditto
91	" " Mahanga	Ditto
92	" " Wairo	Ditto
93	" " Oswagatchie	Ditto
94	" " Waizeka	Ditto
95	" " Taieri	Ditto
96	" " Ratanni	Ditto
97	" " Balaclava, Front	Jno. O'Shanassy
98	" " Aeromac	Jno. G. Marwick
99	" " Kentucky	Ditto
100	" " Charleston	Ditto

NO. OF TENDER.			NAME OF RUN.	NAME OF APPLICANT.
101	May,	1860	Balaclava, Back	Jno. O'Shanassy
102	"	"	Wisconsin	Jno. G. Marwick
103	"	"	Oswego	Ditto
104	"	"	Rankin's Hill, East, No. 5	Thos. E. Boyd
105	"	"	Ditto No. 4... ..	Ditto
106	"	"	Geneser	Jno. G. Marwick
107	"	"	Salem	Ditto
108	"	"	Savannah	Ditto
109	"	"	Kirindi	C. Haylock
110	"	"	Candan	Donald Macrea
111	"	"	Bulgarry	D. and D. Macrea
112	"	"	Gumado	Donald Macrea
113	"	"	Waldwara	Ditto
114	"	"	Maine	How, Walker, and Co.
115	"	"	Urambee, No. 4	E. M., R. T., and J. Carr
116	"	"	Bothwell Downs	J. D. Wood
117	"	"	Florida	How, Walker, and Co.
118	"	"	Missouri	Ditto ditto
119	"	"	Oregon	Ditto ditto
120	"	"	Urambee, No. 3	E. W., R. T., and J. Carr
121	"	"	Ohio	How, Walker, and Co.
122	"	"	Tappahamock	Ditto ditto
123	"	"	Michigan	Ditto ditto
124	"	"	ChAMPLAIN	Ditto ditto
125	"	"	Galveston	Ditto ditto
126	"	"	North Mythis	Wm. Nash
127	"	"	Ditto Turlee	Ditto
128	"	"	Back Bullanmong	Ditto
129	"	"	Outer Back ditto	Ditto
130	"	"	South Gall Gall	Ditto
131	"	"	Outer Back Turlee	Ditto
132	"	"	Ditto Mythis	Ditto
133	"	"	Ditto Tareoola	Ditto
134	"	"	West Paringi	Ditto
135	"	"	North ditto	Ditto
136	"	"	East Tareoola	Ditto
137	"	"	South Pauban	Ditto
138	"	"	West ditto... ..	Ditto
139	"	"	Delaware	How, Walker, and Co.
140	"	"	Sandusky	Ditto ditto
141	"	"	Georgia	Ditto ditto
142	"	"	Carolina	Ditto ditto
143	"	"	Alabama	Ditto ditto
144	"	"	Astoria	Ditto ditto
145	"	"	Maryland	Ditto ditto
146	"	"	Virginia	Ditto ditto
147	"	"	Memphis	Ditto ditto
149	"	"	Columbia	Ditto ditto
150	"	"	Sacramento	Ditto ditto
151	"	"	Saluria	Ditto ditto
152	"	"	Bourke	Jno. Filson
153	"	"	Greenough Hill, No. 1	Ditto
154	"	"	Outer Back Curryall	Ditto
155	"	"	Back Tyndya	Ditto
156	"	"	Ditto Prunella	Ditto
157	"	"	North Bourke	Ditto
158	"	"	Keilor, South	Ditto
159	"	"	Greenough Hill, No. 2	Ditto
160	"	"	Keilor, North	Ditto
161	"	"	Greenough Hill, No. 3	Ditto
162	"	"	Outer Back Talyawalka	Ditto
165	"	"	Wee Want... ..	E. L. Moore
166	"	"	Milwankie	How, Walker, and Co.
167	"	"	Oeracoko	Ditto ditto
168	"	"	Appalachicola	Ditto ditto
169	"	"	Cuyahoga	Ditto ditto
170	"	"	Sonoma	Ditto ditto
171	"	"	Illinois	Ditto ditto
172	"	"	Louisiana	Ditto ditto
173	"	"	Texas	Ditto ditto
174	"	"	Yeocomico	Ditto ditto
175	"	"	M'Cullock's Plains... ..	Clough, Bogg, and Learoyd

TENDERS FOR RUNS UNDISPOSED OF.

25

No. OF TENDER.			NAME OF RUN.	NAME OF APPLICANT.
176	May,	1860	Union	Robert Rand
8	June,	"	Shamrock	James Brady
9	"	"	Perth	Ditto
10	"	"	Waratah	Ditto
11	"	"	Yarringerang	Neal Kennedy
12	"	"	Cradgery, No. 2	Geo. Wood
13	"	"	Cotellabar, on the Narran Creek	Wm. Lee, junr.
16	"	"	Yaragand	W. H. Tibbits
18	"	"	New Coonamble	Ditto
21	"	"	Bindey Paroo, West, No. 7	Vincent Dowling
22	"	"	Thoelingboro	Ditto
23	"	"	Bindey Paroo, West, No. 5	Ditto
24	"	"	Printiti	Ditto
25	"	"	Bindey Paroo, East, No. 8	Ditto
26	"	"	Ditto, West, No. 3	Ditto
28	"	"	Pindey for Bindey Paroo, East, No. 6	Ditto
29	"	"	Crown Lands, No. 1	Ditto
30	"	"	Bindey Paroo, West, No. 8	Ditto
31	"	"	Ditto, ditto, No. 6	Ditto
32	"	"	Ditto, ditto, No. 2	Ditto
33	"	"	Upper Nariebara	Ditto
34	"	"	Bindey Paroo, East, No. 2	Ditto
36	"	"	Ditto, ditto, No. 3	Ditto
37	"	"	Ditto, West, No. 4	Ditto
38	"	"	Ditto, East, No. 7	Ditto
39	"	"	Ditto, ditto, No. 5	Ditto
40	"	"	Crown Lands, No. 3 Block	Ditto
41	"	"	Milcombe, Block B	Ditto
42	"	"	Pindey for Bindey Paroo, East, No. 4	Ditto
43	"	"	Bindey Paroo, East, No. 1	Ditto
45	"	"	Crown Lands, Block, No. 4	Ditto
46	"	"	Narielara	Ditto
47	"	"	Back Tuganda and Georgy	Ditto
51	"	"	Melcombe, Block A	W. W. H. Heaven
52	"	"	Bindey Paroo, West, No. 1	Vincent Dowling
53	"	"	Melcombe, Block C	W. W. H. Heaven
54	"	"	Ditto, ditto D	Ditto
57	"	"	Tara, No. 3	Jno. Watson
58	"	"	Ditto, No. 2	Ditto
59	"	"	Ditto, No. 1	Ditto
60	"	"	Western Putha Putha, No. 2	Andrew Suttor
61	"	"	Gooralya, No. 3	E. H. Acres
62	"	"	Putha Putha	Ditto
63	"	"	Uri	Henry Kelly
64	"	"	Western Waller Mutty, No. 1	Andrew Suttor
65	"	"	Coonry Paroo, West, No. 1	Vincent Dowling
66	"	"	Ditto, East, No. 6... ..	Ditto
67	"	"	Ditto, West, No. 4	Ditto
68	"	"	Ditto, ditto, No. 5	Ditto
69	"	"	Tharawagla	Henry Kelly
70	"	"	Waller Mutty, No. 1	E. H. Acres
71	"	"	Coonry Paroo, East, No. 1	Vincent Dowling
72	"	"	Ditto, ditto, No. 5... ..	Ditto
73	"	"	Western Gooralye, No. 1	Joseph West, tertius
74	"	"	Coonry Paroo, West, No. 6	Vincent Dowling
75	"	"	Binda, or Western Yamma, No. 2... ..	Joseph West, tertius
76	"	"	Matta	G. Watson and C. Hewitt
77	"	"	Murcho	Ditto ditto
78	"	"	Coonry Paroo, East, No. 2	Vincent Dowling
79	"	"	Towlina	G. Watson and C. Hewitt
80	"	"	Coonry Paroo, West, No. 2	Vincent Dowling
81	"	"	Towra	G. Watson and C. Hewitt
82	"	"	East Teravania	Ditto ditto
83	"	"	Coonry Paroo, East, No. 4	Vincent Dowling
84	"	"	Mara	G. Watson and C. Hewitt
85	"	"	Moondon	Ditto ditto
86	"	"	Bunder	Ditto ditto
87	"	"	Coulcow	Ditto ditto
88	"	"	North Terewania	Ditto ditto
89	"	"	Bulman	Ditto ditto
90	"	"	Combedore, No. 2	Geo. and Fredk. Suttor
91	"	"	Cunthaga	Peter Tyson

TENDERS FOR RUNS UNDISPOSED OF.

No. OF TENDERS.			NAME OF RUN.	NAME OF APPLICANT.
92	June,	1860	Peerhayonng	Peter Tyson
93	"	"	Barawan	Jas. Scott
94	"	"	Coonry Paroo, West, No. 3	Vincent Dowling
95	"	"	Outer Mary Mary	E. H. Acres
96	"	"	Yamma, No. 1	G. and F. Suttor
97	"	"	Crown Lands, Block No. 2	Vincent Dowling
98	"	"	Coonry Paroo, East, No. 3	Ditto
1	July,	"	Tarorer Gowrer	James Sanders
2	"	"	Ditto	Ditto
3	"	"	Coonry Paroo, West, No. 7	Joseph West, tertius
4	"	"	Eugicara	Vincent Dowling
5	"	"	Billy Wilson's, or Moondi Spring... ..	Ditto
6	"	"	Moorindu Springs	Ditto
7	"	"	Moco Barungha, West, No. 8	Ditto
8	"	"	Ditto, ditto, No. 6	Ditto
9	"	"	Coonry Paroo, East, No. 1... ..	Joseph West, tertius
10	"	"	Moco Barungha, West, No. 3	Vincent Dowling
11	"	"	Ditto, ditto, No. 4	Ditto
12	"	"	Wandi	John E. Kelly
13	"	"	Moco Barungha, West, No. 5	Vincent Dowling
14	"	"	Thully Spring	Andrew Doyle
15	"	"	Moco Barungha, West, No. 10	Vincent Dowling
16	"	"	Coonry Paroo, East, No. 11	Joseph West, tertius
17	"	"	Moco Barungha, West, No. 9	Vincent Dowling
18	"	"	Shallow Holes	John E. Kelly
19	"	"	Coonry Paroo, West, No. 11	Joseph West, tertius
20	"	"	Ditto, ditto, No. 10	Ditto
21	"	"	Ditto, East, No. 8	Ditto
22	"	"	Ditto, West, No. 9	Ditto
23	"	"	Moco Barungha, West, No. 1	Vincent Dowling
24	"	"	Ditto, ditto, No. 7	Ditto
25	"	"	Ditto, ditto, No. 2	Ditto
26	"	"	Coonry Paroo, East, No. 10	Joseph West, tertius
27	"	"	Ditto, ditto, No. 9	Ditto
28	"	"	Ditto, West, No. 8	Ditto
29	"	"	Ditto, ditto, No. 12... ..	Ditto
30	"	"	Mungendendi	William Griffiths
31	"	"	Mullum Mullinbar... ..	John E. Kelly
32	"	"	Coonry Paroo, East, No. 7	Joseph West, tertius
33	"	"	Maryland	John E. Kelly
34	"	"	Palisthan	Thos. B. Haylock
35	"	"	Crahway, East	John Brown
36	"	"	Back Terroble	Ditto
37	"	"	Darouble, East, Back Run	John Strahorn
38	"	"	Back Woorebugha Cowell	John Brown
39	"	"	Crahway, West	Ditto
40	"	"	Lower Boomegil	J. C. Rylie and J. Alexander
41	"	"	Triangle	Robert Rand
42	"	"	Union	Ditto
43	"	"	Pine Gohala	John C. Bagot
44	"	"	Theath-a-wa	Ditto
45	"	"	Bullamoondi	Phillip W. Wright
46	"	"	South Gil Gil	Ditto
47	"	"	Gunignibri	Thomas Bradford
48	"	"	Block B. B.	W. L. Morton and Co.
49	"	"	Akolon, South	Ditto
50	"	"	Akolon	Ditto
51	"	"	West Illawla, Tittullulta, and Penolingay... ..	George B. Fletcher
52	"	"	East ditto, ditto, ditto	Ditto
53	"	"	Coonry Paroo, West, No. 9	Joseph West, tertius
54	"	"	Ditto, East, No. 12	Ditto
55	"	"	Leuwin Klip	George B. Fletcher
56	"	"	Mount Babbage	Ditto
57	"	"	Eckerboom	Ditto
58	"	"	Sturt	Ditto
59	"	"	Coonry Paroo, East, No. 11	Joseph West, tertius
60	"	"	Ditto, West, No. 7	Ditto
61	"	"	Ditto, ditto, No. 11	Ditto
62	"	"	Ditto, ditto, No. 12	Ditto
63	"	"	Ditto, East, No. 8	Ditto
64	"	"	Ditto, ditto, No. 7	Ditto
65	"	"	Ditto, West, No. 10	Ditto

TENDERS FOR RUNS UNDISPOSED OF.

27

No. OF TENDER.	NAME OF RUN.	NAME OF APPLICANT.
66	July, 1860 Coonry Paroo, East, No. 9	Joseph West, tertius
67	" " Ditto, West, No. 8	Ditto
68	" " Ditto, East, No. 10	Ditto
69	" " Butha Butha	Vincent Dowling
70	" " Bundigo Plains	James Bishop
71	" " New Calf Pen	Ditto
72	" " Back East Kidgai, No. 2	Cornish, Brocklehurst, and Kemmis
73	" " Back West Kidgai, No. 2	Ditto ditto
74	" " Mihi	Jones and Macdonald
75	" " Block, No. 11	W. L. Morton and Co.
76	" " Ditto, No. 15	Ditto
77	" " Ditto, No. 16	Ditto
78	" " Ditto, No. 14	Ditto
79	" " Ditto, No. 13	Ditto
80	" " Ditto, No. 10	Ditto
81	" " Ditto, No. 9	Ditto
82	" " Ditto, No. 12	Ditto
83	" " Ditto, No. 17	Ditto
84	" " Gilliwang	Thomas Power
85	" " Block, No. 6	John Carter
86	" " Ditto, No. 2	Wm. B. Wood
87	" " Ditto, No. 4	John D. Wood
88	" " Baudon, South	James Newel
89	" " Block, No. 3	John D. Wood
90	" " Ditto, No. 1	W. B. Wood
91	" " Ditto, No. 20	A. W. Hamilton
92	" " Ditto, No. 5	John Carter
93	" " Ditto, No. 8	A. W. Hamilton
94	" " Ditto, No. 7	Ditto
1	August, " Deerriman	C. W., A. W., and F. N. Bucknell
2	" " Boyalbidder	John W. Colless
3	" " Goondanbiera	Ditto
4	" " Mungle	William Playle
5	" " Wallah	Ditto
7	" " Munimbla	Richmond Heuty
8	" " Triangular Hills	Thomas Herbert
9	" " Bandegoe	Wm. Riley, junr.
10	" " Look Out Bridge	C. and F. O'Hara
11	" " New Bogumang	Richard Jackson
12	" " Between Old Bundallah and Merrigal Back Runs	Alexander McGregor
15	" " Yool	William Tyson, junr.
16	" " Yarra Dunah	T. J. Hawkins
17	" " Tugragara	Peter Tyson
18	" " Winwarry	Ditto
19	" " Bunaba	Ditto
20	" " Bundumat	Ditto
21	" " Bomartha	Ditto
22	" " Baroo, No. 2	Wm. H. Suttor
23	" " East Titulilta	G. B. Fletcher
24	" " Coonry Paroo, East	Joseph West, tertius
24	" " Ditto, West	Ditto
25	" " Baroo, No. 1	Wm. H. Suttor
26	" " Ditto, No. 7	Ditto
27	" " Ditto, No. 3	Ditto
28	" " Mount Babbage, South West	William Ross
29	" " Baroo, C	Francis B. Suttor
30	" " Lombok	William Ross
31	" " Baroo, No. 4	William H. Suttor
32	" " Ditto, No. 5	Ditto
33	" " Ditto, B	Francis B. Suttor
34	" " Ditto, E	Wm. H. Suttor, junr.
35	" " Mount Babbage, South	William Ross
36	" " Baroo, A	Francis B. Suttor
37	" " Emcu	Thomas J. Hawkins
38	" " Baroo, D	W. H. Suttor, junr.
39	" " Mount Babbage, South West	William Ross
40	" " Baroo, No. 6	W. H. Suttor
41	" " Ditto, E	W. H. Suttor, junr.
42	" " Kangaroo	Thos. J. Hawkins
43	" " Cattle Water-hole	John Readford
44	" " Back Grawhey	A. and J. Cruikshank

No. OF TENDER.	NAME OF RUN.	NAME OF APPLICANT.
45	August, 1860	Currawong Range P. W. Street
46	" "	Bundagoo Spring Kirkpatrick and Strickland
47	" "	Eumo Kirkpatrick and Kinghorne
48	" "	Yarri Yarri Ryrie and Alexander
49	" "	Little Gunningaldry John Readford
50	" "	Lower Boomagib Ryrie and Alexander
51	" "	Birrer G. J. and H. Colless
52	" "	Tource Ditto
53	" "	Murwah G. and J. W. Colless
54	" "	Dego G. J. and H. Colless
55	" "	Thynborab, North J. W. Colless
56	" "	Ditto, South Ditto
57	" "	Gourie William Miller
58	" "	Morven Ditto
59	" "	Leona Ditto
60	" "	West Leona Ditto
61	" "	Werribiddy Wm. Geo. Colless
62	" "	Outer Bowra and Byong A. Campbell
63	" "	Gunda Bingaiera T. G. Dangar
64	" "	Werribiddy, North Geo. and Wm. Colless
65	" "	Moobla John W. Colless
66	" "	Ludda Uppa T. G. Dangar
67	" "	Tallionida J. W. Colless
68	" "	Weitalabah J. Smyth and T. Rideal
69	" "	Moodla George Colless
70	" "	Mouramba, No. 2 T. H. Power
71	" "	Ditto, No. 1 Ditto
72	" "	Kolkibertoo, South, Block A Horatio Beckham
1	September,	Neibea, East C. W. Birch and C. Bride
2	" "	Wei Tullibah Ditto ditto
3	" "	Newenbah, West Ditto ditto
4	" "	Upper Newenbah, East Ditto ditto
5	" "	New Drillwarrener, East John C. Campbell
6	" "	Upper Pretty Plains Robert Lowe
7	" "	Moonbone G. R. M'Lean
8	" "	Newenbah, East C. W. Birch and C. Bride
9	" "	Upper Newenbah, West Ditto ditto
10	" "	Neibca, West Ditto ditto
11	" "	Upper Neibea, East Ditto ditto
12	" "	Newingbah Lakeman and Hyland
13	" "	Lower Nedgera J. C. Campbell
14	" "	... .. Henry W. Bloomfield
15	" "	Scrub Land Donald Munro
17	" "	Back North Walgiers John S. Torry
18	" "	Lower ditto Ditto
19	" "	Kolkibertoo, Block A Horatio Beckham
20	" "	Warrabillong E. R. and J. Curr
21A	" "	Box Camp West, Brothers
21	" "	North Walgiers J. S. Torry
22	" "	Back Lower North Walgiers Ditto
23	" "	The open Plain and Swamp Francis Jenkins
24	" "	Clear Sand Hill, Colomba Creek Ditto
25	" "	Iveline George Sawtell
26	" "	North Euebalong Joseph Moulder
27	" "	Tooreoitya Joseph J. Phelps
28	" "	Purrona Ditto
29	" "	Pallacarie Ditto
30	" "	Twankay T. A. Smith
31	" "	Barcoola Samuel Smith
32	" "	Carawa Ditto
33	" "	South Muta T. A. Smith
34	" "	Mokello Samuel Smith
35	" "	East Nungu James Scott
36	" "	North ditto Ditto
37	" "	Muta T. A. Smith
38	" "	West Nungu James Scott
39	" "	Outer Puringa Gaari Joseph Dunne
40	" "	Outer Nungu James Scott
41	" "	Mudgingar J. L. Campbell
43	" "	Trundell, East William Cumming
44	" "	Ditto, South Ditto
46	" "	Ditto Lagoon, Back Run, North Ditto

TENDERS FOR RUNS UNDISPOSED OF.

29

No. OF TENDER.		NAME OF RUN.	NAME OF APPLICANT.
49	Sep., 1860	Bela Cowell	John Brown
50	" "	Back Nyngan	Ditto
52	" "	Tago Spring	Andrew Doyle
53	" "	Moco Barungha, No. 4	Vincent Dowling
54	" "	Wetalibar, Back Block	W. H. Hill
55	" "	New Barungha, No. 8	Vincent Dowling
56	" "	Moco Barungha, No. 6	Ditto
57	" "	The Bree, or Ballandool River, Molally	Nicholas Downey
58	" "	Bando	Ditto
59	" "	Tambour	Ditto
60	" "	Weretririndi	Ditto
61	" "	Back Dunlop Range	Samuel Smith
62	" "	Cookantlina	Wm. J. Fraser
63	" "	Windara, Left	Vincent Dowling
64	" "	Moco Barungha, No. 1	Ditto
65	" "	Ditto, No. 7	Ditto
66	" "	Ditto, No. 2	Ditto
67	" "	Ditto, No. 5	Ditto
68	" "	Back Wee Tallaba... ..	J. Smith and T. Rideal
69	" "	Coombocumbone	Wm. J. Fraser
70	" "	Moco Barungha, No. 3	Vincent Dowling
71	" "	Multagoona, Left	Ditto
1	October,	(Unnamed)	Abraham Strettle
3	" "	Walgiers, South	Francis Cadell
4	" "	Mount Arrowsmith	Kossak and Urquhart
5	" "	(Unnamed)	William Strettle
6	" "	Ditto	Ditto
7	" "	Ditto	Ditto
8	" "	Ditto	Ditto
9	" "	Mount Arrowsmith, East	Kossak and Urquhart
10	" "	Ditto, West... ..	Ditto
11	" "	(Unnamed)	Abraham Strettle
12	" "	Walgiers	Francis Cadell
13	" "	Outer Paringa Gaari	John Baker
14	" "	Ohio	Loren Dana
15	" "	Towa	Ditto
16	" "	Texas	Ditto
20	" "	(Unnamed)	Abraham Strettle
21	" "	Malonga, South	Ditto
23	" "	(Unnamed)	Ditto
24	" "	Molonga, South	Ditto
25	" "	Burthung, No. 1	Edward M. Curr
26	" "	Eramaran, No. 1	Ditto
27	" "	Ditto, No. 2	Ditto
28	" "	Burthung, No. 2	Ditto
29	" "	Stoney Hills	Henry O. M'Cormack
30	" "	(Unnamed)	Abraham Strettle
31	" "	Yarradole	John Paterson
32	" "	Kangaroo Forest	Henry O. M'Cormack
33	" "	Culgoa, North	C. W. Birch and C. Bride
34	" "	Back Cuthera Thumbenna	John W. Colless
35	" "	Culgoa, South	C. W. Birch and C. Bride
36	" "	Cookathynah, South	William J. Fraser
37	" "	Cuthera Thumbenna	John W. Colless
38	" "	Peahpeah, West	John L. Campbell
39	" "	Yellow Waterhole Plain	Bryan Vecch
40	" "	Quandong	J. and H. Nevell
41	" "	Monkey Waterhole	M. Norris and W. Bowman
42	" "	Peahpeah, East	J. L. Campbell
43	" "	Back of Upper Mud All, West or South	John Balfe
44	" "	Ditto Lower ditto, West	Ditto
45	" "	Murrabuga... ..	Neil Angus
46	" "	Unknown	John Strahorn
1	November,	Block, No. 3	James R. Doyle
2	" "	Ditto, No. 2	Ditto
3	" "	Ditto, No. 1	Ditto
4	" "	Gumalaly	John Single
6	" "	Bru, No. 4... ..	Thos. G. Dangar
7	" "	Ditto, No. 12	Ditto
8	" "	Ditto, No. 6	Ditto
9	" "	Ballandool, No. 2	Ditto
10	" "	Ditto, No. 1	Ditto

No. OF TENDER.	NAME OF RUN.	NAME OF APPLICANT.
11	November, 1860	
	Ballandool, No. 12	Thos. G. Dangar
12	" " Ditto, No. 3	Ditto
13	" " Bru, No. 20	Ditto
14	" " Drumlog	William Millar
15	" " Bru, No. 2... ..	T. G. Dangar
16	" " Ditto, No. 17	Ditto
17	" " Ballandool, No. 8	Ditto
18	" " Dunlop's Range	Samuel Smith
19	" " Bru, No. 7... ..	Thos. G. Dangar
20	" " South Clover Creek.	Samuel Smith
21	" " Bru, No. 15	T. G. Dangar
22	" " No. 1 Warrego, Back Block	E. J. Bloxham
23	" " No. 2 Ditto	Ditto
24	" " No. 3 Ditto	Ditto
25	" " No. 4 Ditto	Ditto
26	" " No. 5 Ditto	Ditto
27	" " No. 6 Ditto	Ditto
28	" " Bru, No. 14	T. G. Dangar
29	" " Ballandool, No. 10... ..	Ditto
30	" " Narran, No. 8	Ditto
31	" " Lower Dunlop, No. 3	Charles Edwards
33	" " Bru, No. 13	T. G. Dangar
35	" " Ditto, No. 3	Ditto
36	" " Ditto, No. 16	Ditto
37	" " Ryeland	William Millar
38	" " Narran, No. 1	T. G. Dangar
39	" " Ditto, No. 2	Ditto
40	" " Bru, No. 19	Ditto
41	" " Ditto, No. 9	Ditto
42	" " Toorale, No. 1, Back Run	E. J. Bloxham
43	" " Ditto, No. 2, ditto	Ditto
44	" " Ditto, No. 4, ditto	Ditto
45	" " Ditto, No. 5, ditto	Ditto
46	" " Ditto, No. 6, ditto	Ditto
47	" " Lambhill	William Millar
48	" " Bru, No. 5... ..	T. G. Dangar
49	" " London	William Millar
50	" " The Gap	T. A. Smith
51	" " Bru, No. 18	T. G. Dangar
52	" " Ditto, No. 1	Ditto
53	" " Narran, Back Run, West	James White
54	" " Ballandool, No. 7... ..	T. G. Dangar
55	" " Ditto, No. 9	Ditto
56	" " Ditto, No. 5	Ditto
57	" " Ditto, No. 6	Ditto
58	" " Ditto, No. 11... ..	Ditto
59	" " Narran, Back Run, East	James White
60	" " Bru, No. 11	T. G. Dangar
61	" " Ballandool, No. 4	Ditto
62	" " Loondy	G. W. Lord
63	" " Bru, No. 8... ..	T. G. Dangar
64	" " Lower Dereary, Back Block	W. H. Hill
65	" " Bru, No. 10	T. G. Dangar
66	" " Toorale, No. 3, Back Block	E. J. Bloxham
67	" " Wondo	C. Jones and J. Macdonald
68	" " Walgett, Back Run	James White
69	" " Lower Youic	John Blackstone
70	" " Bourben	Henry Weaver
71	" " New Warrina	Ditto
72	" " West Bundijoi	A. H. Macarthur
73	" " New Marthygi	Ditto
74	" " East Bundijoi	Ditto
75	" " Yarron	T. L. and W. W. Richardson
76	" " Back Durribond	Andrew Kerr
77	" " Killarney	John Brewster
78	" " Mulpungere	C. and A. J. Haylock
79	" " Nyngan, Back Run	Andrew Kerr
80	" " Upper Gooljoala	Joseph Cope
81	" " Eulajilms, No. 3	T. L. and W. W. Richardson
82	" " New Munarabah	J. A. Gardener
83	" " Cagildery, Back Run	John Corse
84	" " Back Nyngan	Andrew Kerr

TENDERS FOR RUNS UNDISPOSED OF.

- 31

No. OF TENDER.	NAME OF RUN.	NAME OF APPLICANT.
85	November, 1860	Warge Rock, South R. M. Johnston
86	" "	Bullock Creek Samuel Phillips
87	" "	Winterville... .. James Sweeney
88	" "	" Abraham Strettle
89	" "	Block D, or Bunda Wm. and T. Tom
90	" "	Galas Nest... .. Francis Jenkins
91	" "	Guapa H. M. Phillips
92	" "	Mallay Plain Arthur Graham
93	" "	Yalgogoring James Morris
94	" "	" William Minifri
95	" "	Bald Hill, No 2 John Allen
96	" "	Block C, or Emalby W. and T. Tom
97	" "	Butler's Dry Creek Run James Marsden
98	" "	Weguglar Arthur Graham
99	" "	Murphy's Look Out Thomas White
100	" "	" Abraham Strettle
101	" "	Lalatte Charles Fartiere
102	" "	Warranjoko-gra Ditto
103	" "	Major's Waterhole... .. James Vincent
104	" "	Wingu Winguhurt Island... .. Henry O. McCormack
105	" "	Mount Pleasant Charles Fartiere
106	" "	Yarradole, between two Yanco, Bk. E Daniel Apps
107	" "	" H. E. Michel
108	" "	Cowary, North Watson and Hewitt
112	" "	Buttuyere John Williams
113	" "	Upper Westwaad E. L. Moore
114	" "	Thounggo H. Williams
117	" "	Berm W. Taylor
118	" "	Calytria, Block C Ditto
120	" "	Ditto F Ditto
121	" "	Pooligal Henry Kelly
125	" "	Bampitch John Williams
126	" "	Lower Westwaad E. L. Moore
127	" "	Basin Bank Robert Cay
128	" "	Buttuyere Francis Williams
129	" "	Calytria, Block D William Taylor
131	" "	Jura John D. Dunn
132	" "	Thoura Francis Williams
133	" "	Outer Pammamaroo, North Peter M'Gregor
134	" "	Beyond Outer Winteriga Ditto
136	" "	Wintholey Thos. Williams
137	" "	Bittaria Daniel O'Sullivan
138	" "	Calytria, Block E William Taylor
139	" "	Booborowil... .. R. bert Cay
140	" "	Caleara Daniel O'Sullivan
141	" "	Outer Pammamaroo, South Peter M'Gregor
142	" "	Murrarnagil John Jackson
143	" "	Eyki, West Wm. N. Waller
144	" "	Mullumundale John M'Nevin
145	" "	Leven Run... .. John D. Dunn
148	" "	Eyki, East... .. Wm. N. Waller
149	" "	Sutton, South Ditto
150	" "	Wanalla G. Watson and C. Hewett
151	" "	Dubbo Ditto ditto
152	" "	Sutton, North Wm. N. Waller
153	" "	Track, No. 2 George Francis
154	" "	Ramsholt, South Wm. N. Waller
155	" "	Toallo G. Watson and C. Hewett
156	" "	Track, No. 3 George Francis
157	" "	Plassy Plains J. J. Phelps
158	" "	Track, No. 4 George Francis
159	" "	Back Lower Maine Nicholas Chadwick
160	" "	Nummicarie J. J. Phelps
161	" "	Bundarra G. Watson and C. Hewett
162	" "	Track, No. 1 George Francis
163	" "	Ramsholt, North Wm. N. Waller
165	" "	The Pelican Ponds, No. 2... .. Vincent Dowling
166	" "	Kelly, Block No. 3 John Kelly
167	" "	Butha Butha, No. 1 Vincent Dowling
168	" "	Urullah, East, Block No. 2 Ditto
169	" "	Kelly, Block No. 2 John Kelly
170	" "	The Stoney Ridge, No. 2 Vincent Dowling

No. OF TENDER.	NAME OF RUN.	NAME OF APPLICANT.
171	November, 1860	The Stoney Ridge, No. 1 Vincent Dowling
172	" "	The Pelican Ponds, No. 1 Ditto
173	" "	The Stoney Ridge, No. 3 Ditto
174	" "	Coorallic, West Ditto
175	" "	The Clear Water, East Ditto
177	" "	Bealpahe, West Ditto
178	" "	The Pelican Ponds, No. 3... .. Ditto
179	" "	Uralla, East, No. 1 Ditto
180	" "	Butha Butha, No. 3 Ditto
181	" "	The Clear Water, West Ditto
182	" "	The Stoney Ridge, No. 4 Ditto
183	" "	Kelly, Block No. 4 John Kelly
184	" "	Butha Butha, No. 2 Vincent Dowling
185	" "	Uralla, West, Block No. 2 Ditto
186	" "	Moambah Ditto
187	" "	Urallab, West, No. 1 Ditto
188	" "	The Effluence Waterhole Ditto
189	" "	Coorallic, East Ditto
190	" "	Butha Butha, No. 4 Ditto
191	" "	Kelly, Block No. 1 John Kelly
192	" "	Bealpah, East Vincent Dowling
1	December, "	Humbug Twaddell and Hibberson
2	" "	Iandra J. C. Page
3	" "	Cullenburawong, West J. L. Campbell
4	" "	Myall Cowoll Edward Barlow
5	" "	Uanunoo William West
6	" "	Mount Arie, East Wm. J. Disher
7	" "	Gigging Holes Joseph Miller
8	" "	Box Ridges Edward Jones
9	" "	Mount Arie Thomas Disher
10	" "	Extended Codon Edward Jones
11	" "	Block C Wm. H. Hill
12	" "	Ditto No. 2 A. M. Anderson
13	" "	Ditto No. 2 Wm. H. Hill
14	" "	Garibaldi Jas. and R. Gibson
15	" "	Block E, or Moural Geo. W. Lord
16	" "	Upper Buna Buna Wm. H. Hill
17	" "	Bumblebura Fredk. M. Hill
18	" "	Upper Taloowah C. E. and A. C. Doyle
19	" "	Block No. 1 Wm. H. Hill
20	" "	Back Lang Boya, No. 1 A. M. Anderson
21	" "	Block B Wm. H. Hill
22	" "	Talu G. W. Lord
23	" "	Block C, or Looden Ditto
24	" "	Ditto A Wm. H. Hill
25	" "	Caloona C. E. and A. C. Doyle
26	" "	Bumblebura, West... .. Fredk. M. Hill
27	" "	Taloowah C. E. and A. C. Doyle
28	" "	Emmanuel Jas. and R. Gibson
29	" "	Pur Pur Daniel Sullivan
30	" "	Cole James Coleman
31	" "	New Bogra Ditto
32	" "	Waribray Henry Frost
33	" "	New Cedadgen William Meers
34	" "	Carbil Henry Frost
35	" "	Born Born, No. 1 J. Onus and W. Gosper
36	" "	Ditto, No. 3 Ditto ditto
37	" "	Ditto, No. 2 Ditto ditto
38	" "	Ditto, No. 4 Ditto ditto
39	" "	Narrambool, Block No. 1 Clement H. Chippindale
40	" "	Ditto, ditto No. 2 Ditto
41	" "	Ditto, ditto No. 3 Ditto
42	" "	Ditto, ditto No. 4 Ditto
43	" "	Emerald, No. 4 R. S. Anderson
44	" "	Block No. 3, Crowl's Creek John O'Shannassy
45	" "	Emerald, No. 2 Nesbitt Cockburn
46	" "	Block No. 2, Crowl Creek John O'Shannassy
47	" "	Kenwing Spring Hugh Glass
48	" "	Emerald, No. 3 Wm. H. Anderson
49	" "	Wigella E. H. Acres
50	" "	Block No. 1, Crow's Creek John O'Shannassy
51	" "	Ditto No. 5, Crowl Creek Ditto

TENDERS FOR RUNS UNDISPOSED OF.

33

No. OF TENDER.	NAME OF RUN.	NAME OF APPLICANT.
52	December, 1860 Mullawoolka, West	Edward H. Acres
53	" " Emerald, No. 1	William Cockburn
54	" " Mullawoolka, East... ..	Edward H. Acres
55	" " Block No. 4, Crowl Creek... ..	John O'Shannassy
70	" " Mount Browne	G. A. Carstairs
71	" " Preparation Creek	Ditto
72	" " Burke	William Wright
73	" " Poole	Ditto
74	" " Ulilla	Ditto
75	" " Willi Willi	Ditto
76	" " Barauda	Ditto
77	" " Warrigal	Ditto
78	" " Gregory	R. R. Haverfield
79	" " Stuart	Ditto
80	" " Mueller	Ditto
81	" " Leichardt	Ditto
82	" " Evelyn	Ditto

*Crown Lands Office,
Sydney, 27 March, 1861.*

A. ORPEN MORIARTY,
Chief Commissioner of Crown Lands.

1861.

Legislative Assembly.

NEW SOUTH WALES.

MESSRS. WEST, BROTHERS.

(RETURN IN REFERENCE TO.)

Ordered by the Legislative Assembly to be Printed, 30 January, 1861.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 6 November, 1860, That there be laid upon the Table of this House :—

“Copies of all Papers relating to Messrs. West, Brothers, relative to their obtaining a lease for a Run called Duggin, in the Lachlan District.”

(Mr. Watt.)

SCHEDULE.

NO.	PAGE.
1. Messrs. Icton and Pownall to the Chief Commissioner of Crown Lands, respecting the lease by Mr. J. West of that portion of his Run called Red Bank. 19 December, 1855	2
2. Chief Commissioner of Crown Lands to the Colonial Secretary, on same subject. 28 December, 1855	2
3. Colonial Secretary to Chief Commissioner of Crown Lands, in reply. 6 February, 1856	3
4. Chief Commissioner of Crown Lands to the Colonial Secretary. 15 February, 1856	3
5. The Under Secretary to His Honor the Chief Justice. 6 February, 1856	3
6. H. W. Elliott to the Colonial Secretary, in reply. 23 February, 1856	3
7. Attorney General to Colonial Secretary, reporting on the case of disputed boundary, <i>Brady v. Sheehan</i> . 14 March, 1856	3
8. The Under Secretary to Chief Commissioner of Crown Lands, on same subject. 29 March, 1856	4
9. Chief Commissioner of Crown Lands to Colonial Secretary, for return of papers in above case. 14 April, 1856	4
10. The Under Secretary, in reply. 21 April, 1856	4
11. Chief Commissioner of Crown Lands to Messrs. Icton and Pownall. 1 May, 1856	5
12. Icton and Pownall, in reply.—(Enclosure.) 9 May, 1856	5
13. Chief Commissioner of Crown Lands to the Commissioner of Crown Lands, Lachlan District. 14 July, 1856	6
14. Joseph West (tertius), for issue of lease for Duggin and Nanima Runs.—(2 Enclosures.) 29 July, 1859	6
15. Messrs. West, Brothers, respecting the issue of leases for the Runs of Nanima and Duggin. 10 March, 1860	7

MESSRS. WEST; BROTHERS.

No. 1.

MESSRS. ICETON & POWNALL to CHIEF COMMISSIONER OF CROWN LANDS.

Sydney, 19 December, 1855.

SIR,

Drawing your attention to the disputed boundary case of Brady v. Sheahan, heard by Mr. Commissioner Dalhanty, we have, on behalf of Mr. Joseph West (tertius), who has acquired the interest which was formerly vested in Mr. Brady, to request that you will have the goodness to bring the circumstances of the case under the consideration of His Excellency the Governor General.

The land in dispute between Brady and Sheahan was that part of Brady's run which was known as Upper (or East) Red Bank. This land has been in Brady's undisputed possession, or the possession of those whose rights he had acquired, for seventeen or eighteen years previously to the reference to the Commissioners, and up to the present moment is in the possession of Mr. West. And in the year 1853 Brady brought an action against Sheahan for trespassing on this part of his run. Upon the trial, before His Honor the Chief Justice, at Bathurst, satisfactory evidence was given of Brady's possession, and he recovered £50 damages for the trespasses committed by Sheahan upon the land in question; and the jury, in answer to a question put to them by the learned Judge, certified that East Red Bank was part of Brady's run, and that that had been the boundary between his run and Sheahan's for seventeen or eighteen years previously.

We trust that, under these circumstances, His Excellency will be enabled to come to the conclusion that Mr. West is in justice and equity entitled to have the land in question included in his lease.

I have, &c.,

ICETON & POWNALL.

No. 2.

CHIEF COMMISSIONER OF CROWN LANDS to COLONIAL SECRETARY.

Crown Lands Office,

Sydney, 28 December, 1855.

SIR,

I do myself the honor to submit, for the consideration of His Excellency the Governor General, the enclosed letter from Messrs. Icton & Pownall, Solicitors for Mr. Joseph West, tertius, respecting a case of disputed boundary, Brady v. Sheahan, which was heard before Mr. Boundary Commissioner Dalhanty, and decided by his report, confirmed by the Governor General, in favor of Sheahan. The interest of Brady has since been transferred to Mr. West.

2. In 1853 an action was brought by Brady against Sheahan, when a verdict was given for the plaintiff, and £50 damages; and the jury, in answer to a question by the Judge, certified that the land in dispute between the parties formed portion of Brady's run. Upon this arises the present request, that the verdict of the jury may upset the decision of the Government, and that in the preparation of the leases the disputed land may be given to Brady, now West.

3. A similar question arose in the matter of the dispute between Bowman and the Bank of Australasia, respecting which I beg to refer you to your letter of the 8th September, 1852.

4. Upon the present case I have to request the instructions of the Government.

I have, &c.,

GEO. BARNEY,
Chief Commissioner of Crown Lands.

Mr. F.,

If the case of Bowman v. The Bank of Australasia is to form a precedent for the present one, the Report and Evidence, &c., should be procured from Col. Barney, as also the Judge's notes of the trial, and sent to the Law Officers.

It will be seen from the Attorney General's letter, 52-7152, that the award of the jury in Bowman's case was allowed to guide the Government only in a case of doubt, and not as a rule; indeed, for the reasons stated in the Colonial Secretary's Memo. on 51-10993, it would be altogether unsafe to adopt such a rule.

E. D. T.

28 Jan'y.

Let the necessary information be procured, and then the case can be considered on its merits.

W. D.

No. 3.

MESSRS. WEST, BROTHERS.

3

No. 3.

COLONIAL SECRETARY to CHIEF COMMISSIONER OF CROWN LANDS.

(No. 35.)

*Colonial Secretary's Office,
Sydney, 6 February, 1856.*

SIR,

I have laid before the Governor General your letter of the 28th December last, in which, in reference to the case of disputed boundary, *Brady versus Sheahan*, decided in favor of the latter, you forward an application from Messrs. Ioston and Pownall, Solicitors for Mr. Joseph West, tertius, who has acquired Brady's interest, for the preparation of the leases in accordance with the opinion of the jury before whom an action arising out of the disputed boundary was tried.

2. I am directed by His Excellency to request that you will be good enough to furnish me with the Report and Evidence in the case upon which the decision of the Government was based, in order that when the notes of the Judge who presided at the trial, which have been applied for, shall have been obtained, the matter may be referred for the opinion and advice of the Crown Law Officers.

I have, &c.,
W. ELYARD,
(For the Colonial Secretary.)

No. 4.

CHIEF COMMISSIONER OF CROWN LANDS to COLONIAL SECRETARY.

(Nos. 56-59.)

*Crown Lands Office,
Sydney, 15 February, 1856.*

SIR,

I do myself the honor to transmit herewith the papers in the disputed boundary case, *Brady v. Sheahan*, called for by your letter of the 6th instant, No. 35.

I have, &c.,
GEO. BARNEY,
Chief Commissioner of Crown Lands.

Mr. F.—To await Chief Justice's answer.

No. 5.

THE UNDER SECRETARY to CHIEF JUSTICE.

(56-16.)

*Colonial Secretary's Office,
Sydney, 6 February, 1856.*

SIR,

I beg to inquire, by direction of His Excellency the Governor General, whether there would be any objection to allow the use of your Honor's notes of the evidence of the trial specified in the margin, for the purpose of enabling the Crown Law Officers to arrive at a right decision in a case which is about to be submitted for their opinion and advice, as to whom the disputed land should be given in the preparation of the leases of the runs affected?

I have, &c.,
W. ELYARD.

Brady v. Sheahan. Before His Honor the Chief Justice, Bathurst, 1853.

No. 6.

MR. H. W. ELLIOTT to COLONIAL SECRETARY.

*Chief Justice's Chambers,
23 February, 1856.*

SIR,

In reply to your letter of the 6th instant I am directed by the Chief Justice to inform you that the note-book in question has been forwarded to the Crown Law Officers.

I have, &c.,
HENRY W. ELLIOTT.

These papers may now be transmitted to the Crown Law Officers, as originally proposed.—B.C. 27 February, 1856. W. ELYARD, for the Col. Sec.—To be returned.

No. 7.

ATTORNEY GENERAL to COLONIAL SECRETARY.

(No. 56-61.)

*Attorney General's Office,
Sydney, 14 March, 1856.*

SIR,

In reference to the enclosed correspondence, transmitted by you under B.C. 27th ultimo from the Chief Commissioner of Crown Lands, respecting the disputed boundary case, *Brady v. Sheahan*, I have the honor to state, that as the Solicitor General happened to be engaged as Counsel on the trial of the case in question, he is desirous of being excused from giving any opinion.

Papers to be returned.

2. I have very carefully perused the evidence taken by the Boundary Commissioner, Mr. Dalhanty, and also the evidence appearing in the Chief Justice's notes at the trial. I find the question between the parties was merely one of boundary, and that both parties held licenses from the Crown, and therefore I conceive it was a question peculiarly fitted to be decided on by a jury.

3. The case appears to have been much more fully investigated before the jury than before the Commissioners. The plaintiff called many witnesses, who were strongly in his favor; the defendant called only one witness, (Mr. Beckham), Commissioner of Crown Lands, and it appears that the jury did not adopt his opinion, which probably weighed with the Boundary Commissioner. I perceive Mr. Dalhanty does not give any reasons for his decision. I am of opinion that the verdict of the jury in favor of Mr. Brady ought to prevail.

I have, &c.,

J. H. PLUNKETT,
Attorney General.

Mr. F.—19.

It is not without a feeling akin to regret that I contemplate the necessity of overturning a decision of the Government, arrived at five years ago, on what appeared sufficient data; at the same time it is impossible to disregard the opinion.

Mr. F.,

Effect to be given to this decision of the Court.

W. D.—20 March, '56.

No. 8.

THE UNDER SECRETARY to CHIEF COMMISSIONER OF CROWN LANDS.

(No. 97.)

*Colonial Secretary's Office,
Sydney, 29 March, 1856.*

SIR,

In reference to your letter of the 28th December last, respecting a case of disputed boundary, "Brady v. Sheahan," tried before the Chief Justice, at Bathurst, in 1853, and decided in favor of the plaintiff, I do myself the honor to inform you that the Governor General has been pleased, under a Report received from the Attorney General, to direct that effect be given to the decision of the Court.

I have, &c.,

W. ELYARD,
(For the Colonial Secretary.)

Request the return of the documents in this case.

No. 9.

CHIEF COMMISSIONER OF CROWN LANDS to COLONIAL SECRETARY.

(No. 56-131.)

*Crown Lands Office,
Sydney, 14 April, 1856.*

SIR,

With reference to your letter of the 29th ultimo, No. 97, I do myself the honor to request that you will have the goodness to return to this Office the papers in the case of disputed boundary, Brady v. Sheahan, which was tried before the Chief Justice, at Bathurst, in 1853.

I have, &c.,

GEO. BARNEY,
Chief Commissioner of Crown Lands.

No. 10.

THE UNDER SECRETARY to CHIEF COMMISSIONER OF CROWN LANDS.

*Colonial Secretary's Office,
Sydney, 24 April, 1856.*

SIR,

In compliance with the request contained in your letter of the 14th instant, No. 56-131, I do myself the honor to return to you the papers connected with the disputed boundary case, "Brady versus Sheahan."

I have, &c.,

W. ELYARD,
(For the Colonial Secretary.)

No. 11.

No. 11.

CHIEF COMMISSIONER OF CROWN LANDS to MESSRS. ICETON AND POWNALL.
(No. 56-470.) Crown Lands Office,
Sydney, 1 May, 1856.

GENTLEMEN,

I do myself the honor to request that you will be good enough to furnish me with a certified copy of the decision of the Court in the disputed boundary case of Brady *versus* Sheahan.

I have, &c.,

GEO. BARNEY,
Chief Commissioner of Crown Lands.

No. 12.

MESSRS. ICETON AND POWNALL to CHIEF COMMISSIONER OF CROWN LANDS.
Sydney, 9 May, 1856.

SIR,

In attention to yours of the 1st instant, we enclose certified copy of the declaration in the case Brady *v.* Sheahan, with a copy of the finding of the Jury indorsed thereon.

The following is a copy of Mr. Solicitor General's note on his brief of the answer of the Jury to a question put to them by the Chief Justice:—

"NOTE.—Jury. We find that the plaintiff is entitled to East Red Bank; we find that has been the boundary for the last seventeen or eighteen years.—W. M. M."

We have, &c.,

ICETON & POWNALL.

[Enclosure in No. 12.]

In the Supreme Court of New South Wales.

The fifth day of February, in the year of our Lord one thousand eight hundred and fifty-two.
Bathurst to wit.

James Brady, by Hamilton Farnish Stephen, his attorney, complains of Edward Sheahan, who has been summoned to answer the plaintiff in an action of trespass; for that the defendant, on the first day of January, in the year of our Lord one thousand eight hundred and forty-seven, and on divers other days and times between that day and the commencement of this suit, with force and arms, &c., broke and entered divers, to wit two, closes of the plaintiff, situated and being in the Colony of New South Wales; that is to say, a certain close called "Narrarandery," and a certain other close called "Duggan's, and on which said several closes divers cattle, to wit one thousand bulls, one thousand cows, one thousand calves, and one thousand bullocks, and five thousand sheep, of the plaintiff, of great value, to wit of the value of five thousand pounds, were feeding and depasturing, and with feet in walking, and with cattle, to wit horses, mares, geldings, cows, and oxen, eat up and depastured the grass of the plaintiff, of great value, to wit of the value of one thousand pounds, then growing and being in the said several closes; and with the said last mentioned cattle drank up, consumed, wasted, and spoiled the waters then being in divers, to wit ten, waterholes, and divers, to wit ten, creeks, in and upon the said several closes; and with the said last mentioned cattle, and with men and dogs, drove off and chased away from the said several closes the said cattle of the plaintiff; and also then put, placed, and erected divers, to wit five, stockyards and five huts in and upon the said several closes, and kept and continued the said stockyards, huts, and hurdles, so there put, placed, and erected, without the leave or license, and against the will, of the plaintiff, for a long time, to wit from the day and year last aforesaid; hitherto by means of which said several premises, the said several closes became insufficient for the proper feeding, nourishing, and fattening of the plaintiff's said cattle, and thereby the said last mentioned cattle became greatly reduced in condition, and damaged and lessened in value, and the plaintiff was thereby prevented from fattening the said cattle for sale, and lost divers great gains and profits, which might and would have accrued to him from fattening the said cattle for and selling them at market and elsewhere; and also by means of the premises divers, to wit two hundred, of the said cows of the plaintiff became so poor in condition, as to be unable properly and safely to suckle and rear their calves; and the plaintiff was thereby obliged to destroy divers, to wit two hundred, of the said calves, and thereby lost the benefit and profit of the offspring and increase of his said cows; and also by means of the premises divers, to wit five hundred, of the plaintiff's said cattle wandered and strayed away to divers places to the plaintiff unknown, and thereby the plaintiff was not only put to great trouble and expense, amounting in the whole to a large sum of money, to wit the sum of fifty pounds, in and about endeavouring to find the said last mentioned cattle, but also divers, to wit three hundred, thereof of great value, to wit of the value of three hundred pounds, then became and were wholly lost to the plaintiff, and the residue thereof then became and were greatly damaged and lessened in value; and also by means of the said several premises the plaintiff has been hindered and prevented from having the use, benefit, and enjoyment of the said several closes in so large and ample a manner as he might and otherwise would have had, and other wrongs to the plaintiff then and there did, against the peace of our Lady the Queen, and to the plaintiff's damage of five hundred pounds, and thereupon he brings suit, &c.

THOMAS ICETON,

For H. F. STEPHEN,
Plaintiff's Attorney.

Office copy (including indorsement).

F. H. STEPHEN,
2nd Clerk of the Supreme Court.

The Jury find for the plaintiff—damages £50; and they say that the plaintiff had been in possession of the disputed land up to the eastern extremity for the last eight years.

No. 13.

CHIEF COMMISSIONER OF CROWN LANDS to COMMISSIONER OF CROWN LANDS, LACHLAN.
(56-1735.)

Crown Lands Office,
Sydney, 14 July, 1856.

SIR,

It having been determined by the Government to fix the disputed boundary between the runs of Mr. Brady (now Mr. J. West) and Mr. Sheahan, in accordance with the verdict of the jury in the case, I have the honor to enclose for your information a letter from Messrs. Icton & Pownall, with a copy of the verdict; and I beg to request that you will be good enough to prepare descriptions of the runs, in so far as may be necessary to give effect to the decision.

I have, &c.,
GEORGE BARNEY,
Chief Commissioner of Crown Lands.

No. 14.

MR. JOSEPH WEST, TERTIUS, to CHIEF COMMISSIONER OF CROWN LANDS.

Bathurst, 29 July, 1859.

SIR,

I have the honor to enclose surveys and descriptions of Licensed Runs in the Lachlan District, occupied by Major West, John West, and Joseph West (tertius), and named Duggin and Nanima, and request that a lease may be at once issued to us upon such survey and description.

The survey was made by Mr. Rider.

I have, &c.,
JOSEPH WEST, TERTIUS.

[Enclosure 1 in No. 14.]

LACHLAN DISTRICT—APPLICATION FOR LEASE OF RUN.

Name of Run "Duggin," in the occupation of Major West, John West, and Joseph West, tertius, Esqs.

Description of Boundaries—

The east boundary is defined by a marked tree line, commencing from a point on the River Lachlan, described and known as East Sand Bank, and running thence south a distance of six miles and twenty chains to the Kangaroo Range, thence south-westerly by that and the Tin Pot Ranges, a distance of five miles.

The west boundary is defined by a line, commencing from the west termination of the south boundary on the Tin Pot Range, running north to a point on the River Lachlan, described on plan, sixty chains south of the marked tree at Nanima Falls.

The north boundary is defined by the River Lachlan, commencing from the starting point at East Sand Bank, and thence along the course of the river to the junction of the west boundary with the river before described.

W. B. RIDER, C.E.
July, 1859.

[Enclosure 2 in No. 14.]

DESCRIPTION.

No. in Gazette—18.
Name of Run—"Duggin."
Lessee—J. West.
Estimated area—3,840 acres.
Estimated grazing capabilities—500 cattle.

Commencing at the north-east corner, at a point on the Lachlan River known as the East Red Bank, and bounded thence on the east by a line bearing south 5 miles, dividing this run from Goolagong Run; thence on the south by a line bearing west about 1 mile to a spur from the Kangaroo Ranges, and by that spur range north-westerly to a point where it is met by a line south from a point on the Lachlan River sixty chains above the marked tree at Nanima Falls; on the west by that line north to the Lachlan River, dividing this run from the Nanima Run; and on the north by the Lachlan River upwards about 5 miles, in a direct line to the starting point aforesaid.

A. G. M.
20th March, 1860.

This description has been prepared from Mr. Rider's Survey (with Field Book). Catalogue, I. 19-1421.

The description of Duggin originally published in the *Government Gazette* gives for the south boundary Mullyantra Creek. This creek, as shown by Mr. Rider's survey, lies considerably to the west of Duggin Run, and could not, by any means, be applied as one of the boundaries; and, as the Commissioner's map shows no occupation to the south of Duggin, the substitution of the line and range as its south boundaries is now adopted.

A. G. M.
20th March, 1860.

No. 15.

MESSRS. WEST, BROTHERS, to SECRETARY FOR LANDS.

Sydney, 10 March, 1860.

SIR,

We regret at this early period of your assuming the reins of office to obtrude our grievances upon you; but the subject matter of this communication is of such great moment to us that we trust our urgency may be excused.

What we seek to obtain is the formal leases of our squatting stations, "Nanima" and "Duggin" (or Duggin's Station), in the Lachlan District.

For years past we have been applying for these leases, and have been met at the Crown Lands Office with the reply, that questions relative to the issue of leases were under the consideration of the Government, but would speedily be settled.

Some twelve months since, the late Chief Commissioner of Crown Lands (Colonel Barney) advised our having these runs surveyed, as a necessary preliminary to the issue of the leases; we accordingly employed a surveyor, at a very considerable cost, and transmitted to the Chief Commissioner his surveys and descriptions.

In December last, one of our firm (Mr. Joseph West, tertius) applied at the office to learn what progress had been made, and again some few days since. The same obstacle, however, appears still to exist—some question for decision by the Government.

Mr. West, tertius, is leaving Sydney in a few days, and if it be in your power to determine this question prior to his departure, you will (apart from doing an act of justice) confer a favor of really vital importance to us, and which will be most gratefully received.

We are, &c.,

WEST, BROTHERS.

The Acting Surveyor General is requested to report.—M. F. (urgent).—B.C. 10th March.

Herewith is a lease, filled up for the Duggin Run, being that in which Mr. West is particularly interested.

The decision of the jury, in the case of Brady v. Sheehan, determining the boundary on one side and the run on the other, being held by Messrs. West, the case is not so difficult as are many.

The lease has been prepared on the personal direction of the Secretary for Lands.

A. G. McLEAN.

B.C. 20th March, 1860.—60-111.

Lease executed and enrolled 21st March—end of month.

LEASE OF UNSETTLED LAND.

(OLD RUN.)

Lessees, { Joseph West, Tertius, Major West, Junior, and John West. District of Lachlan. Name of Run, Duggin. Area, 3,840 acres. Grazing Capability, 800 Cattle. Yearly rent, £12 10s.	}	VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and so forth: To all to whom these Presents shall come, Greeting:
---	---	--

WHEREAS Joseph West, Tertius, Major West, Junior, of _____, in Our Colony of New South Wales, Stockholders, have made application to Us, for a Lease for Pastoral purposes, of the hereinafter described Run or Portion of Waste Lands in Our said Colony, to be issued to them under and in pursuance and upon the terms and conditions of Our Order, made in Our Privy Council, on the ninth day of March, in the Year of Our Lord One thousand eight hundred and forty-seven, and of Our further Order in Council, made on the eighteenth day of July, in the Year of Our Lord One thousand eight hundred and forty-nine; And Whereas We have considered such application and have consented to grant such Lease for the term of years, and at the yearly rent hereinafter mentioned, and under and subject to the terms, conditions, exceptions, reservations, and provisos in Our said Orders in Council, and to the terms, conditions, exceptions, reservations, and provisos hereinafter respectively contained: And Whereas, also, it hath been shewn to Us that the said Run has been duly estimated as capable of carrying eight hundred cattle, and that, according to the terms of Our first above-mentioned Order in Council, the sum of twelve pounds ten shillings sterling ought by reason thereof to be paid by way of annual Rent for the said Run during the continuance of the Lease hereby granted; Now know Ye, That, in consideration of the Premises, and of the sum of twelve pounds ten shillings sterling, in hand, paid to the Colonial Treasurer for the time being of New South Wales, before the issue hereof, as and for the first year's Rent of the said Run, and in consideration also of the like sum of money, payable and to be paid yearly, in advance, on the thirtieth day of September, in each and every year during the continuance of this Lease, We do hereby, for Us, Our Heirs and Successors, demise and lease unto the said Joseph West, Tertius, Major West, Junior, and John West, their Executors and Administrators, and to such Assigns of the said Joseph West, Tertius, Major West, Junior, and John West, as shall come within the regulations in that behalf, issued by Our Governor of Our said Colony, on the first day of March, in the Year of Our Lord One thousand eight hundred and fifty-one, All that Run or Portion of the "Unsettled" Waste Lands of Our said Colony, known as "Duggin," situate in the District known as the District of Lachlan, containing by estimation Three thousand eight hundred and forty Acres, be the same more or less, commencing at the north-east corner, at a point on the Lachlan River known as East Red Bank; and bounded thence on the east by a line bearing south (5) five miles, dividing this Run from Goolagong Run; thence on the south by a line bearing west about one mile, to

a spur from the Kangaroo Ranges, and by that spur range north-westerly to a point, where it is met by a line south from a point on the Lachlan River, (60) chains above the marked tree at Nanima Falls; on the west by that line north to the Lachlan River, dividing this Run from Nanima Run; and on the north by the Lachlan River upwards about (5) five miles in a direct line to the starting point aforesaid; To Hold to the said Joseph West, Tertius, Major West, Junior, and John West, their Executors and Administrators, and such Assigns as aforesaid, for Pastoral purposes only, except as hereinafter mentioned, for and during the term of fourteen years next following the first day of January, in the Year of Our Lord One thousand eight hundred and fifty-two, at the Rent hereinafter mentioned, and upon the terms, and under and subject to the conditions, exceptions, reservations, and provisos in Our said Orders in Council, and to the terms, conditions, exceptions, reservations, and provisos hereinafter respectively contained, YET NOTWITHSTANDING and paying unto Us, Our Heirs and Successors, yearly, and every year during the continuance of the said Lease, the clear Rent or Sum of twelve pounds ten shillings sterling, by payment thereof in advance, on the thirtieth day of September, in each and every year, into the hands of Our said Colonial Treasurer for the time being, at Sydney; the first future payment to commence on the thirtieth day of September, now next, being the period up to which payment of the first year's Rent has been made as aforesaid; PROVIDED ALWAYS, and these Presents are upon the express condition, that if the said Run or Parcel of Land hereby demised, or any part thereof, shall be used by the said Lessees, their Executors, Administrators, or Assigns, or any other person or persons with their consent, authority, or permission, for any other than Pastoral purposes, except as hereinafter mentioned; or if default shall be made in payment of the said yearly Rent, at the time or in manner hereinbefore appointed for payment thereof, (although no formal demand shall have been made thereof,) or if the said Lessees, their Executors, Administrators, or Assigns, shall wilfully deprive or attempt to deprive the Aboriginal or other inhabitants of Our said Colony, or any of them, of the privileges hereby reserved to them, or shall unlawfully or against the intention hereof, oppose or resist the Governor or other Officer for the time being administering the Government of Our said Colony, or any person or persons duly authorized in that behalf, in the exercise of any of the rights reserved to Us, or our Heirs and Successors, or to him or them, by force of the exceptions, reservations, provisos, and conditions herein contained or referred to; or if the holder of this Lease for the time being shall be convicted of felony, or if in the event of his conviction by a Justice of the District, for any offence against the law, the lease shall be adjudged to be forfeited by two or more Justices of the Peace, in manner provided by the 14th section of chapter 2 of the said Order in Council, of the 9th day of March, One thousand eight hundred and forty-seven, and if such adjudication shall be confirmed by the Governor or Officer for the time being administering the Government of Our said Colony, it shall be lawful for Us, Our Heirs and Successors, or for the Governor or the Officer for the time being administering the Government of Our said Colony, or for any other person or persons by his authority, to put an end to the term hereby created, and to declare this Lease to be forfeited, by notice to that effect in the New South Wales Government Gazette, and also to re-enter upon the said Run or Parcel of Land hereby demised, or any part thereof, and thereupon to remove the said Lessees, their Executors, Administrators, or Assigns, and all tenants and occupiers of the said Land or any part thereof, and these presents and the term hereby created shall thereupon (subject to the proviso next hereinafter contained) cease and be void: PROVIDED NEVERTHELESS, that in case the said Lease hereby created shall become forfeited, by reason only of the non-payment of the said Rent at the time and in the manner hereinbefore appointed for payment thereof, it shall be lawful for the said Lessees, their Executors, Administrators, or Assigns, to defeat the said forfeiture, and prevent its becoming absolute by the payment of the Rent within sixty days from the date of the original Rent day, with the addition of a Sum equal to one-fourth part of the said yearly Rent so due from them, by way of penalty: PROVIDED ALWAYS, and it is hereby declared, that notwithstanding the Provisions hereinbefore contained, it shall be lawful for the said Lessees, their Executors, Administrators, or Assigns, to cultivate so much of the Run or Parcel of Land hereby demised as may be necessary to provide grain, hay, vegetables, fruit, or any other necessaries for the use and supply of the family and servants of the said Lessees, their Executors, Administrators, or Assigns, as aforesaid, but not for the purpose of sale or barter: PROVIDED ALSO, and it is further declared that it shall be lawful for the said Lessees, their Executors, Administrators, or Assigns, to cut so much of the Timber (excepting Cedar) growing upon the said Run or Parcel of Land hereby demised as may be required for domestic purposes, for firebote, fencing, Stockyards, and other conveniences for the use of the said Run or Parcel of Land for Pastoral purposes: PROVIDED ALSO, and We do hereby except and reserve unto Us, Our Heirs and Successors, and to the Governor or Officer for the time being administering the Government of Our said Colony, the right and power of making Grants or Sales, or of disposing of in such other manner as for the public interest may seem best, (of which Grant, Sale, or other disposition a Notice in the New South Wales Government Gazette shall be conclusive evidence as against the said Lessees, their Executors, Administrators, and Assigns,) such parts of the Lands within the limits of the said Run or Parcel of Land hereby demised as may be required for the Sites of Churches, Schools, or Parsonages, or for the establishing and construction of Highroads or Railways, or Railway Stations, or other Internal Communications, whether by Land or Water, or for the use or benefit of the Aboriginal Inhabitants of Our said Colony, or for Public Buildings, or as places for the Internment of the Dead, or places for the recreation or amusement of the Inhabitants of any Town or Village, or as the Sites of Towns with adjacent suburban or cultivation allotments, or for Public Quays or Landing Places on the Sea Coast, or Shores of Navigable Streams, or for the pasturage and watering of Sheep or other live Stock, travelling on or towards any Highroad or way, or for the purpose of sinking shafts and digging for Gold, Silver, Iron, Copper, Lead, or other Minerals, or Coal, and effectually working mines of Gold, Silver, Iron, Copper, Lead, or other Minerals, or Coal, or in connection therewith, or for any other purpose of public defence, safety, utility, convenience, or enjoyment, or for otherwise facilitating the improvement and settlement of Our said Colony; AND WE DO FURTHER RESERVE to Us, Our Heirs and Successors, and to the Governor or Officer for the time being administering the Government of Our said Colony, all and every the power and authority to sell parts of the said Run or Parcel of Land hereby demised, during the continuance of the said term, as are given by or contained in Our said Order in Council of ninth March, one thousand eight hundred and forty-seven; AND WE DO FURTHER RESERVE to Us, our Heirs and Successors, and to the Governor or Officer for the time being administering the Government of Our said Colony, and to any other person or persons by his permission or authority, the right of full and free ingress, egress, and regress, into, out of, or upon the said Run or Parcel of Land, for or in connection with the several purposes aforesaid, or for the cutting and taking of Timber or Stone, or any other lawful or public purpose; AND WE DO FURTHER RESERVE to the Aboriginal Inhabitants of Our said Colony, such free access to the said Run or Parcel of Land hereby demised, or any part thereof, and to the trees and water thereon, as will enable them to procure the animals, birds, fish, and other food on which they subsist; AND WE DO FURTHER RESERVE the right and privilege to all Inhabitants of Our said Colony, who shall be *bona fide* travellers, of full and free liberty of ingress, egress, regress, way and passage, either on foot or on Horseback, or with Carts, Drays, Waggon, or Carriages, and with or without Sheep, Cattle, or Horses, in, upon, across, or over any beaten or accustomed track on the said Run or Parcel of Land hereby demised; or if from recency of occupation of the within Lands, or of other Lands beyond them, no beaten or accustomed tracks shall have been made or used, then, in, upon, across, or over the Run hereby demised, in such parts and directions as may be necessary or convenient and reasonably sufficient for the use and accommodation of neighbours and other inhabitants of Our said Colony, who shall be *bona fide* travellers: PROVIDED ALSO, that these Our Letters Patent shall not take effect until the actual issue thereof by Our said Colonial Treasurer, or other Officer appointed in that behalf by Our Governor, or

other

MESSRS. WEST, BROTHERS.

9

other Officer for the time being administering the Government of Our said Colony, notwithstanding that the same shall previously and in anticipation of the payment of the said yearly Rent, have passed the Great Seal of Our said Colony.

IN TESTIMONY whereof We have caused this Our Lease to be sealed with the Seal of Our said Colony.

WITNESS Our Trusty and Well-beloved SIR WILLIAM THOMAS DENISON, Knight, Governor-General of all Our Australian Possessions, and Captain-General and Governor-in-Chief of Our Territory of New South Wales and its Dependencies, at Government House, Sydney, in New South Wales aforesaid, this twenty-first Day of March, in the twenty-third Year of Our Reign, and in the Year of Our Lord One Thousand Eight Hundred and Sixty.

W. DENISON. (L.S.)

RECEIVED the Sum of £12 10s., being
the Rent for the year commencing
1st July, A. D. 1859.

E. C. WEEKES,
Colonial Treasurer.

ENTERED in the Register of LEASES OF UNSETTLED LAND BOOK, No. 1, page 93, this fourth day of May, A. D. 1860.

HENRY HALLORAN,
For the Chief Commissioner of Crown Lands.

RECORDED and Enrolled in the General Registry Office, at Sydney, New South Wales, this twenty-first day of March, 1860.

CHRIS. ROLLESTON,
Registrar General.

Sydney: Thomas Richards, Government Printer.—1861.

[Price, 3d.]

1861.

Legislative Assembly.

NEW SOUTH WALES.

KISSING POINT COMMON.

(EDWARD DRINKWATER.)

Ordered by the Legislative Assembly to be Printed, 3 April, 1861.

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

The humble Petition of Edward Drinkwater, of Kissing Point, in the Colony of New South Wales,—

SH EWETH :—

That an Act of Council was passed in the eleventh year of the reign of Her present Majesty Queen Victoria, No. 31, 1847, intituled, "*An Act to enable Trustees of Commons in New South Wales to have perpetual succession, and to empower them to regulate the use of such Lands as may be granted as Commons, within the said Colony, and for other purposes relating thereto.*"

That, in accordance with the powers given by the said Act of Council, six thousand two hundred and thirty-five (6,235) acres of land, situated in the Parishes of South Coloh, the Field of Mars, and Hunter's Hill, were granted by the then Governor, His Excellency Sir Charles A. Fitz Roy, by deed, dated 10th November, 1849, to certain persons therein named trustees, and to their successors for ever, "to permit the use and benefit of the same to the settlers, cultivators, and other inhabitants, for the time being, of the said district," subject to such regulations as might from time to time be made by the said trustees and their successors, by virtue of the provisions in the said recited Act contained.

That His late Excellency Sir William Denison did, by instrument dated 11th July, 1855, appoint your Petitioner one of the trustees to act in and for the said Common.

That your Petitioner accepted the trusts, and still continues to occupy the position of trustee for the said Common.

That Petitioner has been informed, and believes, that certain persons, representing themselves as Commoners and intitled to receive benefit from said Common, have petitioned the Honorable the Secretary for Lands, praying "that the Government would make roads and bridges crossing the Parramatta River and Iron Cove," thereby giving to the Parish of Hunter's Hill more direct communication with the City of Sydney, at the same time suggesting, "that the necessary means to carry out such work should be raised by Government debentures, and that the Common Lands should be held as security, and sold as the debentures became due to pay the same."

That your Petitioner, feeling assured that to make such an appropriation of the "Common Land" would be repugnant to, and contrary to, the intention of the grant, as well as prejudicial to many persons having an interest in the "Common Land."

Your Petitioner, therefore, earnestly prays that your Honorable House may not sanction the appropriation of any part of the said six thousand two hundred and thirty-five (6,235) acres of land so situated as aforesaid, and known as the "Common Lands," from the original intention, as expressed in the said grant.

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

EDWD. DRINKWATER,
Trustee.

Dated 26 day of March, 1861.

1861.

Legislative Assembly.

NEW SOUTH WALES.

FIELD OF MARS COMMON.

(PETITION RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 16 April, 1861.

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

The humble Petition of the undersigned Resident Landholders and others, having interest in the Field of Mars Common,—

SHEWETH :—

That your Petitioners have heard and believe that a petition has been presented to the Honorable the Executive Council by certain other landholders and others, also interested in the Common, setting forth that the Common is not appropriated, and the advantages derived therefrom are not applied, according to the original intention of the grant thereof; and praying that the Government would resume the Common Lands and dispose of the same by sale, and apply the proceeds arising therefrom towards the formation of roads and bridges, so as to connect the district on the north side of the Parramatta River more directly with the City of Sydney.

That your Petitioners, believing that the Common, as at present existing, is of great importance and benefit to those parties having a right of commonage, who now or hereafter may wish to take advantage thereof, and considering that it will be of increased importance to the rising generation if continued according to the law now in force for the management of Commons, pray that your Honorable House may not sanction any measure having for its object the resumption of the Common Lands known as the "Field of Mars Common," nor any act that would enable those parties having the management thereof to appropriate the lands, or any proceeds arising therefrom, to any other purpose than that for which it was originally intended, according to the Act of Council in that behalf made and provided.

And your Petitioners will ever pray, &c.,

[Here follow 259 Signatures.]

1861.

Legislative Assembly.
NEW SOUTH WALES.

MR. ALEXANDER BERRY.

(MUNICIPALITY OF SHOALHAVEN.)

Ordered by the Legislative Assembly to be Printed, 17 January, 1861.

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

The humble Petition of the undersigned, in the name and in behalf of the
Municipal Council of Shoalhaven,—

MOST RESPECTFULLY SHEWETH :—

That a Petition, purporting to be signed by Alexander Berry, and addressed to the Governor General, dated 8th April, 1859, on the establishment of the Shoalhaven Municipality, has been and is considered to contain statements urgently demanding the notice of your Petitioner.

That a Select Committee of this Council was appointed, on the motion of Alderman Moss, to consider and report on the said Petition; and the Report of the above Committee was received and adopted by the Council, at its meeting on the 16th day of May, 1860.

That Petitioner begs leave to submit to your Honorable House, in the first place, extracts from the printed copy of the Petition signed by Mr. Berry; and secondly, the copy of the Report above alluded to, as bearing on and replying to the paragraphs so extracted, and hereby submitted.

That the said Petition, signed by Alexander Berry, contains the following statements :—

Extract No. 1.

“ I have the honor to call the attention of your Excellency to a Petition addressed to you, in alleged pursuance of the Act of the Colonial Parliament, 22 Victoria, No. 13, stated to be signed by *one hundred and three householders*, residing at Nowra, Nowra Hill, Green Hills, and Good Dog, praying for the crection of their locality into a Municipality, the substance and prayer of which are set forth in the second Supplement to the *Govern-ment Gazette*, of the 15th March last.”

Extracts Nos. 2 and 3.

“ I beg respectfully to apprise your Excellency, that the said Petition is the result of a scheme concocted by the Rev. Dr. Lang, for the purpose of extorting from me, under color of the provisions of the Act in question, an enormous amount of taxation, in order to carry out an object which is not only opposed to the wishes of myself, but also to the interests and desires of a large majority of the householders of the district, sought to be effected by the Petition referred to. It is, in fact, an attempt to effectuate, under color of law, a most enormous fraud and injustice.”

Extract No. 4.

“ In pursuance of the suggestions thus thrown out, and to endeavor to verify Dr. Lang's prediction, that I shall become the *doomed victim of municipal taxation*, the promoters of the Petition have framed their proceedings in a way well calculated to effect that object, but which I respectfully, but with the utmost confidence, submit to your Excellency, are utterly unwarranted by law.”

Extract No. 5.

“ In order to enable your Excellency to understand the exact nature of the case, I send herewith a plan, an inspection of which will shew how the Petitioners, by selecting the particular area they desire the Government to form into a Municipality, have disfranchised the bulk of the householders in the district, and seek to include all those portions of my lands on which there are no inhabitants, and to exclude all those parts thereof which are inhabited; *the Petitioners well knowing that if a fair selection of lands on either side the river had been made, the majority of the householders would have petitioned against the locality being made a Municipality*, as in fact they have done; but the Petitioners endeavor

“ to evade this difficulty by artfully drawing a line with all sorts of deflections, so as to include all those parts of my lands which are unoccupied, and are indeed only *fit for pastoral purposes*, having been originally a large swamp, and to exclude those parts thereof which are populous, the principle of selection not being any natural fitness or connection of the respective localities for being formed into one Municipality, but simply that of including all lands on which there are no persons who can oppose their scheme, and of excluding all those which are occupied by householders who are desirous that a Municipality should not be created. This is obvious from the following facts:—The Petitioners propose an eastern boundary on the southern side of the river, conterminous with land granted to Prosper De Mestre, not because there are any natural limits there, but because, if the locality were *extended more to the eastward*, there would be included a large number of householders opposed to the Municipality; there being, just to the eastward of that boundary, a large population, all of whom are desirous of not having a Municipality. The proposed line then crosses the Shoalhaven River, and, instead of following the banks of the river, immediately diverges in a direction so as to exclude a comparatively small quantity of land possessing, however, the embarrassing feature of being inhabited by 296 individuals, the whole of whom are also opposed to the views of the Petitioners; and the same plan is pursued throughout, the general result being, that the proposed area on the north side of the river includes not more than 153 persons, and excludes upwards of 460 persons residing immediately eastward of the proposed boundary line on the north side of the river, as shewn in the accompanying plan, the general direction of the boundaries being shewn by the red line, and the population on the included portions being marked thereon.”

Extract No. 6.

“ Now I respectfully submit, in the first place, that the provisions of the Municipalities Act do not warrant the householders of Nowra in including, in a Municipality of that town, lands lying on the opposite side of the river, such river being a large navigable one, of great width, and the land on the opposite side being in a *different country and altogether unconnected* with Nowra. It is, I submit, absurd to call the large district on the north side of the river a suburb of Nowra; it would not be more unreasonable, indeed not so unreasonable, to include Balmain and the North Shore in one Municipality.”

Extract No. 7.

“ In the second place, I submit, if the proposed locality is to include any land on the north side of the river, it should be formed on a just principle, so as to include as well those parts which are *comparatively populous*, as those portions which are only susceptible of being used for *grazing purposes*, and are therefore *uninhabited*, and for that reason only are proposed by the Petitioners to be included in the projected Municipality.”

Extracts Nos. 8 and 9.

“ I beg to send herewith copies of Petitions from 362 householders residing in the *proposed Municipality* and its immediate vicinity, and who are *clearly entitled to participate in deciding* upon the question whether a Municipality should at once be introduced. These, with those who have signed the petition for a Municipality, comprise nearly every householder in the district. Your Excellency will therefore perceive that there is a majority of those entitled to decide the question of nearly *four to one against* having a Municipality.”

“ However erroneous that Act may be in some of its principles, and however difficult it may be found in working, yet I am warranted in supposing that it was not the intention of the promoters of the measure that it should be made a handle to oppress individuals like myself by their *unprincipled neighbors*. I have no objection to the people of Nowra and Greenhills managing their affairs by a Municipality, but I am quite capable of managing mine without one, and without any Government endowment, which I repudiate *in toto*. I have reared up my establishment without any assistance from the Government, and my property (very nearly the whole of which has been purchased) has rather been a tributary appendage to New South Wales than a part of it; but I am very unwilling to be rendered tributary to the people of ‘Greenhills’ and ‘Nowra’, who have long been a great annoyance to me, as a source of *drunkenness and dissipation*. I beg to remind your Excellency that there has never been any *Government expenditure* on my estate, even for roads.”

Your Petitioner having submitted the above extracts from the Petition signed Alexander Berry, very respectfully prays your Honorable House to consider the following statements embodied in the Report of a Select Committee of the Municipal Council of Shoalhaven, and adopted by the Council as above submitted, in reply to the allegations contained in Mr. Berry’s Petition:—

“ Your Committee, in refuting the misrepresentations contained in Mr. Berry’s Petition, and for the purpose of replying thereto, have taken no ordinary pains in arriving at a fair conclusion, and after much deliberation and inquiry, beg to place before the Council the result of their labors.

“ Mr. Berry states, in the paragraph marked Extract No. 1, that ‘ the Nowra Petition was signed by 103 householders.’ There were seventy landed proprietors’ names to the said Petition, out of the above number of householders. This fact will prove that the Nowra petitioners had a stake and interest in the locality which could not possibly be expected from tenantry naturally influenced by a landlord of Mr. Berry’s well known progressive principles.”

As to the Extracts numbered 2 and 3, it is replied :—

“ The Nowra Petition was not the result of a scheme concocted by Dr. Lang for the purpose of extorting money from Mr. Berry. For several months, prior to Dr. Lang visiting Shoalhaven, the people here spoke of a Municipality, and looked anxiously for the passing of the Municipalities Act to petition for the Incorporation of the whole district. The following are the true facts connected with the Incorporation of Nowra. A few days after the passing of the Municipalities Act, public meetings were convened by Andrew Aldcorn, Esq., J.P. and M.L.A., ‘ to consider the desirability of establishing a Municipality for the whole district.’ Prior to these public meetings taking place, Mr. Berry and the other landlords of the district, met at Mr. Berry’s residence ; the result of this *private meeting* was, that petitions against a Municipality were at once taken round for signatures through Mr. Berry’s tenantry by a Mr. McDonald, a person in Mr. Berry’s employ. This was *prior* to the public meeting of the inhabitants to discuss the question, and before any petition was contemplated in favor of the Municipality ; and yet Mr. Berry calls his Petition a ‘ *Counter-petition*’ ! The public meeting was held at the Royal Victoria Hotel, James Graham, Esq., in the Chair ; the meeting was numerous and respectfully attended, several magistrates were present. The object of the meeting was fully discussed, and on putting the question,—‘ Shall the whole district be incorporated into one Municipality ?’ it was carried in the affirmative by an overwhelming majority. Steps would at once have been taken to petition the Executive, but it was deemed hopeless by the majority at the meeting, as every one knew that the influence of Mr. Berry had been powerfully exerted *against a Municipality* ; and that numbers of his tenants had already been waited on by McDonald, Mr. Berry’s rent receiver, for their names to the Berry Petition ; and as Messrs. Berry and the other landlords had banded together *against a Municipality*, it was deemed quite useless to make further efforts in favor thereof, especially as the tenants of the landlords could at any time out-vote the other portions of the district. And as this question was to be decided openly, and not by ballot, where every person could vote freely ; consequently the support of the tenantry could not be expected in favor of an object which was likely to place them in antagonism with their landlords. It was in consequence of this, the impossibility of procuring the advantage of self-government under the Municipalities Act for the whole district, that the *Nowra and Good Dog* inhabitants petitioned for a Municipality. Prior to the Nowra Municipality being proclaimed, Messrs. J. L. Biddulph, J.P., and A. K. Mackay, J.P., waited on David Berry, Esq., Coolangatta, to consult him as to his opinion with regard to one Municipality for the whole district. The said gentlemen informed Mr. Berry, *that if he would consent to one Municipality, they would use their influence to get the Nowra Petition withdrawn.* And so confident were certain gentlemen in this district that Mr. Berry would alter his mind, that a communication was sent to the Colonial Secretary to delay the Proclamation of the Nowra Municipality, as said gentlemen anticipated having one Municipality for the whole district. From inquiries made, no favorable reply was ever received by Messrs. Biddulph and Mackay from Messrs. Berry, in reference to the incorporation of the District.

“ In the paragraph, being Extract No. 4, as to Mr. Berry being the ‘ doomed victim of municipal taxation,’ the assessment imposed by the Council on his 21,560 acres of land within the Municipality amounts to the paltry sum of £88 per year. Whereas the amount recommended by the Improvement Committee to be expended in the vicinity of Mr. Berry’s great bulk of property amounts to £300. This the Committee consider a sufficient reply to Mr. Berry’s vindictive remark.”

With reference to the Extracts numbered 5 and 6, the reply states :—

“ It was originally intended by the inhabitants of Nowra to form Nowra and Greenhills into one small Municipality, exclusive of Good Dog ; but at a public meeting called to consider the matter, it was suggested that, as the main Southern Road would probably pass through Nowra in a direct line across Bomaderry Ferry, instead of the circuitous route by the beach, the township would be sufficiently connected with the opposite side of the river to include both sides in the Municipality ; particularly as there is a Government Reserve on the north side of the river, intended to extend Nowra in that direction. The opposite side of the river Mr. Berry calls a different county ; it is, however, in the same Police and Electoral District, and the inhabitants are obliged to sue and be sued in the Nowra Police Court. This fact is mentioned, as Mr. Berry’s remark, that Good Dog Ward is in a different county, is likely to mislead people into the belief that the opposite side of the river is altogether unconnected with Nowra. There are no magistrates or constables on the opposite side within the limits of the Municipality, and no inns, stores, or other places of business. The people are obliged to cross the river to Greenhills, where there are several stores ; or to Nowra, where there is a steam flour mill, and other general conveniences. The branch Post Office is on the Greenhills side of the river, so that the connection between both sides is of the strongest nature, and ‘ *not forced*’ as Mr. Berry would have those believe who are unacquainted with the district. At the time the Nowra boundaries were fixed, a number of Mr. Berry’s tenants, living at the mouth of Broughton Creek, had *previously* signed the Berry Petition against the Municipality, and it was considered unjust to include them against their will, particularly as most of them resided either on the bank or a short distance from the river ; therefore they could derive very little benefit from the opening of roads when they had the river for their road in front of their doors. The original Petition, in praying for the boundary to commence two chains from the mouth of Bomaderry Creek, was to give the Municipality control over Bomaderry Ferry, and the main Southern Road, which must cross here in a direct line from Wollongong and Kiama ;

“ also

“also the future accommodation roads from Good Dog, Jasper’s Brush, and Kangaroo Ground, which must branch therein, or continue to navigation at Broughton Creek. As the roads in this part have always been in a disgraceful condition, and as there is such a great extent of available Crown Lands in this locality, and within a few miles of where the future Southern Road will traverse, which will never be purchased except parish roads are opened and made practicable, the Petitioners had a higher view following the original boundary than making Mr. Berry the victim of taxation. The higher view of opening the locked up lands in this quarter, which can only be accomplished as at present, through a Municipality, in laying out proper roads for the accommodation of the public. The future Southern Road to Braidwood, Ulladulla, Broulee, and Twofold Bay, must pass through the Municipality from Illawarra, through Nowra, across Bomaderry Ferry; so that it was considered of great importance that the road should be under the control of the Municipality, for the purpose of directing the future accommodation roads which must branch into this main line. Petitioners were also aware that the unusual quantity of land belonging to Mr. Berry in this quarter, about 20,000 acres, must, at no very distant day, change hands; and as the land, with slight exceptions, is available for agricultural or dairy purposes, a great population must become located on this, at present, ‘vacant land.’ Most part of this magnificent estate is now lying nearly useless, and is sufficient to accommodate over 250 families, after making good allowance for unavailable land.

“Mr. Berry states that the said land included within the Municipality is ‘only fit for pastoral purposes.’ This representation is unjust. Mr. Berry, for years past, has been receiving from thirty to forty shillings per acre rent for parts of said land, the whole of which is of very superior quality, and most parts on the banks of a navigable river.

“The quality of this land can be better estimated from the price per acre paid by Mr. Berry, in 1855, at a public sale in the month of May in that year. Mr. Berry paid for some of this land from three to five pounds per acre, and he opposed a number of old residents here at that time who wished to procure homesteads; but, through Mr. Berry’s opposition, were obliged to pay upwards of five pounds per acre. Several lots sold for this amount. John Faulks, £721 for 156 acres; John McPherson paid £337 13s. 8d. for 53 acres; Robert Gardner paid £390 for 78 acres; Robert Thorburn paid £803 for 156 acres; and John Faulks paid £299 for 43½ acres. The said prices will give an idea of the quality of Mr. Berry’s land, which he so feelingly describes as only fit for pastoral purposes. Mr. Berry’s own acknowledgment your Committee consider sufficient vindication for Petitioners in supporting the present boundaries, as Mr. Berry states, in Extract No. 5—‘The Petitioners well knowing that if a fair selection of lands on either side the river had been made, the majority of the householders would have petitioned against the locality being made a Municipality, as, in fact, they have done.’ Now, this assertion evidently proves that, right or wrong, Mr. Berry was opposed to a Municipality, and expected his tenants to support his views. Your Committee cannot place any other construction on this passage. It states, plainly enough, that ‘a fair selection of land on either side of the river’ would be opposed.

“Mr. Berry appears to have great cause of complaint because the eastern boundary was not extended. If the eastern boundary of the Municipality had been extended to the canal beyond Terara, and the natural boundaries of the sea substituted, upwards of 25,000 acres additional land, principally grants to Mr. Berry, would have been included therein—the population would have equally been scanty and scattered. This boundary would have included Mr. Berry’s establishment at Coolangatta, and its vicinity, occupying about 14,000 acres of land, with few tenants, besides the many thousand acres of land, tenantless, between Jendeandie and Numba. The land here is naturally cleared, of the first quality, but, unfortunately for the district, the property of one individual. As to Mr. Berry’s remark of 460 persons being excluded, and outside the Municipality at Broughton Creek, strangers unacquainted with Mr. Berry’s property might possibly conclude that a great number of tenants are included in the 460 persons. There are not more than sixty leaseholders in the part mentioned; the remaining portion must consist of women and children.”

It is replied to the paragraph named Extract No. 7:—

“There are so many thousand acres of Mr. Berry’s land in a state of nature, that it would be impossible, even for himself, to define boundaries for a Municipality without including a great portion of land uninhabited; as, for instance, the great extent of uninhabited land at Good Dog, Jasper’s Brush, Broughton Creek, Numba, Greenwell Point, and Corrimia. The fact of its being still uninhabited is the fault of Mr. Berry himself. In communication No. 5, addressed by Alexander Berry, Esq., to the Colonial Secretary, dated 5 August, 1859, Mr. Berry states (Printed Parliamentary Document)—‘I now do myself the honor of transmitting to you the original Petition against a Municipality, signed by 362 individuals, all householders, and residing within the district.’ Out of this number we find forty fictitious names, and nearly as many servants in the employ of Mr. Berry; a great number of signatures attached thereto without the consent of said parties, such as James Graham, and many others. Such is a brief analysis of the householders signed to the Berry Petition.

“Mr. Berry also states in said letter, that ‘many of the names attached to the Petition in favor of the Municipality will be found to be apocryphal, as appears from a Memorandum which I have received, and now attach.’ And in another part of said document Mr. Berry states, in reference to the said signatures—‘I believe them to be, and insist upon their being, fatal to the application.’ Will Mr. Berry maintain this reasoning in reference to the many fictitious names on his own Petition? In the Memorandum enclosed by Mr. Berry, as containing names of persons who are open to objection—(Enclosure 2 in No. 5)—the name of Henry Kraunstever appears as being an “unnaturalized

“unnaturalized foreigner”; and yet, in the same letter Mr. Berry encloses three other Counter-petitions—(Enclosure 1 in No. 5)—on which the same name objected to appears; so that in the very same communication to the Government—(No. 5)—Mr. Berry objects to this name, and yet the same name appears on his Counter-petition. (See Enclosure No. 1, Printed Parliamentary Document.) This fact requires no comment; only proves that Mr. Berry wished to carry a certain point; how, remains proved. On Mr. Berry’s Petition we notice the name of William Cook, Terara. Now, this person was dead and buried long before the Nowra Petition was thought of. This at once proves that the Counter-petition of Mr. Berry was never intended against Nowra, but *originally* got up against *one Municipality for the whole district*. In Enclosure 2 of No. 5 appears a list of persons—‘A list,’ states Mr. Berry, ‘of persons who have signed the Nowra Municipality Petition, who are open to objection.’ John Robertson is objected to as ‘not residing at Greenhills, and having signed Counter-petition.’ This person, at the time he signed the Nowra Petition, lived at Greenhills. ‘John Scheidell, unnaturalized foreigner’; this is incorrect—he has a right, being a landowner in Nowra, and is naturalized. ‘M. A. Hyam, infant’; also incorrect, as he is over twenty-one years of age. ‘Owen Hewett, no right, squatting on Government land’; incorrect—he has a right, being a landowner in Nowra. ‘William Rose—does not reside in the district’; he was residing in the district at the time he signed the Nowra Petition. ‘Oswald Hitchcock, John M. Murphy, John Rowen, John Riorden—signed Counter-petition’; this is incorrect, they never signed a Counter-petition *against the Nowra Municipality*. ‘James Coffee and William Roach—no such persons.’ When the Nowra Petition was revised, a letter was forwarded to the Colonial Secretary by Mr. Henry Moss, respecting said parties not being within the Municipality: they signed the Petition in error, as they live outside the boundaries. ‘Henry Kraunsteover, unnaturalized foreigner.’ This name appears on Mr. Berry’s Counter-petition also. (Enclosure 2 in No. 5, Printed Parliamentary Document.) ‘Joseph Watt, name inserted without leave’; this is incorrect, as Watt signed his name in the presence of witnesses. ‘John Sullivan, signed the Counter-petition.’ No Counter-petition has yet been presented against the Nowra Petition. What is generally called a *Counter-petition against Nowra* was signed against *one Municipality for the whole district*, as the great number of people living outside the boundaries could not possibly sign Mr. Berry’s Petition, which states—‘The establishment of any Municipality would prove highly prejudicial to our interests.’ How can the interests of those outside the boundaries be affected in this way? The very heading of the Petition called a Counter-petition against Nowra is *sufficient proof* that it was originally intended *against one Municipality for the whole district*, and that the signatures for such purpose have been—we do not say fraudulently, but—improperly made use of.

“Mr. Berry states—I beg to remind your Excellency that there never has been any Government expenditure on my estate, even for roads. My brother declined to accept of any money voted by the Council for that purpose.’

“Mr. Berry has forgotten to state the reason for not accepting the money voted by the Council for roads, which is simply to prevent the Government having any claim or control over the roads through his land, so that Mr. Berry can alter the roads where and when he pleases, as he has done for several years past.

“Your Committee beg to bring under the notice of the Council the published correspondence between the Mayor and Mr. Thomas Coser, in reference to procuring signatures against the Municipality, as follows:—

1.

“To the Editor of the *Illawarra Mercury*.

“Sir,

“In reference to a letter headed ‘Nowra Municipality,’ signed ‘John Smith,’ in your issue of the 27th ultimo, in which he states—I would beg to remind your correspondent that I am *not* *paid or unpaid*, I am instructed by the Mayor to request you will publish the annexed (copies of) letters as quite conclusive on the subject, as well as of the value of John Smith’s statements and opinions reflecting on the Municipal Council.

“I am, &c.,

“THOMAS BOYOE,

“Town Clerk.”

“Council Chamber,
“3 April, 1860.”

2.

“Nowra, March 31st, 1860.

“To Mr. Thomas Coser, Auctioneer.

“Dear Sir,

“Having been informed that you have publicly stated that you were asked to obtain signatures to a Petition against the Shoalhaven Municipal Council at a certain rate of payment per day, and for each name, and also that a person named ‘John Smith’ told you that he was receiving £1 per day and 2s. for each name, may I ask you to favor me with the particulars of the offer, and by whom made to you, as well as of the statement of John Smith on the same subject, as I consider a Petition so got up to be an imposition on the public, and feel it to be my duty to prevent the Legislature being imposed on by such a document.

“I am, &c.,

“JAMES GRAHAM,

“Mayor.”

“To

" Greenhills, April 2nd, 1860.

" To James Graham, Esq., Mayor of Shoalhaven Municipality.

" Dear Sir,

" In reply to your note respecting information relative to a Petition against the Shoalhaven Municipal Council, I have simply to state—first, that Mr. McDonald, Clerk to Mr. Berry, asked me to obtain signatures to it, for which he would guarantee me payment of £1 per day, and 2s. for each name; secondly, I met John Smith at Wheatley's hotel—he asked me to sign the Petition in question, which he had with him, which I declined; he remarked it was capital pay, namely, £1 per day and 2s. for each name which he stated he was receiving.

" I am, &c.,

" THOMAS COSER."

" Your Committee also beg to refer to the statements of Mr. Keiran Brown, respecting a certain offer made to him by John Smith, to go to Sydney and give evidence before the Select Committee of the Legislative Council (now sitting); this Smith is the person summoned by Mr. Berry to give evidence as a witness before the Committee. Since Smith's absence in Sydney his daughter has been caught in the fact of stealing from the premises of Mr. Graham, and even Smith himself has recently been charged before the Police Court at Numba with arson. Your Committee in noticing this fact only follows the precedent of Mr. Berry, as he, in a special letter to the Colonial Secretary (No. 7), states—'George Miller, one of the Nowra Petitioners, was yesterday convicted of stealing my cattle.' Your Committee in following Mr. Berry's steps beg to call your attention to the significant fact of James McDonald, a confidential person in Mr. Berry's employ, and lately examined by the Committee of Inquiry on the Shoalhaven Municipality, was yesterday fined ten pounds and costs for falsely defaming a fellow servant also in Mr. Berry's employ. The statement of Keiran Brown is thus introduced:—

" To Mr. Keiran Brown.

" Sir,

" I have been directed to ask you to state the substance of a conversation which John Smith had with you concerning the Shoalhaven Municipality, and if he made you any offer if you would go to Sydney and state what he told you to say.

" I remain, &c.,

" THOMAS BOYCE,

" Town Clerk."

" In reply to this letter Keiran Brown states that John Smith wished him to go to Sydney to prove 'that he did not know the contents of the Petition he signed for a Municipality,' and that his expenses would be paid to Sydney, and for a month in Sydney if he wished; another person was present at this time. Smith also wished to impress on Keiran Brown's mind that when he signed the Municipal Petition it was for Nowra only. This Brown denied. Smith, Mr. Keiran Brown states, 'promised to see him paid;' also he states—'John Smith was drunk on the road when he first met him.'

" THOMAS BOYCE,

" Town Clerk.

" Your Committee, in reply to the paragraphs marked Extracts Nos. 8 and 9, beg to notice, in reference to the 362 names, denominated householders, attached to the Berry Petition, *only 45 reside within the boundaries of the Municipality*, as testified by the Collector of the Electoral Roll.

" There are several names of parties appended thereto *residing at a distance of twenty-two miles from Nowra*. We allude to James Thomson and other parties at Burrier and equally distant places, and we cannot see with Mr. Berry how 'they are clearly entitled to participate in deciding upon the question.' We consider them clearly *not entitled*. We find that out of the 362 names on the Berry Petition there are many, 254, tenants of Mr. Berry; 54 tenants of Messrs. De Mestre, who took a great interest in procuring signatures against a Municipality, the remainder being overseers and servants of Mr. Berry, such as 'Frazer, Meroo; 'Brettel,' surveyor; 'John Hawkin,' shipbuilder; 'Charles Underwood'; 'Francis Thompson,' overseer; 'McDonald,' hired servant; and a great many other persons attached to the Berry establishment.

" Your Committee, on scrutinizing the signatures appended to the Berry Petition, and comparing them with the Electoral Roll, regret to find 38 *fictitious* names signed thereto. The said names do not appear on the Electoral Roll dated January, 1859, and therefore must have very little stake in the district. Your Committee after this can easily account for the triumphant manner in which Mr. Berry makes his assertion of a majority of nearly four to one against having a Municipality. The scrutiny of names gave the following as fictitious, not being on the Electoral Roll for 1859:—

" Thomas Delf,
" Allan Fillomy,
" Patrick Corney,
" Charles Dixon,
" James Lichens,
" John R. Lumings,
" William Gallager,
" Luke Lumpings,
" James Daires,
" William Ison,
" Thomas Holman,
" Michael Norton,
" Alfred Cullen,

Thomas Bradshaw,
John M'Lensie,
William Bryen,
Henrick Weigerud,
James Horgan,
Robert Brown,
Richard Bagnell,
Thomas Newrey,
Richard Jones,
Thomas Niblock,
H. Andred,
James Galloin,
John Fox (signed twice)

Richard Rust,
John F. West,
Joshua Ormbrer,
William Campbell, junr.,
Patrick Cummins,
Michael Wagner,
Ed. Sage,
E. W. Booty,
John Bowen,
Richard Goulding,
Henry Montgomery,
Alexander Flevile."

" Irrespective of this damaging objection against the Berry Petition, your Committee are of opinion that it is not entitled to any consideration from the Government, as it was originally

“ originally got up against one Municipality for the whole district, and afterwards made use of against Nowra. It is this fact which accounts for the same names appearing in some instances on both Petitions. Parties against the larger were in favor of the smaller; they willingly signed against one Municipality for the whole district, but never intended their names to be made use of against the Nowra Municipality, as at the time the Berry Petition was being signed no steps had been taken to incorporate Nowra. The Committee beg to refer to a letter signed by James Graham—in No. 11 of Printed Parliamentary Document—in proof of this, and also to several Petitions presented to the Honorable the Legislative Assembly by John Garrett, Esq., M.L.A., from parties whose names had been made use of in this manner without their sanction.

“ This Committee consider the language ‘*unprincipled neighbors*,’ as applied by Mr. Berry to Petitioners, very harsh, and his other sweeping charges of ‘*drunkenness* and ‘*dissipation*,’ against the people of Greenhills and Nowra, is a false and infamous slander, and one which Mr. Berry might well have deferred until such time as he had amended the same faults in his own establishment, which have already, as the district can testify, produced such fearful consequences.

“ Mr. Berry states that nearly all his land has been purchased. He has been unusually fortunate in having the whole of his purchased land, or nearly, within the Municipality. We found immediately outside the boundary a grant of *Ten thousand acres*! His vaunting boast of nearly the whole being purchased may be true, yet there are thousands of acres outside the Municipality which merely *cost him a trifle*; and it is the opinion of many that Mr. Berry’s great extent of land in this district ought to be re-surveyed. Were this done, a great quantity of land marked originally as ‘*unprofitable swamp*,’ would be found ‘*available*.’ And from what has recently transpired—by the Government now cutting up a section of land which has always been regarded as Mr. Berry’s property, being marked in the maps with his name, and portions of it let out on clearing lease—if a re-survey is made there will probably be found some thousands of acres of unalienated land to meet the demands of the public.

“ Mr. Berry has paid the Government £7,529 13s. for 15,426 acres of land, on the banks of navigable streams, and nearly all first class land. There are *sixty-five* others, purchasers of land in Good Dog Ward who have paid £9,400 for 5,732 acres of land. And your Committee, therefore, consider that, as a purchaser, Mr. Berry can have no peculiar claim on the Government, in reference to his individual case, to justify it in assenting to his Petition against the wishes of so many purchasers having a real interest in Good Dog Ward. A stranger reading Mr. Berry’s Petition would conclude that he is the sole owner of land in Good Dog Ward, and the only person interested therein, whereas there are *sixty-five* original purchasers who have paid the Government £2,000 more than the entire amount paid by Mr. Berry, and for only *one-third* of the quantity of land now claimed by him. So that, comparing these facts, Mr. Berry represents the Good Dog Ward *in acres only*, not in *cash paid* to the Government; so that it would be unfair to so many purchasers of land in this ward to entertain the Petition of an individual who has already been so extensively benefited at the public expense. Particularly as the majority of landowners have paid a larger amount of money into the Treasury than Mr. Berry.

“ Mr. J. L. Biddulph, Licensed Surveyor, is busy surveying land at Good Dog, in small farms; there is a great extent of land here available, and when all the land in this ward in a few years is purchased and occupied, the great landowner in close proximity must be borne irresistibly on the wheels of progress in spite of himself. Such are the blessings to be derived from Municipalities in the interior, which must, as our Shoalhaven one will, in a few years, when its machinery is in full active operation, tend to raise the district to that proud pre-eminence which its great local advantages justify it in assuming.

“ If it should be asked why have other Municipalities but little older than that of Shoalhaven made such rapid strides, while Shoalhaven has remained apparently stationary? We reply, that those Municipalities have been cordially supported, heart and hand, by all; there was general union to advance the common interest; while from its very birth, even from its conception, the united influence of all the neighboring landlords have been systematically exerted to procure its downfall.”

Your Petitioner, therefore, prays that your Honorable House will take the premises into serious consideration, and that in any question affecting the Municipality of Shoalhaven, as now proclaimed and established, your Honorable House will be pleased to give due weight and importance to the facts herein set forth, and most respectfully submitted; and especially as this Municipality has to contend against powerful opposition, it is felt that the only reliable resource left is an humble appeal to the wisdom and powerful protection of your Honorable House, to enable the Municipal Council of Shoalhaven to exercise its legitimate functions, for the public benefit, according to the intention of the Municipalities Act of 1858, and to frustrate measures calculated to impede its just action, and, perhaps, to work its overthrow;—an alternative greatly to be deprecated.

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

Signed in the name of, and in behalf of, the Municipal Council of Shoalhaven,

JAMES GRAHAM, Mayor.

Municipal Council Chamber,
Shoalhaven, 22nd October, 1860.

1861.

Legislative Assembly.

NEW SOUTH WALES.

SHOALHAVEN MUNICIPALITY.

(PETITION OF ALEXANDER BERRY.)

Ordered by the Legislative Assembly to be Printed, 23 January, 1861.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.
The humble Petition of Alexander Berry, of the North Shore, near Sydney, in the
Colony of New South Wales, Esquire,—

SHEWETH:—

That your Petitioner, on the twenty-first day of September, in the year of our Lord one thousand eight hundred and fifty-nine, presented a Petition to the late Legislative Assembly, in reference to the establishment of the Shoalhaven Municipality, and praying the said Assembly to take the premises, in such Petition referred to, into their consideration, and to adopt such measures in relation thereto, in order to insure justice and right to your Petitioner, as to the said Assembly in its wisdom should seem meet.

That no action having been taken by the said Assembly, a Select Committee of the Legislative Council was appointed to inquire into and report upon the allegations contained in a Petition by your Petitioner to the said Legislative Council, similar to the said Petition to the said late Assembly.

That the said Select Committee of the said Legislative Council accordingly proceeded to inquire into the allegations contained in the Petition to the said Legislative Council, and took evidence and reported thereon, and such Report was adopted by the said Council some time in the month of June last.

That, some time in the month of September last, a Select Committee of the said late Assembly was appointed, but not at the instance of your Petitioner, to inquire into and report upon the allegations contained in the said Petition to the said late Assembly, but no progress was made by the said last mentioned Committee in consequence of the dissolution of Parliament.

That, on the seventeenth day of January instant, a Select Committee of your Honorable House was appointed, but not at the instance of your Petitioner, to inquire into and report upon the said Petition to the said late Assembly.

That, although your Petitioner considers that the allegations in question, having been already fully proved before the said Committee of the said Legislative Council, and that, therefore, any further investigation would be only putting your Petitioner to unnecessary expense; yet, as the said Select Committee has been appointed by your Honorable House, and as your Petitioner has a private and peculiar interest in the matters in the said Petition to the said late Legislative Assembly referred to, your Petitioner is desirous of being represented before such Select Committee by Counsel and Attorney.

Your Petitioner, therefore, humbly prays that your Honorable House will be pleased to grant leave to your Petitioner to appear and be represented before such Select Committee by Counsel and Attorney, in support of the allegations contained in the said Petition to the said Legislative Assembly.

And your Petitioner will ever pray, &c.

ALEXR. BERRY.

1861.

Legislative Assembly.

NEW SOUTH WALES.

MUNICIPALITIES ACT AMENDMENT BILL OF 1861.

(PETITION OF MR. SAMUEL HEBBLEWHITE.)

Ordered by the Legislative Assembly to be Printed, 26 February, 1861.

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

The Petition of Samuel Hebblewhite, President of the Randwick and Coogee Roads Trust,—

RESPECTFULLY SHEWETH :—

That your Petitioner has heard with regret that a Bill is now before your Honorable House having for its object the removal of all Toll Houses, and the suppression of all Tolls now collected on the Roads of the Colony, excepting the three Main Roads; and without making any provision whatever for the payment of the Debts now due by the Trustees of the Suburban Roads, or for their future safe and efficient maintenance.

In the year 1854 the Randwick and Coogee Roads were made, and the Act, 18 Victoria, No. 14, was specially prepared, and a Board of Five Commissioners appointed to carry out the provisions of the said Act, in keeping the Roads in good order and condition.

Your Petitioner begs also to state that, to keep the said Roads in order, which run two and a half ($2\frac{1}{2}$) miles through Crown Lands, and to make the necessary improvements in erecting Toll Houses, &c., the said Trust has been compelled to take advantage of the twenty-first (21) clause of their Act of Incorporation, in mortgaging the said Tolls, &c., and the Liabilities of the said Trust are at the present time about Nine Hundred Pounds (£900).

Your Petitioner, therefore, respectfully submits to your Honorable House, that the passing of the Bill, in its present shape, would deprive the Mortgagee of his vested rights and privileges, and inflict a grievous injury and loss on those who have purchased property and made improvements in the neighbourhood to which our Main Road leads. And your Petitioner humbly prays that your Honorable House will be pleased to exempt our Trust from the operations of the said Bill, or to refuse your assent to it altogether.

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

SAMUEL HEBBLEWHITE,
President, Randwick and Coogee Roads Trust.

1861.

Legislative Assembly.

NEW SOUTH WALES.

CITY OF NEWCASTLE.
(PETITION FROM MUNICIPAL COUNCIL OF.)

Ordered by the Legislative Assembly to be Printed, 26 February, 1861.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.
The humble Petition of the Municipal Council of Newcastle,—

RESPECTFULLY SHEWETH :—

That your Memorialists, having been elected under the Municipalities Act of 1858, are charged with the formation and improvement of the public thoroughfares, and with the removal therefrom of all obstructions and dangerous impediments standing in the way of such improvement, and for the performance of such other duties as are imposed by the Act in behalf of, and for the better regulation of, the Municipality in question.

In pursuance of these duties, your Memorialists have found that a certain Bridge, known as the Australian Agricultural Company's Bridge, and which crosses the main thoroughfare of the City, is of so low an altitude as to become a positive obstruction to any except the most ordinary traffic, and is, beside, in general character and construction, quite inadequate and insubstantial for all the purposes required, and such as in the opinion of your Memorialists should be removed, and be substituted by one of a more adequate and superior character.

Your Memorialists have also, in commencing the formation and improvement of the same thoroughfare, found that Blanc-street, being intersected by the Coal and Copper Company's Railway Line on the level, as well as traversed by it for a considerable distance along the North side thereof, opposes serious and insuperable difficulties to the improvements necessary for the well-being of the City, as contemplated by your Memorialists, and utterly incompatible with the safety and convenience of the Inhabitants.

Your Memorialists, having taken into their serious consideration the best mode of relieving the City of these obstructions, have, after mature deliberation at different periods, come to Resolutions, of which the following are copies :—

“ That, in the opinion of this Council, the public convenience, and the necessity of
“ the traffic of this City and District, imperatively demands that the A. A.
“ Company's Bridge across Hunter-street should be removed, and that the
“ Mayor be requested to convey a copy of this Resolution to the General
“ Superintendent.

“ That, in the opinion of this Council, the Line of Railway known as the Coal
“ and Copper Company's Tramway, and which traverses a considerable portion
“ of the main thoroughfare of the City, is a dangerous and otherwise serious
“ obstruction, and ought to be removed, the better to enable this Council to
“ carry out the permanent improvements now in progress ; and that, in order

“ to obtain its removal, a respectful Memorial be presented by this Council to
 “ His Excellency the Governor General, praying him to bring this matter
 “ before the Executive Council, and to take such other steps as His Excellency
 “ may deem proper, in furtherance of the object; and, further, that the
 “ Mayor be authorized to prepare and forward that Memorial, signed by
 “ himself on behalf of this Council.

“ That, in consequence of several accidents, resulting in the loss of life, having
 “ occurred on the Lines of Railway used for the traction of Coals, by the A. A.
 “ Company, and the C. and C. Company, this Council is of opinion that the
 “ safety of the public imperatively demands that both these Companies should
 “ be compelled to cross the principal thoroughfare of the City at an elevation of
 “ at least fifteen feet, as recommended by the Engineer-in-Chief for Railways.”

Your Memorialists, finding that the Coal and Copper Company's Line had received the sanction of Parliament, felt that they had no alternative than to appeal to the same source for its removal; and being aware that Parliamentary proceedings, based on Petitions from the late Warden and other inhabitants of the City had been initiated, and report made thereon, your Memorialists respectfully invite the attention of your Honorable House to the same, and solicit that your Honorable House would be pleased to recommend that the plans referred to in these proceedings, and submitted by the Commissioners and Engineer-in-Chief of Railways, be put in operation, or such other relief afforded as your Honorable House may deem necessary, in order to enable your Memorialists to proceed satisfactorily with the permanent improvements of the City, and your Memorialists, as in duty bound, will ever pray, &c.

Signed for, and at the request, and sealed with the Seal, of the Municipal Council of Newcastle, this 18th day of February, 1861.

(L.S.) JAMES HANNELL,
 Mayor.

1861.

Legislative Assembly.

NEW SOUTH WALES.

SEWERAGE AND WATER SUPPLY.

(FOURTH YEARLY REPORT OF MUNICIPAL COUNCIL.)

Ordered by the Legislative Assembly to be Printed, 24 April, 1861.

FOURTH YEARLY REPORT of the Municipal Council of the City of Sydney, of their Proceedings in connection with the Sewerage and Water Supply.

THE Municipal Council have the honor to submit, for the information of the Parliament of New South Wales, a Report of their Proceedings and Statement of their Accounts in connection with the Sydney Sewerage Act, 17 Victoria, No. 34, and the Sydney Water Act, 17 Victoria, No. 35, for the Year 1860.

SEWERAGE.

The Municipal Council have not thought it desirable, under the present state of the Sewerage Funds, to undertake any new works in connection with the under-ground drainage of the City since their last Report, and their operations have been entirely confined to the supervision of the connections of subsidiary drains made by private individuals with the public sewers. The number of connections made during the past year is 85, making a total of 702.

The Council beg to state, that the whole of the Sewerage Works commenced by the City Commissioners, and completed by the Corporation, are in perfect order, and have, during the almost unprecedented heavy rains of the past year, discharged the duties required of them in a most satisfactory manner.

WATER.

In their last Report the Municipal Council stated that the engines at Botany and the line of 30-inch main to Sydney had been completed, and had been in use for the last two months of 1859; and it affords the Council much pleasure now to state that the engines, main, and all the machinery, have since been in constant and successful operation daily (Sundays excepted) without any casualty whatever. During the year the single engine made 1,041,839 revolutions, and the coupled engines each 611,053 revolutions, as indicated by the counters attached to the engines. The total quantity of water sent to Sydney in 1859 was 326,008,080 gallons, and the consumption of coal at the Botany engine-house amounted to 1,462 tons.

The lower levels of the City are still supplied with water from the tunnel leading from Lachlan Swamp, although this supply was interrupted for a short period in the year by the falling in of a portion of the tunnel in the vicinity of the Military Barracks. As, however, the whole of the City mains are connected with the Botany works, and can be supplied from that source when occasions require it, no inconvenience was felt by the Citizens by the temporary stoppage referred to. Within the past few months the water has again found its way through the tunnel without any repairs to the defective portion having been undertaken, and so long as this continues to be the case it is not considered desirable to enter upon the enormous outlay which will be necessary for the restoration of the work.

During the past year a contract was entered into with Mr. P. N. Russell to supply the Council with £10,000 worth of 3, 4, 6, 9, and 12 inch pipes, of which four shipments have arrived, and the contract so far promises to be satisfactorily performed. Provision has been made in the same contract for the supply of an additional £10,000 worth during the year 1861, and £5,000 worth in 1862; and the Council hope, with the completion of this contract, to be in a position to distribute the supply of water to almost every portion of the City.

The following mains have been laid during the year 1860:—

9-inch.		
Darlinghurst Road and M'Leay-street...	...	460 yards.
6-inch.		
Darlinghurst Road and M'Leay-street...	...	675 "
Upper William-street North	... ..	90 "
Upper William-street South	... ..	14 "
Upper Forbes-street	... ..	376 "
* 245—		3-inch.

SEWERAGE AND WATER SUPPLY.

		3-inch.	
Wyld-street, Potts' Point	112 yards.
Upper William-street North	418 "
Liverpool and Dowling Streets	325 "
James-street	108 "

ACCOUNTS.

Statements of the Receipts and Expenditure of the Municipal Council, under the Sewerage and Water Funds, for the year 1860, are appended hereto.

JOHN SUTHERLAND,
Mayor.

Adopted by the Municipal Council of the City of Sydney, this second day of April, 1861.

CHAS. H. WOOLCOTT,
Town Clerk.

APPENDIX.

STATEMENT of the Receipts and Expenditure of the Municipal Council, on account of the Sewerage Fund, from the 1st January to the 30th June, 1860.

RECEIPTS.			DISBURSEMENTS.		
	£	s. d.	£	s. d.	
For Sewerage Connections	.....		19	17	0
Balances due, 30 June, 1860—					
The Colonial Government	200,000	0 0			
Joint Stock Bank	4,862	17 5			
			204,862	17	5
			£ 204,882	14	5
Interest Expenses	.....				316 10 1
Balances due, 1 January, 1860—					
The Colonial Government	200,000	0 0			
Joint Stock Bank	4,566	4 4			
					204,566 4 4
					£ 204,882 14 5

We certify that we have audited the accounts from which the above statement is made up, and find the same to be correct.

J. G. RAPHAEL,
J. SIMPSON, } City Auditors.

STATEMENT of the Receipts and Expenditure of the Municipal Council, on account of the Water Fund, from the 1st January to the 30th June, 1860.

RECEIPTS.			EXPENDITURE.		
	£	s. d.	£	s. d.	
Water laid on to Houses	6,731	1 3			
Proceeds of Sale of Water:—					
Hyde Park	235	5 0			
Dockyard	120	9 3			
Soldiers' Point	99	14 6			
South Head Rd.	26	7 6			
Rent, Cottages, Botany	12	17 6			
Repayment of Interest	548	4 11			
Repayment of Costs	5	5 0			
			7,779	4 11	
Balance due to the Colonial Government	213,337	19 3			
Balance due to the Joint Stock Bank	21,893	6 3			
Balance due to Debentures outstanding	6,800	0 0			
Balance due to Guarantee Deposits	2,000	0 0			
			244,031	5 6	
			£ 251,810	10	5
General City Works	7,421	13 5			
Botany Works	2,971	13 5			
Compensation for Land	1,992	17 9			
Salaries of Officers	1,256	12 0			
Law Expenses	36	2 6			
Interest Expenses	2,028	18 4			
Discount & Charges	95	0 0			
					16,802 17 5
Balances due, 1 January, 1860—					
The Colonial Government	213,337	19 3			
Joint Stock Bank	21,769	13 9			
Debentures outstanding	900	0 0			
City Treasurer	10	0 0			
					236,007 13 0
					£ 251,810 10 5

We certify that we have audited the accounts from which the above statement is made up, and find the same to be correct.

J. G. RAPHAEL,
J. SIMPSON, } City Auditors.

SEWERAGE AND WATER SUPPLY.

3

ABSTRACT of the Receipts and Disbursements of the Municipal Council of the City of Sydney, on account of the Sewerage Fund, from the 1st July to 31st December, 1860.

RECEIPTS.			DISBURSEMENTS.					
	£	s. d.	£	s. d.				
For Sewerage connections	72	16 6			Interest Expenses			
			72	16 6	244	1 1		
Balances due, 31 December, 1860—						244	1 1	
The Colonial Government	200,000	0 0			Balances due, 30 June, 1860—			
Joint Stock Bank..	5,034	2 0	205,034	2 0	The Colonial Government	200,000	0 0	
					Joint Stock Bank	4,862	17 5	
			£ 205,106	18 6			204,862	17 5
							£ 205,106	18 6

We certify that we have audited the accounts from which the above statement is made up, and find the same to be correct.

RICHARD CREAGH, City Auditor.
JAMES SIMPSON, City Auditor.

ABSTRACT of the Receipts and Disbursements of the Municipal Council of the City of Sydney, on account of the Water Fund, from the 1st July to 31st December, 1860.

RECEIPTS.			DISBURSEMENTS.					
	£	s. d.	£	s. d.				
Water laid on to Houses	6,123	16 10			General City Works	807	4 8	
Proceeds of sale of water, Hyde Park Dockyard....	164	11 9			Botany Works....	1,528	10 0	
Soldiers' Point	83	10 2			Compensation for Lands	5,011	8 2	
Rent of Fountain, South Head Road	92	2 9			Salaries of Officers	1,237	13 7	
Rent of Cottages at Botany	24	10 0			Interest Expenses	2,143	0 4	
Repayment of Interest	11	4 0			Discount & charges	9	0 0	
Miscellaneous Receipts	628	18 8					10,736	16 9
	85	16 0	7,214	10 2				
Balances due, 31 Dec., 1860—					Balances due, 30 June, 1860—			
The Colonial Government	213,337	19 3			The Colonial Government	213,337	19 3	
Joint Stock Bank Debentures outstanding	20,015	12 10			Joint Stock Bank	21,893	6 3	
Guarantee Deposits	12,200	0 0			Debentures outstanding	6,800	0 0	
	2,000	0 0	247,553	12 1	Guarantee Deposits	2,000	0 0	
			£ 254,768	2 3			244,031	5 6
							£ 254,768	2 3

We certify that we have audited the accounts from which the above statement is made up, and find the same to be correct.

RICHARD CREAGH, City Auditor.
JAMES SIMPSON, City Auditor.

1861.

Legislative Assembly.

NEW SOUTH WALES.

SUPPLY OF WATER TO THE METROPOLIS.

(MEDICAL ASSOCIATION OF NEW SOUTH WALES.)

Ordered by the Legislative Assembly to be Printed, 10 May, 1861.

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

The humble Petition of the Council of the Australian Medical Association,—

SHEWETH:—

That we, the undersigned Members of the Council of the Australian Medical Association, have had our attention drawn to the Clauses of the "Bill to Consolidate and Amend the Law relating to the City," now before your Honorable House, which have reference to the Supply of Water to this Metropolis.

That we have carefully taken the same into our consideration, with especial regard to the sanitary condition of the working classes.

That many portions of the Town, and chiefly those densely inhabited by the working classes, are not supplied with Water, except by the system of water-carts and direct purchase at a high price, and that the consequent defective supply is incompatible with the health and wellbeing of the population.

That, while the Water supplied by the City Corporation to the Metropolis is in itself pure and wholesome, it possesses, in an unusual degree, a solvent power upon lead.

That, in consequence of the Water being conveyed, for the most part, in leaden pipes, from the main to the houses, an amount of the metal is taken up which, in many instances, is productive of attacks of acute sickness or protracted ill health.

That, in consideration of the above, we feel it our duty to submit to your Honorable House—

- 1st. That it is highly desirable that every house or tenement intended for use as a habitation, or used as such, should possess a separate, ample, and continuous supply of pure Water.
- 2nd. That the landlord of every such house or tenement should be compelled to establish and maintain such supply wholly independent of the tenant.
- 3rd. That such supply should, in every instance, be made by the means of iron pipes, as communicating no poisonous quality to the Water, and being, we believe, not more costly.

Your Petitioners therefore humbly pray, that such steps may be taken to amend the Clauses of the Bill in question, as to your Honorable House may seem best calculated to carry out the above-mentioned objects.

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

On behalf of the Council of the Australian Medical Association,

W. BLAND,
President.

1861.

Legislative Assembly.

NEW SOUTH WALES.

CONFECTIONER'S LICENSE.

(NEW SOUTH WALES ALLIANCE FOR SUPPRESSION OF INTEMPERANCE.)

Ordered by the Legislative Assembly to be Printed, 3 April, 1861.

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

The Petition of the New South Wales Alliance for the Suppression of Intemperance, and for the Social, Moral, and Intellectual Elevation of the People,—

HUMBLY SHEWETH:—

1. That the one pound tax, called the Confectioner's License, is burthensome and injurious in its operations.

2. That the total annual sum averaged, derived from it during the last seven years for the whole Colony, was barely £70 per annum, while last year it produced not more than £53, so that, as a source of revenue, this tax is comparatively valueless. Moreover, of the fifty-three licenses granted during the past year, only fourteen were required for the metropolitan district, including Sydney and its suburbs to a distance of eight miles, with a population of between 70,000 and 80,000 souls.

3. That a Confectioner's License can only be obtained by the applicant for it submitting to nearly the same long and tedious formalities (involving the expenditure of several days' time) as are requisite in applying for a Publican's License, which may or may not be expedient in the case of a Licensed Victualler, but which, when the sole privilege acquired by the holder is that of retailing ginger and spruce beer, appear totally uncalled for, and, indeed, little else than frivolous and vexatious.

4. That, although the objections above stated to the Confectioner's License suffice, as your Petitioners believe, to shew its inexpediency, yet they are altogether but trivial when compared with the serious evil caused by the difficulties and impediments which render so few persons willing to undergo the ordeal of applying for such licenses; the natural and obvious result of such obstacles being, to restrict, as already shown, within the narrowest limits, the legal sale and consumption, and thereby deprive the humbler classes of a cheap, wholesome, and refreshing beverage, without affording any compensating advantage to the community in the shape of revenue, or in any other conceivable mode whatever.

5. That neither in Great Britain nor in any other civilized country has a tax or restriction ever been imposed, or even proposed, on the liquors here authorized to be sold.

6. That in a climate where the high temperature renders the recurrence of thirst frequent, and often distressingly urgent, to debar the labouring classes from the use of an innocent and salutary drink, appears to your Petitioners to be both harsh and oppressive, while it operates as an incentive to intemperance by inducing them to have recourse to intoxicating liquids.

7. Taking all the above-mentioned facts and inferences into due consideration, your Petitioners feel justified in praying that your Honorable House will be pleased to adopt forthwith, the necessary steps to insure the prompt, total, and unconditional repeal of this license as it now exists, and thereby terminate an impolitic, unprofitable, and oppressive monopoly. Your Petitioners being firmly convinced that, by complying with this the prayer and object of their Petition, your Honorable House, without injuring or endangering the interests of the community at large, or of any portion of it, will confer a very acceptable, and a by no means inconsiderable, benefit on the working classes of this Colony.

And your Petitioners will ever pray.

[Here follow 12 Signatures.]

1861.

Legislative Assembly.

NEW SOUTH WALES.

GRIEVANCES.

(PETITIONS OF JAMES PEGG AND JAMES RALFE.)

PROGRESS REPORT

FROM THE

SELECT COMMITTEE

ON

G R I E V A N C E S

(PETITIONS OF JAMES PEGG AND JAMES RALFE);

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

10 *May*, 1861.

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER,
PHILLIP-STREET.

1861.

1881

ADAMS

CONTENTS.

	PAGE.
Extracts from the Votes and Proceedings	3
Progress Report	5
Proceedings of the Committee	6
List of Witnesses	7
List of Appendix	7
Minutes of Evidence—Petition of James Pegg	9
Do. Do. James Ralfe	16

OK.

1861.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES, No. 11. TUESDAY, 29 JANUARY, 1861.

19. Grievances:—Mr. Parkes moved, pursuant to notice,—
(1.) That a Select Committee, with power to send for persons and papers, be appointed for the present Session, to consider and report upon such Petitions to this House, complaining of Grievances, as may, from time to time, be referred to them.
(2.) That such Committee consist of Mr. Stewart, Mr. Dalgleish, Mr. Shepherd, Mr. Rotton, Mr. Morris, Mr. Wilson, Mr. Piddington, Mr. Hoskins, Mr. Weekes, and the Mover.
Question put and passed.

VOTES, No. 12. THURSDAY, 31 JANUARY, 1861. A.M.

8. Grievances:—Mr. Parkes moved, pursuant to notice, That the Petitions of Cornelius Delobery, James Pegg, and Frederick Dunbar, be referred to the Committee on Grievances, with instructions to inquire into and report upon the allegations contained in them.
Question put and passed.

VOTES, No. 19. TUESDAY, 12 FEBRUARY, 1861.

16. Henry William Dudley:—Mr. Parkes moved, pursuant to notice, That the Petition of Henry William Dudley, presented by him on the 8th February, be printed, and referred to the Committee on Grievances.
Question put and passed.
Ordered to be printed and referred accordingly.

VOTES, No. 27. TUESDAY, 26 FEBRUARY, 1861.

8. Mr. Francis O'Meara:—Mr. Dalgleish moved, pursuant to notice, That the Petition of Mr. Francis O'Meara, presented to the Legislative Assembly, and ordered to be printed, 31st March, 1858, be referred to the Committee on Grievances, for their consideration and report.
Question put and passed.
* * * * *
13. James Ralfe:—Mr. Flett moved, pursuant to notice, That the Petition of James Ralfe, Licensed Surveyor of Port Macquarie, which was presented to this House about the 5th November, 1856, and ordered to be printed—afterwards referred, on the motion of Captain James Williamson, to the Committee of Enquiry into the Surveyor General's Department—be now referred to the Grievances Committee.
Question put and passed.
* * * * *
23. City of Newcastle:—Mr. Hannell moved, pursuant to notice, That the Petition from the Municipal Council of Newcastle, presented to this House on the 20th February, be printed and referred to the Select Committee on Grievances.
Question put and passed.
Ordered to be printed and referred accordingly.

VOTES, No. 43. WEDNESDAY, 27 MARCH, 1861. A.M.

36. Mr. James Boyle:—Captain Moriarty moved, pursuant to notice standing in the name of Mr. Egan, That the Petition of Mr. James Boyle, Master Mariner, presented to the Legislative Assembly on the 4th of May, 1860, be referred to the Committee now sitting on Grievances, for their consideration and report.
Question put and passed.

VOTES,

VOTES, No. 50. TUESDAY, 9 APRIL, 1861.

18. Mr. Edward James Howes Knapp:—Mr. Windeyer moved, pursuant to notice, That the Petition of E. J. H. Knapp, relative to a claim to a Grant of Land, ordered by the Legislative Assembly to be printed on the 4th June, 1858, be referred to the Committee on Grievances.
Question put and passed.

VOTES, No. 65. MONDAY, 6 MAY, 1861.

30. William Dixon:—Mr. Lucas, on behalf of Mr. Sutherland, moved, pursuant to notice, That the Petition of William Dixon, presented by Mr. Sutherland on the 5th of April, be referred to the Committee on Grievances.
Question put and passed.

* * * * *

35. Unemployed Mechanics and Labourers of the City of Sydney:—Mr. Lucas, on behalf of Mr. Sutherland, moved, pursuant to notice, That the Petition presented by Mr. Sutherland, on the 16th April, from the unemployed mechanics and labourers of the City of Sydney, be printed and referred to the Committee on Grievances.
Question put and passed.
Ordered to be printed and referred accordingly.

VOTES, No. 69. FRIDAY, 10 MAY, 1861.

11. Grievances—Cases of James Pegg and James Ralfe:—Mr. Parkes, as Chairman, brought up a Progress Report from, and laid upon the Table the Minutes of the Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report the Petitions of James Pegg and James Ralfe were referred respectively on 31 January and 20 February last.
Ordered to be printed.
-

1861.

GRIEVANCES.

PROGRESS REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, "appointed for the present Session," on the 29th January last, "to consider and report upon such Petitions ** complaining of Grievances, as may, from time to time, be referred to them," "with power to send for persons and papers," and to whom various Petitions have been subsequently referred, have agreed to the following Progress Report:—

Your Committee respectfully report the evidence they have taken in two cases referred to them for inquiry, in neither of which have they been able to come to a conclusion. James Fogg.
James Hall.

Your Committee regret that they have been unable to give the necessary amount of attention to the numerous cases referred to them by your Honorable House, principally in consequence of the duties of Members in connection with important business of other Committees.

Eleven Petitions in all, are now before your Committee, and as the Grievances complained of, are in some cases of a serious nature, it is recommended that a Committee be appointed, at an early period next Session, for their consideration.

HENRY PARKES,
Chairman

*Legislative Assembly Chamber,
Sydney, 10 May, 1861.*

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 6 FEBRUARY, 1861.

MEMBERS PRESENT:—

Mr. Dalgleish,	|	Mr. Parkes,
Mr. Morris,	|	Mr. Piddington,
		Mr. Shepherd.

H. Parkes, Esq., called to the Chair.

Entry in the Votes and Proceedings, appointing Committee on Grievances for the present Session, and subsequent entry referring the several Petitions of Cornelius Delohery, James Pegg, and Frederick Dunbar—before the Committee.

Commencing then with the case of James Pegg,—

Original Petition and printed copies, laid upon the Table.

Mr. J. Pegg called in and examined.

Witness withdrew.

Mr. G. Wright called in and examined.

Witness withdrew.

[Adjourned.]

TUESDAY, 23 APRIL, 1861.

MEMBERS PRESENT:—

None.

In the absence of a Quorum of the Committee, no Member proceeding to the Committee Room, the meeting convened this day, lapsed.

Witnesses (Mr. J. Duffy and Mr. J. Ralfe, Petitioner) in attendance.

FRIDAY, 26 APRIL, 1861.

MEMBERS PRESENT:—

Mr. Dalgleish,	|	Mr. Shepherd,
Mr. Rotton,	|	Mr. Stewart.

Committee met pursuant to summons.

In the absence of the Chairman, H. Rotton, Esq., called to the Chair, *pro tempore*.

The several Orders of the House, referring the following Petitions, since the last sitting—before Committee, viz. :—

The Petitions of Henry William Dudley,
Francis O'Meara,
James Ralfe,
The Municipal Council of Newcastle,
James Boyle, and
Edward James Howes Knapp.

The case of James Pegg being under consideration,—

Mr. J. Duffy, *Messenger, Crown Law Offices*, called in and examined.

Witness withdrew.

Committee then, deliberating as to further evidence requisite herein,—

Ordered, on motion of Mr. Shepherd, That Mr. J. H. Plunkett, formerly Attorney General, be examined at a future sitting.

A. G. M'Lean, Esq., *Acting Surveyor General*, a witness summoned in the matter of Mr. Ralfe's Petition, called in.

Inquiry made of Mr. M'Lean in reference to the Petition of Mr. Pegg, whether the same had been under his notice, and as regards the existence of documents in the Surveyor General's Office, relating to similar claims.

And, having access to such papers,—Witness to be called upon to refer to former instances in which the forfeiture had been rescinded after the cancellation of grants of land to veteran soldiers; and to furnish Committee with the material points therein, illustrative of the principle upon which the restoration was conceded. (*Vide Addendum, and Appendix A, page 15.*)

Witness retired.

Committee entered then into the subject of the Petition received from James Ralfe.

Original Petition, and printed copies, laid upon the Table.

J. Ralfe, Esq., *Licensed Surveyor, Petitioner*, called in and examined.

Witness withdrew.

A. G. M'Lean, Esq., *Acting Surveyor General*, examined.

Witness withdrew.

[Adjourned.]

FRIDAY,

FRIDAY, 10 MAY, 1861.

MEMBERS PRESENT:—

H. Parkes, Esq., in the Chair.

Mr. Hoskins, | Mr. Shepherd.

Committee met pursuant to summons.

Entries in the Votes and Proceedings, dated the 6th instant, ordering the reference of the Petitions of William Dixon, and "the unemployed Mechanics and Labourers of the City of Sydney"—before Committee.

Having been called to consider the expediency of reporting progress, Committee deliberated.

And requested Chairman to frame Report.

Draft thereupon prepared, and read.

Progress Report considered, and, on motion of Mr. Hoskins, agreed to.

Ordered, to report.

LIST OF WITNESSES.

	PAGE.
<i>Wednesday, 6 February, 1861.</i>	
Mr. J. Pegg, <i>Petitioner</i>	9
Mr. G. Wright	10
<i>Friday, 26 April, 1861.</i>	
Mr. J. Duffy, <i>Messenger, Crown Law Offices</i>	11
(A. G. McLean, Esq., <i>Acting Surveyor General</i>	15
J. Ralfe, Esq., <i>Licensed Surveyor</i>	16
A. G. McLean, Esq., <i>Acting Surveyor General</i>	22

LIST OF APPENDIX.

(*To Evidence given by A. G. McLean, Esq., 26 April, 1861.*)

A.	
1. Surveyor General's Report on the facts of the Case of James Pegg, 24 June, 1858	15
2. Minute (Under Secretary for Lands and Public Works), 23 June	16
3. Minute (Secretary for Lands and Public Works), 28 June	16

(*To Evidence given by J. Ralfe, Esq., 26 April, 1861.*)

A.	
Surveyor General to Mr. Ralfe and others, 1 November, 1828	20
B.	
Deputy Surveyor General to J. Ralfe, Esq., 10 April, 1839	20
C.	
Deputy Surveyor General to J. Ralfe, Esq., 6 July, 1840	20
D.	
Surveyor General to Contract Surveyor Ralfe, 26 November, 1841	21
E.	
J. Ralfe to Surveyor General, 10 September, 1841	21
F.	
Surveyor General to J. Ralfe, Esq., 25 April, 1842	21
G.	
Answer No. 206, <i>et sequente</i>	21

(*To (further) Evidence given by A. G. McLean, Esq., 26 April, 1861.*)

A.	
1. Surveyor General to Colonial Secretary, 11 November, 1841	23
2. Surveyor General to Colonial Secretary, 27 December, 1841	24
3. Minute (Governor Sir G. Gipps), 31 December	24
B.	
Colonial Secretary to Deputy Surveyor General, 24 April, 1837	24
C.	
Queries by Lord Stanley, and Surveyor General's Replies, (Sir T. L. Mitchell), 21 February, 1844	24
D.	
Queries by Governor (Sir G. Gipps,) and Surveyor General's Replies, (Sir T. L. Mitchell), 6 August, 1842	25
E.	
1. Memorandum (Deputy Surveyor General Thompson) relative to Mr. Ralfe's Memorial to the Legislative Assembly, dated 6 September, 1856	25
2. Minute (Surveyor General) accompanying above, 4 March, 1858	25
3. Minute (Secretary for Lands and Public Works), 12 March	25
F.	
J. Ralfe to (Surveyor General), 25 March, 1837	26

1861.

Legislative Assembly.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

GRIEVANCES.

(PETITION OF JAMES PEGG.)

WEDNESDAY, 6 FEBRUARY, 1861.

Present:—

MR. DALGLEISH,	|	MR. PARKES,
MR. MORRIS,	|	MR. PIDDINGTON,
MR. SHEPHERD.		

HENRY PARKES, ESQ., IN THE CHAIR.

Mr. James Pegg called in and examined:—

1. *By the Chairman:* You petitioned the Legislative Assembly some time ago? I did.
2. Will you look at that petition (*handing a petition to the witness*)—is that the petition which was presented on your behalf? It is.
3. In this petition you state that you arrived in the Colony with a promise of a grant of land and your discharge—will you explain to the Committee under what circumstances you received this promise, of what it consisted, who made it, and in what form you brought it to this Colony? After serving eleven years in the East Indies in the 17th Regiment, and having been in three campaigns under the Marquis of Hastings and General J. S. Wood, the regiment was called Home in 1823, and I was discharged with a broken constitution. I had entered the service when I was very young, the climate had taken effect upon me, and I was discharged in July, 1823. Some time in the latter part of 1825 there was a proclamation issued that a hundred and fifty out-pensioners were to be enrolled as veterans to come out here as overseers for the superintendence of convicts and public works. I tendered my service. I was duly examined at Lichfield, in Staffordshire, by the doctor of the Staffordshire Militia, by whom I was passed as fit for service. I came out here and served four years, when an order was sent out for our corps to be disbanded, and it was left to our option either to return Home or to receive a grant of land. This grant of land had been promised to us by Colonel Christie, the Commandant of Chatham, before we came out. I accepted the grant of land. My first grant was in Bathurst, and I left my wife here in Sydney to take possession of the grant. She had been confined only a few days before I left her, was taken bad with inflammation of the bowels in consequence of a cold caught after her confinement, and died. As soon as I got the account of her death I came down to Sydney, and being left with a young family I was allowed to exchange grants with a man of the name of John Kingabby. His grant was at Botany, mine was at Bathurst. I took his, and went and resided on the ground for some time; but in consequence of part of it being a bog, and part sand-hills, I could not obtain a living on it, and the Government then undertook to drain the land. I then came to Sydney to work at my trade, hoping to make a little money, and then to go back and improve the land. During the time I was in Sydney I received a letter from Governor Darling stating that the grant was cancelled. I applied to his successor,

Mr. J. Pegg.
6 Feb., 1861.

- Mr. J. Pegg. Sir Richard Bourke, to be allowed to take possession of it again. The answer I got from him was, that he could not undo what another Governor had done. I then let the matter rest till Sir George Gipps came here. I tried him, and his was precisely the same answer, that he could not undo what another Governor had done. Then it rested till the latter part of Sir Charles Fitz Roy's Government, when Mr. George Robert Nichols persuaded me to apply to Sir Charles, and he did so for me. I received a letter from Sir Charles Fitz Roy, which I thought I could have produced here this morning; it had been left in the hands of Mr. Hayward, but when I called upon him he could not find it. In that letter Sir Charles made a tacit acknowledgment that the claim was just, but said he was sorry he had no funds at his disposal out of which he could make me compensation. He advised Mr. Nichols to bring the matter before the Council. I accordingly had a petition drawn up, and it was accepted; but nothing further was done till the new Council was established, and we had a free Constitutional Government. Mr. Nichols then died, and I left the matter in your hands. This grant was given in lieu of a passage Home, and I consider that I am entitled either to the land or to compensation. The grant was given to another veteran who came out in the same way that I did, and he told me himself that he sold it for £360, and I think it a hard case that another man should get the advantage of my labour.
4. Have you no documents you can lay before us? My papers were lodged with Mr. Nichols, and I never received them after his death; but there was a printed Council Paper among them, in which my case was mentioned.
5. You have no written papers? No, I have none; but among my papers that Mr. Nichols had there was a printed report brought up by Capt. Perry in 1847, and in that report he testified that I was entitled to a grant of land.
6. You refer to a report of Deputy Surveyor General Perry? Yes. Several of the veterans had promises of grants similar to mine, which were subsequently cancelled under similar circumstances, still they got new grants of the original land.
7. Can you name any of those persons? John Duffy, messenger to the Attorney General, is one, and a man named William Taylor, also Thomas King and Grimes, 12 altogether.
8. Where was Duffy's land? At Kurrajong.
9. What is your age? 65.
10. *By Mr. Shepherd*: Do I understand you to say, that the first grant you received was at Bathurst? Yes.
11. What has become of that grant? In consequence of the death of my wife, whom I brought out from England, I exchanged it for this piece of land at Botany.
12. *By Mr. Morris*: Had you the sanction of Government to this exchange? Yes.
13. *By Mr. Shepherd*: In point of fact, you vacated the grant before it was cancelled? I left a man on it, but it was cancelled while I was in Sydney. I was well aware how it was done; there was a Sergeant Curran, who had more interest than I, and he got this grant. He afterwards sold it for £360; his widow told me so herself twelve months ago.
14. *By Mr. Dalgleish*: Had you a house upon that land? Yes, there was a slab hut.
15. Did you put it up yourself? No.
16. You say another veteran obtained the result of your hard work—I presume by that that you had expended labour on that land, and that you complain of the loss of improvements effected upon the grant, as well as of the grant itself? Yes.
- (*The Chairman referred to the Votes and Proceedings of the Legislative Council for 1847, Vol. 1, p. 613.*)
17. *By the Chairman*: Is this your grant—"Date of Order, 12th July, 1830, 100 acres, allotment No. 7, at Botany"? That is the grant.
18. You stated that in some report of the Deputy Surveyor General he acknowledged that you had a valid claim? Yes.
19. When was that report laid before the Council? In 1847.
20. *By Mr. Piddington*: Was the whole of the 100 acres you occupied a swamp? No, part was a swamp and part sand-hills.
21. How much would you say was swamp? Twenty acres.
22. Then eighty acres—the balance—was not swamp? Yes.
23. Why did you not reside on it? I did until all my means were expended. At the time I was on it you might drive down a pole fourteen feet six inches, and the water would be within a few inches of the top. Afterwards it was drained, and called Banks' Meadows.
24. Was the grant conditional upon residence? No.
25. Have you any copy of any papers —
26. *By the Chairman*: Was the report you refer to a table like this—(*handing witness the Return at p. 613 of the Legislative Council Votes and Proceedings for 1847*)? No, it was a different shape altogether from this.

Mr. Gilbert Wright called in and examined:—

- Mr. G. Wright. 27. *By the Chairman*: Do you know a person named James Pegg? Yes.
28. How long have you known him? He came out in the ship along with me in 1825.
- 6 Feb., 1861. We came out with Capt. Robinson.
29. Were you formerly in the army? Yes, I belonged to the 79th Regiment. We were called up from our pension list; a hundred came to this Colony, and fifty went to Van Diemen's Land. Mr. North, the Police Magistrate, was our Lieutenant.
30. You had some promise of a grant of land? At the time we were engaged we were inspected by a Board of Doctors, and we likewise had our characters. There were a hundred of us came out as overseers.

31. Was James Pegg one of these? He was one. We were to receive a free passage Home Mr. G. Wright.
or to have a grant of land.
32. Did you get a grant of land in consequence of that promise? Yes, at Bathurst, opposite 6 Feb., 1861.
Mackenzie's.
33. Have you got it now? No; I am sorry to say I have not.
34. You sold it? Yes. I had twenty acres in cultivation. I sold it to Mr. George Rankin.
35. Had James Pegg a similar promise to you? Yes, he had it along with me.
36. Did he get the land? He got the allotment adjoining mine. There were nine of us
up there. Some were sent to O'Connell's Plains, and some to Bathurst.
37. Did Pegg lose his land? No; his wife died, and in consequence of her loss there was
an exchange made by him with one Kingabby, for some land at Botany.
38. Did you ever see any papers belonging to Pegg? No, I never saw any papers in
reference to that, because I did not consider it requisite, for our grants were all free from
the Crown, we had no quit-rents to pay. We had twelve months provisions, implements of
husbandry, and one cow.
39. *By Mr. Shepherd:* You received that upon the express stipulation that you resided
upon the land? Seven years; the land was not supposed to be saleable until the expiration
of seven years. That was the condition, but I do not see when we forfeited our passage
Home that they had a right to make that condition.
40. *By Mr. Dalgleish:* Do you know, or were you only told, that this exchange was made
with Kingabby? I know it took place.
41. How? I knew Kingabby perfectly well, he came up to Bathurst.
42. How do you know he was entitled to a grant of land there? He made the exchange.
43. Are you certain that Kingabby did not purchase Pegg's land? I am certain he did not.
44. How are you aware of it? I cannot perfectly swear to it; but I know it was done by
mutual consent.
45. Have you merely been told this, or do you absolutely know it? I know it.
46. How do you know it? I do not keep a statement of these things; what business have
I with it.
47. *By the Chairman:* You knew both of these persons? Yes; one was appointed an over-
seer in the factory at Parramatta, and his wife was matron.

FRIDAY, 26 APRIL, 1861.

Present:—

MR. DALGLEISH,
MR. ROTTON,

MR. SHEPHERD,
MR. STEWART.

HENRY ROTTON, ESQ., IN THE CHAIR.

Mr. John Duffy called in and examined:—

48. *By the Chairman:* How did you come to this Colony? I came here with the New Mr. J. Duffy.
South Wales veterans.
49. Did you receive a grant of land in the Colony? I did. 26 April, 1861.
50. Under what conditions? Under the conditions that I should have 100 acres of land in
place of having my passage paid Home.
51. That was the agreement made with you in England? No, the proclamation came out
from England.
52. And you accepted the grant of land? I did.
53. Where was the grant? In the barony of the Kurrajong.
54. Was it given you under special conditions? It was given under the condition that we
were to remain on it seven years before we got our deeds.
55. And in the event of your not doing so what was to be the consequence? It was to be
cancelled, I suppose.
56. These were the conditions, that you were to remain on the land seven years before you
would receive your deeds, and if you did not, then the grant was to be forfeited? It
appears so. I did not exactly say that, but it appears they did do that.
57. When the land was given to you had you any letter of occupation, or any writing to
shew your authority to hold the land? We had none, because we were sent up by the
Government. Government drays went up and took us on the ground.
58. How did you get possession of the land? By having it marked out by a surveyor.
59. *By Mr. Stewart:* Who was the surveyor who went up to point it out? I think his
name was Stapleton.
60. *By the Chairman:* Mr. Stapleton shewed you the ground? He gave us all the numbers
of our grants, every one got the number of the farm allotted to him. In Windsor, Lieut.
Bell made lots of the land and we drew for the farms.
61. You drew the farm which was allotted to you? Yes.
62. Did you find out the locality yourself, or was it pointed out to you, and were you put in
possession of it in any way? I found it out by the Government man who was there em-
ployed building the huts; he shewed us the marked trees which the surveyor had marked of
the lines dividing one farm from another.

- Mr. J. Duffy. 63. Were you in any official way placed in possession of your land, or had you to find it yourself? The surveyor was encamped up there at the time; we went up to Mr. Stapleton, and Mr. Bell gave us the orders he had got from Sydney. He sent up to Mr. Stapleton the locality we were to go to.
64. *By Mr. Stewart:* Do you recollect the date when you first went upon the land? I think, if I am not mistaken, it was in April, 1830.
65. *By the Chairman:* You do not exactly understand my question—you have just told us that you drew lots for the land in Windsor, to determine which piece of land you should be entitled to? Yes.
66. What I want to know is whether, when you went to take possession of the land, you found it by yourself, or whether a Government official placed you on it? There was no surveyor there to shew us the land, but Mr. Stapleton was there and gave us the numbers of our lots.
67. At the time you were told you might have one of these grants of land in lieu of the payment of your passage, were you not furnished with any conditions under which you were to occupy that land? We were furnished with no documents.
68. Was there any proclamation, or were there any regulations issued? There were regulations issued that we were to get farming implements and six months rations, and these were sent with us.
69. With regard to the conditions of residence which you just now told us of, how did you know that these conditions were imposed—You have just said that you got the land on the condition of residence for seven years; how did you know that these conditions were imposed? We knew by the proclamation that was out; it was read to us four months before we were discharged.
70. Then there was a proclamation detailing the conditions under which this land was granted? Yes.
71. Subsequently to that your grant was cancelled? Yes.
72. Did you ever reside on your land? Yes, for eighteen months.
73. And then you left it? I left it by being swept off it by a tremendous storm of hail and thunder coming and destroying everything we had in the place.
74. How long were you off the land before the grant was cancelled? I cannot tell that, because I did not hear it was cancelled for three years afterwards. I then heard it from Mr. Bowen, who lived above us.
75. Have you had the same piece of land granted to you again? The very same.
76. How long after it was cancelled was it re-granted to you? I think it was in 1847 or 1848 it was granted to me.
77. How long was that after it was vacated? I think eight or nine years; it was more than that, it was fifteen.
78. Can you state to the Committee what it was that induced the Government to grant you the land again? I cannot. It was brought before the Council here. I made several applications about it, and I could get no redress.
79. Was it brought before the Legislative Council? Yes.
80. Was there a Committee of Inquiry about it? I think there was about 1845. Mr. Plunkett brought it under the notice of the Council, and that resulted in the recommendation for me to get back my land; and I did get the land and my deeds, and I have the deeds now.
81. Cannot you recollect the reasons that were assigned for giving you the land back again after it had been cancelled? I cannot say that.
82. All you know is, that you got it back again; but you must surely know under what circumstances you considered yourself entitled to get the land back, as you had not complied with the conditions? Every reason, because, according to the proclamation, I paid three times the value of the land for it. If my wife and four children had had their passages, it would have cost three times the value of the land, which was then worth only 6s. an acre.
83. Then you go upon the equity of the matter—you say that you and your family would have been entitled to a free passage if you had not taken the land, that this was worth more than the grant, and that, therefore, you were entitled to the grant of land without any condition whatever? Yes, I do think so.
84. In making your application for the grant the second time, did you state the circumstances of your having been driven off the land? I did, and it was well known.
85. Did you give that as a reason why you thought you were entitled to get it back again? Yes. Mr. Bowen, who lives up there, made a report to the Government that we were driven off the land.
86. *By Mr. Shepherd:* That you were washed out? Yes; and had to leave the land, and the grant was then cancelled on account of our being off the land. There were twelve of us there, and we could not stop.
87. *By the Chairman:* Do you know anything of Pegg's case? I know very little about it. I know Pegg was entitled to a grant as well as myself.
88. Did he come out with you? No, before me. We came out in detachments with the prison ships as a guard. Some came in one ship, and some in another.
89. You are acquainted with Pegg? Yes.
90. Were you acquainted with him in those days? I was not.
91. You do not know anything with reference to his grant? I know his grant was cancelled.
92. Where was his grant? At Botany.
93. Do you know for what reason it was cancelled? I cannot say; I imagine for non-residence.
94. *By Mr. Stewart:* Do you know merely by hearsay that it was cancelled, or was there any

any proclamation? There was no proclamation. I knew it from a clerk in the Brigade Office, Sergeant Curran. There was a proclamation out after we got our grants, that a sergeant was entitled to 200 acres, and a private to 100. When the proclamation came out, as I understand, Sergeant Curran made an application for another grant, and he got this grant of Pegg's at Botany. Mr. J. Duffy.
26 April, 1861.

95. *By Mr. Shepherd:* Do you know that Pegg had received a previous grant? I do not.

96. *By the Chairman:* What do you consider was the value of a free passage back to England? At that time I consider the value of a free passage for five of us would be, at the lowest calculation, £100.

97. How do you make five? Three children, my wife, and myself.

98. Were the Government bound to pay for the passage of your whole family? For the whole family.

99. Had Pegg a family? He had.

100. *By Mr. Stewart:* At what time was the corps disbanded? At the time we were discharged they were disbanding them in batches and sending them away to different localities. In 1831 the corps I belonged to was disbanded.

101. Was that about the time Pegg had his grant? Yes, within a year or so. I cannot exactly say whether Pegg went away with the first or second batch that were discharged.

102. As they got their grants they were discharged? Yes, some to Maitland, some to Botany, some to Bathurst, some to Five Islands.

103. *By Mr. Shepherd:* How long is it since you were first acquainted with Pegg? I have been acquainted with Pegg twenty years.

104. At the time when you were first acquainted with Pegg was he in possession of this land at Botany? No, he was not.

105. Had he given it up previous to that time? I do not know whether he was ever on the land.

106. You do not know the circumstances connected with the surrender of this land? No. I know nothing at all about it, except that I know Sergeant Curran, who was in the Brigade Office, got the land that was given to Pegg.

107. I suppose you heard that—you do not know it of your own knowledge? I only know it from what Sergeant Curran told me himself. (*The Chairman referred to the Return of the Deputy Surveyor General relative to the cancellation of pensioners' grants, in Vol. I. of the Votes and Proceedings of the Legislative Council for 1847.*)

108. *By the Chairman:* There are a large number of veterans here who have had their grants cancelled, and it appears that many of them were cancelled for non-residence? Yes.

109. Can you recollect the names of any of these whose grants have been restored? I can recollect Edward Grimes, John Elliott, William Heath.

110. Do you know any others? Thomas King.

111. How do you know that William Heath got his? I know by what he told me, not three weeks ago, that he got his returned.

112. Can you tell us the particular circumstances under which any of these grants were returned? I can tell no further about it than that I made an application myself to Mr. Plunkett, the late Attorney General, and he brought it before the Council, and the grants were returned to us.

113. At that time was there an inquiry, such as is now going on, with reference to the case of Pegg, and did you attend and give evidence? I did not, but there were many petitions went in from several of us.

114. You stated just now that you sent in two or three petitions? Yes.

115. Where did you send them? To the Colonial Secretary's Office. They were signed by a great many of us.

116. Did you send in any individually? No.

117. Have you a copy of any of these petitions? No.

118. Do you remember what the petitions set forth? Just what I said before: that we were entitled to our farms, in consequence of stopping here, according to the proclamation.

119. *By the Chairman:* Do you remember whether you set forth that you were compelled to vacate your lands in consequence of the floods? We did do that, and also owing to the bad state of the roads.

120. That you were flooded away and forced to escape for your life? Yes, I sent my family to Windsor, but I remained on the farm myself for three months.

121. This land was supposed to afford you the means of subsistence after you left the service? Yes, we determined to remain upon them, to cultivate them, and to get a living from them.

122. You say at the time you got this grant land was worth about 5s. an acre? Yes.

123. Did you get anything besides land? Yes, we each got a cow.

124. What was the value of a cow? Very little, for they were selling good milking cows at from 25s. to 50s.

125. Did you get anything else? Yes, we got a spade, a shovel, a hoe, a pick, and I think an axe.

126. What do you consider was the value of all that was furnished to you to start with—besides what you have enumerated you had rations, had you not? Yes, six months rations.

127. What was the value of that? I do not know.

128. Had you rations for the whole of your family? Half rations for each of my children and for my wife, and a whole ration for myself.

129. Can you state about what was the value of all you got from the Government to enable you to settle on the land? I cannot. Meat and flour were very cheap at the time.

130. Was it worth £50? No, it was not.

- Mr. J. Duffy. 131. Six months rations for the whole of your family would come to a good round sum? There were only three rations altogether.
- 26 April, 1861. 132. *By Mr. Dalgleish*: You got rations for six months, agricultural implements as you have described, a grant of land, and a house built upon it —? It was a slab hut.
133. It was the house you resided in? It was a slab hut, covered with bark.
134. What value do you put upon the hut, the land, the cow, the provisions, and agricultural provisions? I cannot say, I am sure.
135. I ask you the question because you say your passage to England would have cost a great deal more than the value of what you got? Certainly.*
136. And you have stated what you think the passage would have been worth? Yes.
137. You were entitled to a passage and you took this as an equivalent? Yes. †
138. Do you know if there was an absolute condition made when you took possession of this land that you were to reside on the land continuously for seven years, or that you were not to sell for seven years? That was the general thing, that we were to reside on the land for seven years, and were not to sell within that period.
139. Your plea for leaving the land was that you were no longer able to obtain a living by reason of your losses? By reason of the tremendous thunderstorm and hail.
140. By reason of your losses you were not able to carry on the conduct of your farm? Yes.
141. And you were compelled to send away your family? Yes, they had to go to Windsor and I had to live on cobs of corn which I ground on a tin punched with nails; and my wife and children lived at Windsor upon what they could get on credit.
142. Consequently you were obliged to leave there to earn a living for yourself and family? Yes.
143. In consequence of the representations made by you that the losses sustained by you rendering you unable to live on the farm, you had been compelled to leave it, it was re-granted to you fifteen years after? Yes.
144. *By Mr. Shepherd*: What was the cause of your wife's leaving the land at the first onset? Because she could not live there; we had nothing to eat.
145. Was that occasioned by the flood? Yes; the whole of the people about there sent their women and children away because they had nothing to support them with. We were washed out entirely, and everything we had. The crop, which we expected would go a good way in supporting us, was swept off the face of the ground.
146. Did you apply for that land afterwards? Yes, several times.
147. Was that after the flood had subsided, or was it then subject to be flooded again? It was not a flood at all; it was a thunderstorm, large lumps of ice, snow, and hail came down.
148. Am I to understand that it was not from any wish of your own that you vacated the land, but that you were compelled to do so by this storm? It was not my wish to leave it, I had determined to stop there as long as I lived.
149. *By Mr. Stewart*: How do you know the grant was cancelled? I saw it in the papers afterwards.
150. After you had withdrawn from the land in the way you have stated, did you ask the Government for your passage? No; I did not think it would be of any use.
151. Then you considered that you had accepted the piece of land with the conditions attached to it, as an equivalent for the passage? Yes, I did.
152. Still, though you could not get a living on the land, you thought you were not entitled to ask the Government for the money for your passage Home? I thought if I could get a trifle together in any way I would go on my farm again.
153. You stated that when you first went on the land the Government built a hut for you? Yes.
154. Did they fence in the land? No.
155. Did they give you the labour of any Government men? No.
156. No assistance in labour at all. No.
157. Do you remember the date of any of the petitions you have referred to, as having been sent in to the Colonial Secretary, to reinstate you and others who had their land in the same way? I cannot now, it is so long ago; but I know we got no answers to them, except one which was that my request could not be complied with.
158. Did you send in a petition by yourself? Yes.
159. And you got an answer to your petition, refusing its prayer? Yes.
160. Did you petition the Government at all after that? No; I went to Mr. Plunkett and asked him to bring it before the Council.
161. And it was Mr. Plunkett who afterwards succeeded in obtaining the land for you? It was.
162. And you know nothing more about it? No; I employed Mr. Chambers, the attorney, to send in some petitions, and he never got any answer, and then I went to Mr. Plunkett.

Alexander

* NOTE (*Added on revision*):—Because I would, moreover, be entitled to draw the usual rate of pay upon my way to the Mother Country, namely, one shilling and five-pence per diem.

† NOTE (*Added on revision*):—And pay as above (*i. e.*, in previous note).

Alexander Grant McLean, Esq., Acting Surveyor General, called in and examined:—

163. *By the Chairman:* There is a petition before us by a person of the name of Ralfe, on which your evidence is required, and for that you have been summoned; but there is another petition by a man named James Pegg, upon which the Committee have taken evidence, and it has incidentally appeared that you might give some information on that also. We are in some doubt as to the nature of the conditions of the grants that were issued to the veterans. This man has sent in a petition, stating that he came out here in 1826, as a veteran, that in 1831 he was discharged from the service, with the option of having his passage paid Home to England, or getting a grant of land, and that he took the grant of land. It seems that in those days there were conditions made with reference to those grants, that those who took them should reside on them for seven years before they got the deeds, and a very large number of those who took them up—we have 103 here enumerated (*referring to a return*)—did not comply with the conditions, and the land was forfeited. In some instances the land has been returned again to those who forfeited it; we have had one witness here just now, who has stated that the land was returned to him. We thought perhaps you could give us some information with reference to the original grants and their conditions, and with reference to the reasons why the land was returned to some and not to others? I could not give you any reliable information without making reference; no doubt these were special cases. The Governors had in their hands immense authority in those days, and, on people giving reasonable grounds for not having fulfilled the conditions, very probably the cancellation of the grant might be rescinded.
164. You do not know anything at present of the case of James Pegg? No.
165. Are there any papers in your office which would throw light on it? Yes; no doubt all the papers are accessible to me, either in my office, or the Office of Lands.
166. Would it occupy a long time to find them? Not at all; perhaps an hour or two.

A. G. McLEAN,
Esq.
26 April, 1861.

ADDENDUM.

I annex a copy of a report prepared by the late Mr. Thompson, when Deputy Surveyor General and signed by the late Surveyor General, in the case of Pegg, and which report illustrates not only the case in point, but the principles on which such cases were dealt with by Government.

A. G. McLEAN.

APPENDIX.

A.

(53-1123.)

REPORT.

This Memorial having been presented by Pegg, with a view to obtain the sanction of the Governor General and Executive Council under the Act, 20 Vic., No. 15, for the trial of his case in the Supreme Court, I conclude that the object in referring it to me is, that the facts of the case should be set forth. They are, as far as the records of this office shew, as follows:—

- By Colonial Secretary's letter of the 10th September, No. 29-835, the Surveyor General was directed to point out an allotment at Illawarra for Pegg.
- By Colonial Secretary's letter of the 26th November, No. 29-1114, the Surveyor General was informed that, as the allotment at Illawarra intended for Pegg had been otherwise appropriated, he was to report another allotment for Pegg, and accordingly the Surveyor General inserted, in his Half-monthly Abstract of selections, the allotment No. 1, at South Creek, for Pegg.
- By Colonial Secretary's letter of the 12th July, No. 30-842, the Surveyor General was directed to insert in his Half-monthly Abstract the names of the veterans to whom the eight Botany allotments were to be appropriated, and, amongst others, James Pegg's name appears for No. 7. However, as the allotment at South Creek had been previously appropriated to Pegg, the required insertion of his name was omitted.
- By Colonial Secretary's letter of the 21st June, No. 31-513, the Surveyor General was informed that the order for the land intended for Pegg, at Botany, was cancelled in consequence of his having failed to reside on it.
- By Surveyor General's letter of the 24th July, No. 30-304, to the Colonial Secretary, it was pointed out that Pegg had previously had appropriated to him the allotment No. 1, at South Creek, and asked which was to be cancelled: to this letter no reply was apparently received; but,
- By Colonial Secretary's letter of the 1st December, No. 31-1198, the Surveyor General was directed to appropriate Pegg's allotment No. 7, at Botany, to Roderick Ross, and to insert his name in the Half-monthly Abstract, which was done. This, however, proved to be an error as regarded the name, for
- By Colonial Secretary's letter of the 25th February, No. 32-189, possession of No. 7 was authorized to J. B. Curran, as an additional allotment. Thus the cancellation ordered by Colonial Secretary's letter, of the 21st June, No. 31-513, was made to apply to the allotment at South Creek, and not to that at Botany. Pegg has stated in this office that he never heard of the appropriation to him of the allotment at South Creek—and that he was located on the allotment at Botany is confirmed by a minute of the late Sir Thomas Mitchell, who remarked that he saw Pegg there. The allotment at South Creek was subsequently sold to one Hodgson.
- By Colonial Secretary's letter of the 19th June, No. 47-240, the Surveyor General was informed, in reference to the revocation of the cancellation of the allotment of the veteran Duffy, at the Kurrajong, that deeds were to issue to claimants of all the allotments in that situation *not otherwise disposed of*.
- By Colonial Secretary's letter of the 3rd August, No. 47-304, the Surveyor General was informed, with reference to the above letter, that it was the intention of His Excellency the Governor to apply the rule laid down as to the soldiers located at Kurrajong, to all cases of a similar nature.

Nothing further, as far as I can gather, has been ruled since, and Pegg's order may, therefore, be considered as cancelled, because of the appropriation made to him having been otherwise disposed of: nor do I remember that any case similar to Pegg's has been recently brought before the Government; but I would observe that I fail to perceive the propriety or justice of the distinction, which confines the revocation

A. G. M'Lean, Esq. revocation to those cases in which the allotments have not been otherwise disposed of, which resulted merely from the circumstance of the allotments being so valueless as to be unsaleable.

26 April, 1861. It is to be considered, also, a favourable circumstance in Pegg's case, that he went to live on the allotment at Botany, of which he never obtained any formal possession, whilst the allotment at South-Creek, which was regularly appropriated to him, he alleges he never saw or heard of, and, therefore, could not have resided on, and, consequently, the cancellation for non-residence is not, I apprehend, tenable.

I may also add that the giving of land to these veterans, in lieu of their passage Home, and the then revoking of the gift, because they had not sufficient pecuniary means to extract a living from the land, was, in my opinion, a very questionable proceeding, and I very much doubt if it were competent to the Government, under any circumstances, to reclaim what had been given for a valuable consideration viz., a passage to England.

The Under Secretary
for Lands and Public Works.

Surveyor General's Office,
Sydney, 24 June, 1853.

GEO. BARNEY,
S.G.

I do not think this claim can now be allowed.—23 June. M. F.

I think not.—25 June. JOHN R.

PETITION OF JAMES RALFE.

James Ralfe, Esq., called in and examined:—

James Ralfe, Esq. 167. *By the Chairman:* You have sent a petition to the Legislative Assembly of New South Wales, setting forth certain grievances, and asking a consideration of your case? Yes.

26 April, 1861. 168. Is that the petition (*handing original petition*)? It is.

169. That is your signature? Yes.

170. You are called here to give evidence in support of this petition—will you now state your case to the Committee? At the latter end of 1824, after serving my time to an eminent surveyor in England, I had the honour to receive an appointment from Lord Bathurst to the Surveyor General's Department in New South Wales, with a salary of £250 per annum, and the usual allowances of the Colony. Soon after my arrival here a regulation was made by the Secretary of State, under which I was made fourth surveyor, as will be seen by this letter, dated 1st November, 1828. (*Letter read. Vide Appendix A.*) Upon that arrangement, as soon as vacancies occurred, I made application for promotion and the salary attached to such promotion, and in answer to that application I received this letter, dated 10th April, 1839. (*Letter read. Vide Appendix B.*) This letter, it will be seen, invites me to enter upon the contract system, which was then being brought into operation, in preference to pressing my application for promotion. I then put in a tender immediately, seeing that there was no chance of getting promotion. In doing that I was actuated by two feelings, one was to improve my condition, and the other was to convince the Government of what I could do if thrown upon my own resources; because, unfortunately, in those days, we did not give satisfaction, in consequence of the deficiency of equipment and being made to go so many miles from our field of operations to contractors to supply us with provisions, instead of having the power to buy on the spot from settlers around us. I received in reply to my application the following letter, dated 6th July, 1840. (*Letter read. Vide Appendix C.*) I desire the particular attention of the Committee to that part of this letter which says that the amount of salary opposite my name in the pay abstracts would be omitted, but that in other respects I would still be considered an officer of the department. I looked upon this as a promise which would be held sacred, and that I should not, after seventeen years service, in any way compromise my situation as a salaried surveyor by entering into this contract. One of my friends, Capt. Geary, of Port Macquarie, even called on Mr. Deas Thomson to ask whether I did compromise my situation by so doing, and the answer was, not in the least—that it was an experiment on the part of Sir George Gipps, and if it succeeded, well and good; if not I should go back to my rank in the department.

171. What was your position then? I was a salaried surveyor, and had been so since 1825.

172. At what salary? £350 it was then.

173. Then you gave up your salary at that time to survey by contract, upon the understanding that you should not lose your official rank? Precisely so. With this understanding I purchased all the equipment from the Government that was in my hands, at very enormous prices—£50 for horses which did not afterwards fetch £5, owing to the bankruptcy which prevailed throughout the whole Colony. Well, I pursued my work, as a contract surveyor, on the south bank of the Macleay River. Sir Thomas Mitchell, who had been absent in England, returned in the meantime, and he was excessively offended at my having taken this contract, and at what he was pleased to consider, the interference with his department. I wish to say as little as possible on the subject now, as Sir Thomas Mitchell is departed, but he certainly was so angry that he persecuted me very much indeed, and kept back my money, although my agreement was that I was to have seventy-five per cent. as I sent in my surveys, the remaining twenty-five per cent. being kept in hand till the surveys were considered satisfactory. I suffered a great deal in consequence; and Sir Thomas Mitchell interfered with the terms of my contract, and wished me to go on another system, which I declined doing. On the 26th November, 1841, I suddenly received this letter, putting an end to my employment.

employment in the public service, without the slightest previous intimation. (*Letter read. Vide Appendix D.*) Now here is the letter of the 10th September, 1841, which, as Sir Thomas Mitchell says in the letter I have just read, he thought it his duty to lay before the Governor. I should mention, in explanation, that he had previously written to me to make some alteration in my mode of surveying, which I, of course, could not do, by the nature of my contract. (*Letter read. Vide Appendix E.*) That was the cause, the sole cause, as far as I could ascertain, of the loss of my contract, and also the loss of my position in the Surveyor General's Department. I made every effort to get reinstated, but all in vain; and I received a letter on the 25th April, 1842, to this effect. (*Letter read. Vide Appendix F.*) I thought it was my duty to bring this letter to shew that I have received £150. I was advised by my friends here not to take that, as by doing so I would appear to compromise my claim; but the Colony was then in a calamitous state, and as it would have been twelve months before I could have communicated with my friends in England and received a reply, I felt bound in honour to accept that money, in order that I might have the means to pay the little creditors around me to whom I was indebted for supplies and so on.

James Ralfe,
Esq.
26 April, 1861.

174. Was that sum granted you as a gratuity for the loss of your situation? For the loss of my situation and contract, both. It says it is given in lieu of taking back the equipment. I had paid £50 for horses for which I could not then get £5, and pack animals in the same proportion.

175. *By Mr. Stewart:* What amount did you pay the Government for the equipment? I cannot recollect exactly, but I think about £200.

176. An amount larger than the amount you received? Yes, if I recollect aright.

177. *By the Chairman:* Do you say you accepted this sum of £150 in consideration of your loss of employment? I was obliged to take that or nothing; I had no alternative, as I owed little debts to tradesmen, which I had no other means of paying. After this I remained out of employment, so far as the Government were concerned, until August, 1852, when I was appointed a licensed surveyor in the same district, and I have been in that capacity up to the present moment.

178. *By Mr. Stewart:* Have you made any further application to the Government, previous to presenting this petition? I sent Home a petition to the Secretary of State, and in 1847 I went to England, and my case was laid before Earl Grey, who was then Colonial Minister, and he referred me back to Sir Charles Fitz Roy, but Sir Charles Fitz Roy declined entering into the matter, as it was connected with his predecessor. There the matter ended. In 1852 I was appointed a licensed surveyor in the district of Port Macquarie, where I have been residing, but there is so little work to be done there, that were it not for an income allowed me by my father I should not have been able to continue in that employment. Not in any one year did my earnings amount to what is allowed a salaried surveyor for field equipment. In fact no surveyor could have maintained himself in the district, unless he was situated as I was, with some little income and a house of my own. Now there is nothing whatever to do.

179. *By the Chairman:* Do you still hold that office? Yes.

180. Have you anything further to state? No; I believe what I have said completes it in as concise a form as can be.

181. Then if I understand your application aright now, what you seek to recover is some compensation for loss of office when you were dismissed by Sir Thomas Mitchell? Yes—taking all into consideration—that I have rendered 26 years service to the Colony in the Surveyor General's Department, and that I was debarred from getting a grant of land, or any means of getting on in the Colony, on account of my official situation. There are many instances where gentlemen are now holding additional grants and their pensions as well. Many had promises of grants before they would join the department. I got no grant, because General Darling brought out an order that no subordinate officers were to receive grants of land while they remained in the service, and before I left the system of grants was put an end to altogether.

182. Sir Thomas Mitchell's letter of the 26th November, 1841, to you, complains of your insubordinations? Yes, but no charges were ever brought against me.

183. Was any explanation required from you? No. I do not know what he alludes to unless it was that he thought that as a contract surveyor I was bound to go and do whatever he told me. That is the insubordination in the letter I have read. No charges were ever brought against me. I recollect writing particularly, asking for an investigation, that my conduct might be inquired into.

184. Were you summarily dismissed in this way from the Government service without any investigation? I was, without any investigation. Make what effort I would I could get no investigation; nor do I know to this hour what the late Sir Thomas Mitchell could have written when he thought it necessary to forward that letter to the Governor.

185. Have you ever made any application to the Government before presenting this petition? Yes, there was constant correspondence. I followed Sir George Gipps Home, and Sir Thomas Mitchell both; and my father, who is a very rigid man, was so incensed at the treatment I had met with, that he declared he would have them both before the Bar of the House of Commons.

186. Was it in consequence of your previous connection with the Government, and the way in which you were dismissed, that you have been appointed to the position of licensed surveyor? No, I merely applied on the broad principle that I was living down there and knew the district, having been the original surveyor there in 1828, when it was a penal settlement. The late Sir Thomas Mitchell threw obstacles then in my way; he would not recommend me, and I was obliged to apply to Sir Charles Fitz Roy; nor could I get from him any testimonial when I was in London. He appeared to me to be afraid to give me a testimonial. It was always an impression on my mind that there was something else written that I have never seen or heard of.

James Ralfe,
Esq.
26 April, 1861.

187. Is this the first application for an inquiry into your case since the establishment of Responsible Government? Yes, I presented this petition to the House in 1856, and it was referred to the Committee of which Mr. G. B. White, who was himself formerly in the Survey Department, was Chairman; but it was never reported on.

188. Have you ever given evidence before? No, I have never been called upon.

189. Your case never was entered into by the Committee? No.

190. You are not aware of having been guilty of any acts of insubordination that would justify your dismissal? Not at all.

191. In your capacity as licensed surveyor would you be so subservient to the office as you would have been as a salaried surveyor? No, there is greater latitude allowed, I believe, to a licensed surveyor, because any particular order may affect his interest very much, whereas a salaried surveyor, as long as his pay goes on, has no right to complain.

192. I should gather from these letters that you have handed in, that some dispute must have arisen with reference to your work, and the payment claimed for it—I do not mean the character of it, but the claim you made for payment—because in one letter you state you do not know how you are to be paid? Sir Thomas Mitchell wanted me to do work that I had not contracted for—to go tracing and making a survey of the geographical features of the country, instead of laying out parishes into square miles. I wrote to say that I could not comply with his request, and neither could I carry out a survey on his principles without additional pay; because in making a running survey I should have had to move every day—of course at greater expense—where, as under the contract, my tent would only require to be removed once in a month or six weeks.

193. Do you think it was in consequence of that that Sir Thomas Mitchell took this view of your conduct? I was informed there was a dispute between Sir George Gipps and Sir Thomas Mitchell on this very point. Sir Thomas complained of Sir George Gipps having interfered with his department during his absence in England—that was what I was given to understand by many influential gentlemen here—and then Sir George Gipps said Mr. Ralfe's contract must cease, but you cannot have him back again. When the subject was mentioned to Mr. Wentworth, by a friend of mine, he said, "Well, Ralfe was kidnapped." Another thing I will tell you—I was so hurt at this proceeding altogether, that I wrote circular letters to every Member of Council in those days, and I pointed out that I and another surveyor, on the other side of the river, had done for the sum of £1,800, more than the whole department put together had done for £18,000. Sir George Gipps was indignant beyond everything at it, and said it was not a fair comparison; but it never was gainsayed or disproved by any one. Sir George Gipps did an admirable thing if he had gone on with it. There is nothing to prevent this country being surveyed by contract, at from 3d. to 6d. an acre.

194. *By Mr. Dalgleish:* What did you understand by the "usual allowances," mentioned in your petition? Allowances for equipment.

195. What was your understanding when you left England? That I was to have so much for a house—£50 a year I think—and 2s. 6d. a day for forage for a horse.

196. And a salary of £250 a year? Yes. A grant of land was also understood to be included.

197. What do you understand by the words "almost invariably included," in your petition, when you speak of the grant of land. That shews there must have been some special arrangement? Had I, when I landed, been a little quicker in my movements I should have got my grant; but being sent a way on distant service immediately, I had not an opportunity before General Darling arrived with an order forbidding subordinate officers to receive grants so long as they remained in the service.

198. Did you understand that you should get a grant of land? I did, clearly, from my father. I was a very young man, only 21 years of age, when I came out; and the correspondence, with respect to my appointment, all took place between my father and the Secretary of State.

199. You complain that you had to purchase horses and equipment from the Government prior to taking this work by contract? Yes; I must have bought equipment somewhere, and I took it from the Government at their own valuation.

200. Am I to understand that you purchased it at an exorbitant rate, knowing it to be an exorbitant rate? No; it was considered a fair price at the time.

201. What was the value of the equipments at the time you lost your contract? They were unsaleable—everything was unsaleable at that time.

202. How long did you hold the contract? Hardly twelve months.

203. Was the Colony plunged in universal insolvency in so short a period of time—were things saleable at fair prices at the beginning of the year, and before the end of it only at such a violent reduction as you have described? Yes.

204. The fall in value was sudden? Yes.

205. It was not a gradual decline? No; it was as sudden as possible. Horses went from £50 to £5. I declare I could not sell horses for £5, for I brought them into the market and could not get it.

206. What was your profit on your contract compared with your usual salary as a surveyor? I earned about £900 altogether.

207. In a less period than twelve months? Yes, rather under twelve months; but out of that all the equipment and the maintenance of my men had to be paid for.*

208. What were your expenses for men and provisions? I had eight men. I had only to clothe and feed them; they had no wages.

209.

* NOTE (Added on revision):—And I relinquished my survey allowances, upwards of £400. (Vide Appendix G.)

209. What might be the cost of that? Say a shilling a day each man.*
210. Considering that you were afterwards allowed £150 on account of the equipment being thrown on your hands, and subtracting from your gross earnings the expense of provisioning your men, it is quite evident you must have received considerably more than you would have done in the shape of salary? I should if I had had six months more.
211. *By the Chairman*: Can you state the gross sum you really received beyond all expenses? I cannot recollect it just now.*
212. *By Mr. Dalgleish*: They were Government men, I presume, that you had under you? Yes, prisoners.
213. Your chief complaint is, that you were deprived of your official rank in the service of the Government? Yes.
214. Do you know if any fault has ever been found with the way in which your surveys were made? The contract surveys?
215. The contract surveys? No, they were highly approved of; I know I was complimented on them.
216. *By the Chairman*: You have no complaint to make with reference to your contract not being so remunerative as your situation would have been? No.
217. You complain of your dismissal? I complain of my dismissal, after being desirous to comply with the wishes of the Government. In a few years more I should have been entitled to a retiring gratuity, according to what other gentlemen received.
218. In your petition you state that you lost your official appointment in consequence of the Legislature refusing to vote the money, but the letter you have read from Sir Thomas Mitchell seems to have been the cause of your losing it? The department was reduced. Mr. Rusden, who is now a Member of the House, was reduced, and so were others; but Mr. Rusden was reinstated. Mr. Darke, who had a pension allowed him the other day, was also reduced; and I believe his case was somewhat similar to mine.
219. Were you actually dismissed by Sir Thomas Mitchell before this reduction was made in the department. You say here "that your petitioner in less than twelve months thereafter, before he could possibly redeem his outlay, was suddenly deprived of his contract, and (in consequence of the Legislature refusing to vote money for the Survey Department) of his official appointment also, without any cause of complaint; and your petitioner was in consequence reduced to the most indigent condition." Now you have handed in a letter from Sir Thomas Mitchell dismissing you from the service? Yes.
220. Was that before the Legislature refused to vote money for the department? Yes, it was; but Sir George Gipps said he had not money to pay the Survey Department—at that time it was paid out of the Military Chest—and considerable reductions were made.
221. Did you enter the service under any particular conditions as to the term of your service? No.
222. Was there not an understood condition? It was generally talked of that there was to be a retiring gratuity after twenty years.
223. Was that the understanding in the case of persons in the Government service, who were considered permanently on the staff, unless dismissed for incompetency? I always understood that. I was very young at the time, and it was principally my father who arranged it all.
224. *By Mr. Shepherd*: In point of fact the conditions were not carried out in your case as respects the grant of land? No; nor as regards increase of salary.
225. As far as I understand from your petition, you did not come here to ask for compensation for any real losses, but in consequence of the intimation that your position as licensed surveyor would be discontinued? I am now incompetent for field duty; I have been so ill from the exposure, that I have been advised to give up the field duty. I cannot go on through swamps and brushes, under an almost vertical sun, as I used to do, without the most serious consequences.
226. The fact is you are now wishing to obtain a pension? I do not care how it is. I wish the case to be fairly looked into. I came here a young man; I have devoted my life to the service, and now I am worn out in it. I still have my mental faculties, I am happy to say; but if I go out in the sun for one day's work, it knocks me up for two. I have not had any chance of benefiting myself in any shape or form by grants that others in the department have had.
227. *By the Chairman*: If I understand your complaint aright, it is that you were summarily dismissed without cause; whereas, if you had remained in the Government service three years longer, you would have been entitled to a retiring pension? Yes, that is what I was given to understand—not when I left England, but after I came here.
228. In consequence of your dismissal, you remained several years out of employment, and you were deprived of your chance of a retiring allowance? Yes, that is exactly my case.
229. I think it is necessary for you to prove that there were no grounds for your dismissal, but there does not appear to be any evidence before the Committee on that point? That letter contains the only ground that ever I heard of, I give you my word of honour, why I should not have retained my rank in the department. As I said before, I believed—and it was the general impression—that it was because of the want of money on the part of Sir George Gipps that others were dismissed as well as me, and it was taken advantage of, and I was not allowed to come back.
230. *By Mr. Dalgleish*: How long were you in England after your dismissal? Two years; I went in 1847 and came back in 1849.
231. During that period you were in communication with the Colonial Government? With the Secretary of State for the Colonies at Home in Downing-street.

James Ralfe,
Esq.
26 April, 1861.

* *Vide* Appendix G.

- James Ralfe, Esq.
26 April, 1861.
232. You say you understood you were entitled to a pension—what authority have you to point to to shew that you had reasonable cause at that time to expect a pension? It was a general understanding in the department; I never had it in writing.
233. There was no special arrangement with you that you should have a retiring allowance? No.
234. You accepted a sum of money as a retiring gratuity, did you not? I accepted £150 in lieu of taking back the equipment.
235. It is specifically named in the letter as a retiring gratuity? Yes.
236. And you now plead that you accepted it from necessity? Yes; and I should wish the Committee to consider whether £150 was sufficient after seventeen years service.
237. It was after this that you went to England and endeavoured to re-open the case there? Yes.
238. And although you had considerable interest there—? No, I had not, because the Whig Ministry came in, and my father's friends were of the other party.
239. You might have obtained what you sought through political interest? My father gave me to understand that if his friends had remained in power he would have had me righted.
240. *By Mr. Stewart*: There was a general reduction of the public departments at the period when your services were discontinued? Yes, there were considerable reductions at that time.

APPENDIX.

A.

(CIRCULAR.)
(No. 197.)*Surveyor General's Office,*
Sydney, 1 November, 1828.

Sir,

The following is an extract of a letter I have received from the Colonial Secretary, dated 31st October, informing me of arrangements which the Right Honorable the Secretary of State has been pleased to authorize respecting the Salaries and Allowances of the Officers and other persons employed in the department for the survey of this territory, viz. :—

<i>Surveyors.</i>	To receive as follows, viz. :—
" Four.	First £400 per ann.
	Second 375 "
	Third 350 "
	Fourth 320 "

" The above is the maximum salary of the respective gradations.

" The Surveyors and Assistant Surveyors will receive an allowance of 2s. 6d. per diem for a horse, when actually kept by them for the performance of their duties, to be certified upon honor, and one ration each when employed in the field, but no other allowance whatever."

The above arrangement, in those cases to which it applies, is to take effect from the 1st of January, 1828, which will entitle the persons then employed on the establishment to the augmentation of salary above specified, on the 1st of January, 1829. The allowances for lodging-money, which the Assistant Surveyors have hitherto received, will be continued until the end of the present year, from which time the augmentation of salary will take place.

His Excellency the Governor has, therefore, been pleased to appoint the Assistant Surveyors hereinafter named to the situation of Surveyors, until the pleasure of the Secretary of State shall be known, viz. :—

Mr. Robert Hoddle,
Mr. T. B. Richards,
Mr. James Ralfe,
Mr. Heneage Finch.

The appointment of Mr. Robert Hoddle to act as Deputy Surveyor General is, therefore, cancelled.

To Mr. T. B. Richards, } Surveyors.
Mr. Jas. Ralfe, }
Mr. H. Finch, }
I remain, &c.,
T. L. MITCHELL,
Sur. G1.

B.

(No. 39-185.)

Surveyor General's Office,
10 April, 1839.

Sir,

With reference to your letter of the 30th ultimo, urging your claim to an increase of salary, I have to acquaint you that the object of the present Government is to make the rate of remuneration for services commensurate with the quantity of work performed, and that already two tenders to survey by contract have been accepted, and a third is under consideration.

I would, therefore, suggest to you the expediency of weighing the probability of improving your condition, by entering into the views you once entertained with respect to the contracting system, before I submit a question, the issue of which appears extremely problematical.

James Ralfe, Esq.,
Surveyor.
I have, &c.,
S. A. PERRY,
D. S. G.

C.

(No. 40-246.)

Surveyor General's Office,
6 July, 1840.

Sir,

No. 40-50 of 10
Nov., 1840.

Having forwarded to the Governor your letter of the 29th May last, in which you tender to survey, on the south bank of the M'Leay River, on the same terms as those agreed upon with the contractor for the north bank, sections and detached portions, but with an allowance in this latter case for travelling expenses, I have to inform you that I am authorized to accept your tender, as to the survey of any blocks of land, but it does not appear desirable or necessary to entertain the proposal with respect to detached portions of land, and which imply the question of mileage. If parties will establish themselves beyond the reach of regular survey, they can have no just reason to complain of delay in the measurement

SELECT COMMITTEE ON GRIEVANCES.

measurement of their lands; but the Government is disposed to render every facility towards this object, whenever it can be effected without prejudice to the public interests. James Ralfe, Esq.

I enclose, for your acceptance, a specification similar to that which has been furnished to the contractors employed in other parts of the Colony, and, although it comprises much detail with which you are already acquainted, it is considered necessary to embody the whole in the conditions of contract; and, upon your signifying your intention to proceed upon this system, the amount of salary opposite your name will be omitted in the Pay Abstracts; in other respects, you will still be considered an officer of this Department. With respect to the baggage, animals, and articles of equipment you may wish to retain, you will be at liberty to name a qualified person to meet the Police Magistrate, who has been invited to form a Board to value the equipments thus to be taken over, and the amount of their valuation will be deducted, at a convenient period, from your account, the advances upon which, as your work proceeds, will be at the rate of 75 per cent. upon the whole. The men of your party you wish to retain will be assigned to you during your contract, and are to be maintained entirely at your charge.

I have, &c.,
S. A. PERRY,
D. S. G.

James Ralfe, Esq.

D.

(No. 41-405.)

Surveyor General's Office,
26 November, 1841.

Sir,
Having felt it my duty to submit for the consideration of the Governor your letter of the 10th September, 1841, I have received an order from the Colonial Secretary by which I am informed that it is His Excellency the Governor's direction that your employment as a Contract Surveyor must cease; and that as it seems hopeless to look for anything like respect or subordination from you to the head of your department, His Excellency cannot for the present sanction your employment in any other way in the service of the Government. You will, therefore, be pleased to place your party in charge of the Police Magistrate, as also your surveys, field books, all tracings, and any other property of the public.

I have, &c.,
T. L. MITCHELL.

Contract Surveyor Ralfe.

E.

Port Macquarie,
10 September, 1841.

Sir,
By virtue of the 17th paragraph of the specification of the terms of my contract, I beg leave to request you will be pleased to inform me with respect to that part of the Surveyor General's letter of the 27th July last, No. 41-235, wherein I am directed to "so arrange my work that I may be able at any spot to take up the section lines"—if I am to mark the side lines of the portions, and on both banks of the streams, and to mark the entire section through which a river may pass, and fix the four corner trees; or if I am only to trace the streams and mark a tree line there.

You must be aware that I cannot fix any point or the side lines of a portion without running a trace or proof line; in fact, a surveyor must always close a triangle or a square to insure the accuracy of his work.

I enclose a sketch of part of the M'Leay, with the section lines drawn in pencil, on which I shall feel very much obliged by your shewing, in red lines correctly what is required, and for what I shall be paid.

I have, &c.,
JAMES RALFE,
Surveyor.

The Surveyor General.

F.

(No. 42-122.)

Surveyor General's Office,
Sydney, 25 April, 1842.

Sir,
Having forwarded to His Excellency the Governor your letter of the 11th ultimo, in which you urge that your equipment be taken at a valuation, with a recommendation that, instead of complying with your request, which would have been to purchase articles not required by the department, you should be allowed a retiring gratuity of £150,—I have received a letter in reply from the Colonial Secretary, stating that His Excellency had acceded to my recommendation; and I have to express my satisfaction that His Excellency has been pleased to reconsider your case, and to decide thus favourably. The Colonial Treasurer has authority to pay you this money.

I have, &c.,
T. L. MITCHELL.

James Ralfe, Esq.,
Late Surveyor.

G.

Upton House, St. Leonard's,
1 May, 1861.

Answer No. 206, et sequente.

In order to remove any misapprehension which my evidence, on Friday last, may have occasioned, relative to the loss or gain I sustained in the survey I undertook by contract in 1841, I beg leave to submit the following account of my outlay and receipts on that occasion, which, in the expenditure side, I believe to be rather under than over the true amount, viz. :—

£ s. d.		Received from the Government—	
		£ s. d.	
Paid Government for animals..	180 0 0	For survey of 96,000 acres	
Salary relinquished	375 0 0	of land at 2¼ per acre..	900 0 0
Forage allowance	50 0 0	Gratuity	150 0 0
Rations	20 0 0		1,050 0 0
Eight (8) men, at £30	240 0 0	Deduct expenses....	940 0 0
Dray, tarpaulin, harness, &c!..	25 0 0		£110 0 0
Forage for horses	50 0 0		
Two tents			
Instruments, stationery, &c.. }			
	£040 0 0		

leaving a balance, apparently, in my favour, of £110, with an unsaleable and useless equipment thrown upon my hands; shewing clearly that I had "not redeemed my outlay," for had I not taken this contract I should have been in the receipt of my usual salary and allowances, amounting to upwards of £400.

James Ralfe,
Esq.
26 April, 1861.

I, therefore, most respectfully submit that the Government should, in justice, have reimbursed me to that amount, or allowed the continuance of my contract for some time longer, rather than have deprived me of it without any previous notice, and compelled me to take £150 as a retiring gratuity, when I had never expressed the slightest wish to retire from the service, but, on the contrary, had fully relied upon the promise given me, in writing, that I should still retain my rank in the Surveyor General's Department.

The Government, on this occasion, obtained a survey marked off into parishes, and prepared for sale, of 96,000 acres (ninety-six thousand acres), which, at the minimum price of only 5s. (five shillings) per acre, would at that time have realized £24,000 (twenty-four thousand pounds), upon the mere outlay of £900 (nine hundred pounds); and as I had thus shown the advantage of surveys by contract, I think it will be admitted that there were no grounds for so summarily dismissing me after so many years' service, and when within so few of establishing my claim to a pension for life, like that obtained by other officers of the same department.

JAMES RALFE,
Licensed Surveyor.

Alexander Grant McLean, Esq., Acting Surveyor General, further examined:—

A. G. McLean,
Esq.
26 April, 1861.

241. *By the Chairman:* Will you be kind enough to state anything you know about the case of Mr. James Ralfe? There are one or two points in Mr. Ralfe's evidence, which I have just heard, that I should like to draw the attention of the Committee to. He said, in his evidence, and it is alluded to in his petition also, that his services were discontinued in less than twelve months after he had accepted the contract; but, the correspondence shews that considerably more than twelve months had elapsed. He himself put in a letter, dated 6 July, 1840, accepting his tender under the contract system, and, he also put in the letter dismissing him, dated 25 November, 1841; shewing an interval of nearly seventeen months, instead of, less than twelve months.

242. Perhaps he may mean that he was only actually at work for that time? Possibly so.

243. *By Mr. Stewart:* Are you aware whether there was any considerable reduction in the department at the time he was dismissed? There was a tendency to reduction, because, with the depression which then prevailed in the Colony, the demand for land fell off. There was also a desire on the part of the Government to get rid of any officer they could get rid of, because, in anticipation of the demand for land continuing, they had sent Home for six surveyors, who, in fact, arrived in 1842. That is mentioned in the correspondence as a reason why it was not desirable to increase the department, but rather, to reduce it.

244. *By the Chairman:* Is the correspondence you have before you that in reference to Mr. Ralfe's case? It is. There is another point in reference to the contract, which I may mention. I see from the correspondence that it was a contract for twelve months only. It was quite at the option of the Government to renew it after twelve months; and it was determinable by either party on three months' notice.

245. *By Mr. Morris:* Will you be kind enough to read such extracts from the correspondence as will shew the nature of the arrangement with Mr. Ralfe? It appears from the letter to Mr. Ralfe, that he was positively promised that his rank in the department should remain unchanged—in fact, that his name should remain on the pay abstract, but, without salary—so that, his contract being for twelve months, he might, on the termination of that period, return to his place in the department. Therefore, by taking the contract he did not in any way give up the position he held. There was a question asked of him about the amount he paid for the equipment; he said he thought £200; it is mentioned in the correspondence here that the amount was £179.

246. *By Mr. Stewart:* There does not appear to be anything in the correspondence shewing that he was dismissed on account of any fault being found with him? This letter shews the ground on which Mr. Ralfe was removed from the service. It is a letter from Sir Thomas Mitchell to the Colonial Secretary, enclosing a letter from Mr. Ralfe to the Surveyor General. On this Sir George Gipps noted that Mr. Ralfe's employment as contract surveyor must cease. (*Letters with Minutes thereon read. Vide Appendix A.*)

247. Then, in fact, it appears from this that Sir George Gipps authorized his dismissal? Yes. It appears that the Government of the day did not approve of the style of Mr. Ralfe's correspondence, for there is a previous letter, dated 24th April, 1837, in the time of Sir Richard Bourke, from the Colonial Secretary, Mr. Deas Thomson, to the Deputy Surveyor General, which is alluded to in the letter I have just read. (*Letter read. Vide Appendix B.*) From this it would appear that there had been some previous complaint with respect to Mr. Ralfe.

248. Is there anything to shew what called forth such a letter as this? No, this is the earliest paper among those that I have. There are some queries here with the papers, and the replies to them, which may be of importance. It appears that the case was brought before the Home Government, and Lord Stanley, who was then Secretary of State for the Colonies, made some inquiries, which were answered by Sir Thomas Mitchell. (*Paper read. Vide Appendix C.*) It appears, also, that Sir George Gipps made some further inquiries into Mr. Ralfe's case in the year 1842, on some appeal by Mr. Ralfe to the Home Government, which was referred back to the authorities in the Colony. This is a Minute in Sir George Gipps' writing. (*Read. Vide Appendix D.*) There is one other paper to which I should like to draw the attention of the Committee. It is a comprehensive paper in reference to the case, drawn up by Mr. John Thompson, the late Deputy Surveyor General. It is in fact a memorandum on the petition now before the Committee, and was sent in to the Government by Colonel Barney, who was then Surveyor General, in March, 1858. (*Read. Vide Appendix E 1.*) It was written at the request of Colonel Barney, who had been called upon for a report on the case, and was forwarded by him to the Colonial Secretary with a letter, in these words. (*Letter read. Vide Appendix E 2.*) At the time

of

of sending in his petition Mr. Ralfe had referred to a promise that he should be employed in the M'Leay district which promise was not carried out, and with reference to which Mr. Robertson, the Secretary for Lands, made the note which appears on Mr. Thompson's memorandum.

A. G. M'Lean,
Esq.
26 April, 1861.

249. *By Mr. Morris*: Are you aware of any case similar to Mr. Ralfe's, in which an officer of the Government obtained a grant of land? There is no question Mr. Ralfe would have obtained it as well as others if he had applied in time.

250. Do you know of any cases in which, by favour of the Government, any person has obtained it not having applied at the right time? No, I am not aware of any case. Mr. Ralfe states in his petition that he was "employed for 17 years on the most distant, arduous, and dangerous duties," and that, therefore, he lost the opportunity of applying for his grant of land.

251. *By the Chairman*: That is borne out by what Mr. Thompson says? Yes.

252. In some communication Sir Thomas Mitchell gives him credit for some of his coast surveys? Yes; he did a good deal of the coast survey, particularly at the mouth of the Manning River and towards Port Macquarie.

253. Is there anything amongst the correspondence to shew what induced Mr. Deas Thomson, as Colonial Secretary, to write in such strong terms—he must have referred to some correspondence which had come under his notice? That was an expression of Sir Richard Bourke's. Mr. Ralfe's letter, which called it forth, is not here. No doubt it can be obtained. I can obtain a copy and append it. (*Vide Appendix F.*)

254. Is there anything else you think it necessary to state bearing on this case? There is only one thing which I made a note of when Mr. Ralfe was giving his evidence. I saw an inconsistency between his evidence and the papers. Mr. Ralfe's evidence went to show the Committee, that it was at the suggestion of the Government to him, that he offered to take this contract; whereas, the suggestion of the Government was made in April, 1839, and he only offered to take the contract when he was suspended from his employment as a salaried surveyor upwards of a year afterwards, in May, 1840.

255. Do you mean that his employment as contract surveyor was subsequent to his dismissal from office? In May, 1840, he was suspended on account of one of his letters; and on the 28th May, 1840, he wrote a letter apologizing for the terms of his previous letter, and the following day again wrote, offering to accept a contract; but that was upwards of a year after the Government had invited him to accept a contract.

256. *By Mr. Dalgleish*: Had he been suspended twelve months? No; he was only just suspended. He applied for an increase of salary, for which he was then due; but about that time Sir George Gipps had stopped all annual increases.

257. *By the Chairman*: He must have been reinstated, or how does it arise that when he accepts the contract, it is stated that he shall remain on the staff of the department? That was in consequence of his apology the day before.

258. Then he was virtually reinstated? Yes; he may be considered to have been reinstated by the acceptance of the contract.

259. Are you aware whether his salary was paid for the time he was suspended? He had been suspended only a few days, or a month. It does not appear that his salary was not paid.*

APPENDIX.

A.

(1.)

(No. 41-403.)

*Surveyor General's Office,
Sydney, 11 November, 1841.*

Sir,

I have the honor to transmit, for His Excellency the Governor's perusal, a letter which I have received from Mr. James Ralfe, a surveyor in this department, and now surveying by contract on the south bank of the River M'Leay, and to explain for His Excellency's information that it was originally intended to make advances on the work of the contract surveyors at the rate of 75 per cent. as the work proceeded, and until the contract terminated; that the full amount of every account has passed through this office on its appearing that the work charged for had been satisfactorily performed; but that Mr. Ralfe's surveys have generally borne so little appearance of accuracy as to compel me to return them to him for corrections and explanations. To such an extent, indeed, has this proceeded, that I now beg to recommend his discontinuance as a contract surveyor, the term of twelve months during which it was intended that his contract should continue (unless renewed) having expired in June last.

The terms on which Mr. Ralfe continues his official correspondence are of such a character as to compel me to refer to your letter on the subject, No. 37-278, of 24 April, 1837, which I beg may be laid before His Excellency, with a request that I may be informed of what further steps should be taken to bring Mr. Ralfe to a sense of the necessity for conducting his official correspondence in a more becoming manner.

The Honorable
The Colonial Secretary.

I have, &c.,
T. L. MITCHELL.

[Enclosure not furnished.]

(2.)

* *NOTE (By witness on revision)*:—I have since learned that Mr. Ralfe's salary was paid for the short period for which he was under suspension.

A. G. McLean,
Esq.

(No. 41-460.)

(2.)

Surveyor General's Office,
Sydney, 27 December, 1841.

26 April, 1861.

Sir,

I have the honor to transmit herewith, for the consideration of His Excellency the Governor, a letter enclosing a memorial which I have received from Mr. Ralfe, late surveyor in this department, on the subject of his recent removal and the purchase of his equipment, and to state that I feel much regret in being unable to recommend a compliance with the prayer of Mr. Ralfe's memorial, at least as regards his continuance in the department.

The Honorable
The Colonial Secretary.

I have, &c.,
T. L. MITCHELL.

[Enclosures unprinted.]

(3.)

The receipt of Mr. Ralfe's memorial must be acknowledged, and Mr. Ralfe informed that I regret very much I cannot sanction his return to the department.

G. G.,
Dec. 31.

Any communication respecting the purchase of his equipment, should be made through the Surveyor General.

B.

(No. 37-278.)

Colonial Secretary's Office,
Sydney, 24 April, 1837.

Sir,

25 March, 1857.
Original re-
turned.

Your letter of the 6th instant, enclosing one from Mr. Surveyor James Ralfe complaining of the inadequacy of the means afforded to him in the performance of his duties as a surveyor, having been submitted to the Governor, I have the honor, by the direction of His Excellency, to acquaint you that he has perused Mr. Ralfe's letter with great disgust, and requires you to watch narrowly over his proceedings, and to report for His Excellency's information any failure in the punctual discharge of his duty, for which, if no satisfactory reason can be given, he must expect to be severely dealt with. Mr. Ralfe should recollect that his conduct has been previously brought under His Excellency's notice, by the head of his department, in no favourable light, and that he much fears he met on these occasions with more indulgence than from the style of his letter, now under consideration, he appears to have deserved.

The Deputy Surveyor General.

I have, &c.,
E. DEAS THOMSON.

C.

MR. RALFE'S CASE.

Queries by Lord Stanley.

Whether the contract with that officer was such that the Government could conclude it after a broken period of service?

Replies.

I SHOULD say that the Government certainly could so conclude it. The Notice of 20th November, 1838, on which all the so-called contracts to survey must be considered as based, in the 8th section states that "Each contract is to continue for one year, but will be subject to termination on three months' notice from either party." So that before the expiry of four months of the first year the Government might, on any good or sufficient ground, have terminated the contract. The engagement, however, was not cancelled. Mr. Ralfe omitted to renew his tender, but continued to work, the Government tacitly permitting him, beyond the period of (12) twelve months, on his original tender, and until his engagement was terminated, for reasons set forth fully in the correspondence.

2dly. Whether, supposing the Government to have the power, Mr. Ralfe had not a reasonable expectation that it would be continued, not having terminated at the end of the year?

No; because he could not have anticipated that his omission to renew his tender could place him in a better position than that in which he stood at first, when his engagement was open to be determined by the Government, for any sufficient cause, on three months' notice.

3dly. Supposing that to have been the case, whether £150 was a fair and reasonable compensation for the loss sustained by him on account of cattle and stores purchased for the Public Service?

The original cost was £179, so that £150 may be considered as a fair compensation: Mr. Ralfe having retained the whole of the equipment, &c. It was not, however, as a compensation for the loss sustained by him on account of his equipment that I recommended the retiring gratuity of £150 or £200, but because Mr. Ralfe represented himself to be in great distress, having, as he stated, bailiffs in his house. Considering this distress, and that he had been many years in the department, and employed on some hard and useful service, especially along the coast, I recommended the gratuity, as a matter of consideration, not as compensation, and as a sum that His Excellency the Governor might not object to, rather than as what under more favourable circumstances might be awarded after long services of that kind.

T. L. MITCHELL.
21 February, 1844.

D.

D.

Mr. RALFE'S CASE.

A. G. McLean,
Esq.

26 April, 1861.

THESE are some points in his case not sufficiently explained by these papers:—

- | | |
|---|--|
| 1. What were the circumstances under which he first undertook to survey by contract? | His pay and allowances had been suspended by a letter dated 4th May, 1840. On the 18th May he wrote an apology for what had been written, and proposed in a letter, dated on the following day to survey by contract, under certain stipulations. That correspondence is added to these papers. Mr. R. is understood to have agitated for the sake of introducing the contract method. |
| 2. What were the objections urged by the Surveyor General against his return to the department when his contract was terminated. | My letters* 41-460 and 41-403, with enclosures, will afford the desired information. |
| 3. What grounds has he for attributing his pecuniary difficulties to delays in the payment of advances to which he says he was entitled under his contract? | The delays in certifying for the payment of advances arose from frequent discrepancies and deficiencies in Mr. Ralfe's plans and descriptions, and in one case the total disagreement between the features shewn on a common line bounding plans of two parishes, both of which he had certified to be correct. |
| 4. Where is the letter from Mr. Ralfe which was inclosed with Capt. Perry's letter to the Colonial Secretary, of the 6th April, 1837, No. 37-207? | The letter† is enclosed herewith being numbered 37-36, and 37-3303.

T. L. M.,
6 Augt., 1842. |
- G. G.,
Aug. 5.
- | | |
|--|--|
| I will be much obliged to the Surveyor General to return me this paper, and the answers required, by Tuesday next. | The required copies sent herewith.

T. L. M. |
|--|--|

* Appendix A.

† Appendix F.

E.

(1.)

MEMORANDUM relative to Mr. Ralfe's Memorial to the Legislative Assembly, dated 6 September, 1856.

In the early days of his official career, Mr. Ralfe was employed upon some very difficult and dangerous coast surveys; subsequently he was stationed at Port Macquarie.

In 1841, at his own request, he became a contract surveyor, but with the understanding that he was still to be considered an officer of the department.

At the end of the year the Government refused to continue the contract; the Government also refused to allow Mr. Ralfe to return to the department as a licensed surveyor.

A long correspondence ensued; the Government refused to give Mr. Ralfe either a retiring allowance, or a grant of land.

A compensation of £150, for loss in the value of his equipment, was to have been given to Mr. Ralfe, but he never obtained it.

Mr. Ralfe applied to the Secretary of State, but without success.

In some 10 years Mr. Ralfe was not engaged in the public service; he went to England about 1846-7, and returned to the Colony about 1850, as a surveyor to the Australian Agricultural Company.

In 1851, Mr. Ralfe applied to the late Sir Thomas Mitchell, to be reinstated in the department, but that was declined.

In 1852, Mr. Ralfe at his own request was gazetted as a licensed surveyor, but such employment is terminable by the Government at any time, and consequently no claim arises; what Mr. Ralfe states, as to his claim to 1,000 acres is strictly correct. It was the practice of the Colony to give every one land, more or less, and the obtaining of land was always held out at Home as an inducement to the acceptance of office in the Colony.

Mr. Ralfe was as much entitled to receive 1,000 acres of land, as the other surveyors of his time, Mr. Finch, Mr. Hoddle, Mr. Richards, and Mr. M'Brian; and no doubt he would, like them, have got 1,000 acres, but Mr. Ralfe, perhaps in the too enthusiastic pursuit of his business, neglected to obtain an order to select, until by a Government notice he was precluded from doing so; whilst in service this notice was allowed to act retrospectively against the claim of Mr. Ralfe, although the promise was undoubtedly established, by Mr. Ralfe's claim for 1,000 acres of land merits the serious consideration of the Government, and is apparently provided for in the 58th Section of the Constitution Act, 18 and 19 V., Cap. 54.

1 Oct., 1856.

J. T.

(58-1998.)

(2.)

I beg to enclose a copy of a report, prepared at the time of the presentation of Mr. Ralfe's petition to the Legislative Assembly. I am not aware that I can add anything thereto as regards the circumstances of his case up to the date of the report.

It was intended to employ Mr. Ralfe at the McLeay River, but the services of Mr. Millington becoming available, and it appearing that the demand for land would require the undivided services of a surveyor in the District, that intention was abandoned. The preparations which Mr. Ralfe may have made were premature.

GEO. BARNEY,
S. G.Surveyor General's Office,
4 March, 1858.

(3.)

I am afraid that the explanation of the Surveyor General places it out of my power to advise that Mr. Ralfe's application should be entertained.

J. R.

12 March.

A. G. McLean,
Esq.

F.

St. Hillier's, 25 March, 1837.

26 April, 1837.

Sir,

I beg leave to inform you that I have received from the storekeeper, at Parramatta, a camp table, stool, and stretcher, perfectly useless, which I hope you will be pleased to give directions to be replaced immediately.

The impositions that are permitted to be practised by the contractors, upon the officers of your department in the field, are now become so enormous, that they can be no longer tolerated: permit me to call to your consideration the duties required of a surveyor, contrasted with the means afforded him.

His duties extend over a superficies of sixteen hundred square miles; he is required to make his plans upon a scale of four inches to the mile; is held responsible for the due receipt of his letters; to number and keep copies of his own; and furnish plans and descriptions of lands, applied for to purchase, within specified periods: for the regular and punctual performance of which he is furnished with a dray and team of bullocks, and seven men, with a tent twelve feet by eight in dimensions, only one table, measuring *three feet by two*, on which he must place, for the construction of his maps, all his apparatus, such as colour box, case of instruments, rulers, drawing paper, and field book, as well as his writing materials, and confined to do his work in his tent in all weathers. It is true that the surveyor is ordered and expected to establish a quarters in some central situation of his district, entirely at his own private expense, notwithstanding that he is always liable, and frequently is, removed from one end of the Colony to the other.

Let me also beg of you to contrast the labours and privations of the surveyors in the field, and *their pay*, with that of others connected with your department, and the disposal of the Crown lands: for instance, the auctioneer, the town surveyor, and the chief draughtsman, who also is permitted to hold the situation of Secretary to the Board of Commissioners to divide claims, and gets a fee upon every decision, though that decision actually depends upon the measurement of the field surveyors, besides regular offices found, and clerks attached at the expense of the Government, and I feel confident that it will appear at once obvious to you, now that the sales of the Crown lands are affording such an immense revenue to His Majesty's Government, that the pay of the surveyors of those lands should be commensurate with their earnings, and that it is the interest of the Government to place those surveyors upon such a footing as would insure to them all an equitable and proportionate remuneration for their services, and to the public a speedy measurement of their lands as well as correct information and assistance to emigrants.

The fairest mode of payment to the surveyors would be at a fixed rate per acre, the surveyor finding everything necessary to effect the surveys required. There can be no doubt but that if such a system were adopted, it would be attended with the most beneficial result to both the surveyors and the public. It is true a capital would be required by the surveyors to commence with, which, as a matter of course, would be furnished by the Government, in accordance with the Secretary of State's letter, arranging that one or two years' salary be advanced, according to the length of services of each officer retiring to perform the duty by contract.

I have lastly to observe that I have acquired that confidence in my profession, from having served four years to an eminent surveyor in England, and from twelve years experience in this Colony, that I can plainly foresee, now that such nicety is requisite in parcelling out the Crown lands, and marking the boundaries, that unless the surveyor is furnished with better instruments and means, and if the present system is persisted in, that the surveyor never can give satisfaction or do justice to the public, and that endless confusion and ruinous litigation must be the inevitable consequence. I have, therefore, to request you will have the goodness to forward this letter to His Excellency the Governor, as soon as he returns from Port Phillip, who, I am confident, cannot be aware of the situation of the field surveyors, or that you will make such extracts, with your own favourable comments, as may tend to improve the surveyors' conditions.

I have, &c.,

JAMES RALFE,
Surveyor.

1861.

Legislative Assembly.

NEW SOUTH WALES.

MRS. ELIZA LOCKYER.

(PETITION.)

Ordered by the Legislative Assembly to be Printed, 29 January, 1861.

To the Honorable the Legislative Assembly of New South Wales.

The humble Petition of Eliza Lockyer, of Sydney, in the Colony of New South Wales, widow of the late Major Edmund Lockyer, deceased,—

SHEWETH :—

1. That the said Major Edmund Lockyer landed in the Colony of New South Wales, as Major in Her Majesty's 57th Regiment of Foot, in 1825.

2. That in the same year he was sent by the Colonial Government to explore and form a settlement at Moreton Bay; which duty was discharged by him to the complete satisfaction of the said Government.

3. That in the following year he was sent on a similar expedition to King George's Sound, which he carried through with the like satisfaction.

4. That in the year 1828 he was appointed to the situation of Surveyor of Roads and Bridges, the duties of which he faithfully discharged—the road between Sydney and Bathurst being laid out at this time under his superintendence.

5. That he subsequently satisfactorily discharged the duties of Police Magistrate at Parramatta.

6. That he was appointed Serjeant-at-Arms under the old Legislative Council, the duties of which were faithfully discharged by him.

7. That, under Responsible Government, he was appointed the first Usher of the Black Rod in the new Parliament, which appointment he held at his death, which occurred in the present year.

8. That your Petitioner's husband has, therefore, duly, faithfully, honorably, and honestly served the Colonial Government for upwards of 35 years, having, from the integrity of his conduct, and the zeal and attention he at all times devoted to the Government service, gained the confidence of the Government, and the esteem of his fellow-citizens generally.

9. That your Petitioner's husband departed this life on the tenth of June, one thousand eight hundred and sixty, leaving your Petitioner (his widow) and three children, under the age of five years, wholly unprovided for.

10. That your Petitioner and her young family have, since the decease of your Petitioner's husband, been entirely dependent upon private charity for their support.

Your Petitioner, therefore, humbly prays that the very lengthened and honorable services of her late husband, as well as the present distressing pecuniary position in which your Petitioner and her young family are now placed, may be taken into consideration, and that justice may be done to them in the premises.

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

ELIZA LOCKYER.

Sydney, 24 January, 1861.

1861.

Legislative Assembly.

NEW SOUTH WALES.

TANNERS AND CURRIERS.

(PETITION OF JOHN PAGE.)

Ordered by the Legislative Assembly to be Printed, 24 April, 1861.

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

The humble Petition of John Page, of Salehurst Park, in the County of Cumberland,—

SHWETH:—

That your Petitioner, when about to open a Tanning Establishment in this Colony, was precluded from so doing within the City of Sydney by the Act, 14 Victoria, No. 30, and relying on the observance of the law and its due enforcement, he, with respectful deference for the same, at considerable expenditure of time and money, purchased a portion of land at South Creek, near the Village of Saint Mary's, and has expended about eight thousand pounds thereon in the erection of buildings, sinking tanpits, and other necessary appliances to the tannery business.

That your Petitioner has recently learnt with surprise, that Tanneries, heretofore carried on in the City of Sydney, have not yet been discontinued as by law required.

And your Petitioner is further informed that a Petition from one Hercules Watt has been presented to your Honorable House, alleging great loss sustained by him from the operation of the aforesaid Act, and praying relief.

Your Petitioner, having relied on a diversion of a considerable portion of the tanning business to situations in the country sufficiently remote from Sydney and other populous towns, and trusting that he could command a fair share of the same, by the appliances he has at such an expense prepared, humbly prays your Honorable House will not sanction the continuance of Tanneries within the limits of exclusion, as a mode of relief, but, if so disposed, will devise some method to carry out the same, consistent with a due observance of the laws, and neither injurious to the public health nor general welfare of the community.

And your Petitioner will ever pray, &c.

JOHN PAGE.

1861.

Legislative Assembly.
NEW SOUTH WALES.

TANNERS AND CURRIERS.

(PETITION OF MR. HERCULES WATT.)

Ordered by the Legislative Assembly to be Printed, 6 May, 1861.

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

The Petition of Hercules Watt, of Phillip-street, Sydney, in the said Colony, householder,—

HUMBLY SHEWETH:—

That your Petitioner, in the year one thousand eight hundred and twenty-one, entered into possession, by purchase, of certain land situate in Phillip-street, in Sydney, in the Colony aforesaid.

That your Petitioner constructed on the said land, with very great labour and expense, a number of pits, tanks, sheds, houses, and other improvements, for the purpose of carrying on his trade as a Tanner and Currier.

That for the period of thirty years your Petitioner did carry on his said trade, and supported himself and his family by his own labour, and by employing men to assist him in his said trade.

That when advancing age and increasing infirmities rendered your Petitioner unable to personally assist in, or even to superintend, his business, your Petitioner leased the said tanyards and buildings connected therewith to other persons.

That the rents derivable from these lessees have long constituted your Petitioner's chief, if not his only, source of income, your Petitioner's other resources being very small and precarious.

That your Petitioner has heard that your Honorable House is about to make or enforce an Act to compel the closing of all tanyards within the boundaries of the City of Sydney.

That should such an Act, or proposed Act, be enforced by your Honorable House, your Petitioner's only certain source of income will be taken away from him, and your Petitioner will, in consequence, be reduced from a situation of comparative, though humble, comfort, to one of extreme distress.

That your Petitioner has now reached the age of sixty-six years, and is, moreover, so infirm as to be quite incapable of active exertion in any business whereby to earn his own livelihood.

That your Petitioner's only course, in the event of such Act being enforced, would be to sell his land and buildings, as he is unable, either personally or pecuniarily, to build other tenements, for other purposes, on the said land.

That the sale of the said land would be attended with grievous loss to your Petitioner, as the pits and buildings constructed thereon are adapted only to the business of tanning, and are quite incapable of being turned to account in any other trade whatsoever.

That your Petitioner could only hope, therefore, to obtain, by sale, the value of the bare land, which, in the present depressed times, would be but very small.

That your Petitioner cannot suppose that your Honorable House will take away from an aged and infirm man his only means of livelihood, and vitiate the labours of a long life in this Colony without making some provision for a fair and equitable compensation of some kind to the sufferer.

That solely in consequence of the enforcement, or proposed enforcement, by your Honorable House, of the Act above referred to, the former lessee of your Petitioner's tanyard has given to your Petitioner notice of his intention to quit, and has taken steps for the rental or purchase of a site, beyond the operation of the said Act, whereon to continue his business.

That your Petitioner is in a position to prove the truth of the facts above stated, by the affidavits of himself, his former lessee, and others, should your Honorable House, after due inquiry made, deem such proof necessary.

Your Petitioner, therefore, humbly prays your Honorable House to take into consideration the premises, and to do such justice and afford such relief to your Petitioner for the great and grievous loss that he has sustained, and will ever sustain, by the enforcement of such Act, or proposed Act, as aforesaid, as to your Honorable House may seem fit.

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

HERCULES WATT.

1861.

Legislative Assembly.

NEW SOUTH WALES.

 CLAIMS OF THE REV. W. B. CLARKE.

PROGRESS REPORT FROM THE SELECT COMMITTEE

ON THE

CLAIMS OF THE REVEREND W. B. CLARKE ;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

 ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
 3 *May*, 1861.

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

CONTENTS.

	PAGE.
Extracts from the Votes and Proceedings	3
Progress Report	5
Proceedings of the Committee	6
List of Witnesses	7
List of Appendix	7
List of <i>Separate</i> Appendix	8
Minutes of Evidence	9
<i>Separate</i> Appendix	38

INDEX

THE HOUSE OF REPRESENTATIVES

1861.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES, No. 35. TUESDAY, 12 MARCH, 1861.

8. Reverend W. B. Clarke:—Mr. Shepherd moved, pursuant to notice,—
(1.) That a Select Committee be appointed to consider the claims, if any, of the Reverend W. B. Clarke for the services rendered by that Gentleman in developing the great mineral resources of this Colony.
(2.) That such Committee consist of Mr. Cowper, Mr. Parkes, Mr. Mate, Mr. Smart, Mr. Windeyer, Mr. Suttor, Mr. Walker, and Mr. O'Brien.
Debate ensued.
And Mr. Hoskins requiring that the said Committee be appointed by Ballot,—
Question,—(1.) That a Select Committee be appointed to consider the claims, if any, of the Reverend W. B. Clarke for the services rendered by that gentleman in developing the great mineral resources of this Colony,—put and passed.
Whereupon the House proceeded to the Ballot, and the Speaker declared the following Members to be, with the Mover, the Committee duly appointed:—Mr. Hoskins, Mr. Wilson, Mr. C. Cowper, Jun., Mr. Mate, Mr. O'Brien, Mr. Wisdom, Mr. Cowper, Mr. Walker.

VOTES, No. 55. WEDNESDAY, 17 APRIL, 1861.

1. * * * * *
Member of Legislative Council as Witness:—Mr. Shepherd moved, That the following Message be carried to the Legislative Council:—

MR. PRESIDENT,

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

*Legislative Assembly Chamber,
Sydney, 17 April, 1861.*

Speaker.

Question put and passed.

* * * * *

THURSDAY, 18 APRIL, 1861, A.M.

- * * * * *
4. Messages:—The Speaker reported that while the House was in Committee of Supply the following Messages were received from the Legislative Council:—

(1.) * * * * *

(2.) Member of Legislative Council as Witness:—

MR. SPEAKER,

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

*Legislative Council Chamber,
Sydney, 17 April, 1861.*

W. W. BURTON,
President.

VOTES, No. 63. FRIDAY, 3 MAY, 1861, A.M.

16. Claims of the Reverend W. B. Clarke:—Mr. Shepherd, as Chairman, brought up a Progress Report from, and laid upon the Table the Minutes of the Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report the Claims of the Reverend W. B. Clarke had been referred on the 12th March last. Ordered to be printed.

* * * * *

1861.

CLAIMS OF THE REV. W. B. CLARKE.

PROGRESS REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 12th March last, "to consider the claims, if any, of the Reverend *W. B. Clarke, for the services rendered by that Gentleman in developing the great mineral resources of this Colony,*" have agreed to the following Progress Report:—

In the consideration of the matter referred to them your Committee have taken the evidence of the Reverend W. B. Clarke and the Honorable E. Deas Thomson, C.B., M.L.C.; but as the advanced period of the Session will render impossible the completion of the inquiry, they deem it expedient, at once, to submit to your Honorable House the evidence taken before them, with a view to an early resumption of the subject during the next Session.

ISAAC SHEPHERD,

Chairman.

*Legislative Assembly Chamber,
Sydney, 1 May, 1861.*

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 26 MARCH, 1861.

MEMBERS PRESENT:—

Mr. Hoskins,	-	Mr. O'Brien,
Mr. Mate,	-	Mr. Shepherd.

I. Shepherd, Esq., called to the Chair, and read the Votes No. 35, 12th instant, entry 8, appointing consideration of the claims, if any, of the Rev. W. B. Clarke—before Committee.

Deliberation upon the course to be pursued therein.

It was Resolved:—

That the Committee proceed to examine Mr. Clarke at the next meeting.

[Adjourned.]

WEDNESDAY, 3 APRIL, 1861.

MEMBERS PRESENT:—

None.

In the absence of a quorum of the Committee until after half-past Eleven o'clock, the meeting convened this day lapsed.

[To be called on Tuesday, 9th instant, at Eleven o'clock.]

TUESDAY, 9 APRIL, 1861.

MEMBERS PRESENT:—

I. Shepherd, Esq., in the Chair.

Mr. Hoskins,	Mr. O'Brien,
Mr. Mate,	Mr. Wilson.

Committee met pursuant to summons.

Rev. W. B. Clarke, M.A., Incumbent, St. Thomas', St. Leonard's, called in and examined.

Further examination adjourned until the following sitting.

Witness withdrew.

[Adjourned till Friday, 12th instant, at Ten o'clock.]

FRIDAY, 12 APRIL, 1861.

MEMBERS PRESENT:—

I. Shepherd, Esq., in the Chair.

Mr. Hoskins,	Mr. O'Brien,
Mr. Mate,	Mr. Wilson,
	Mr. Wisdom.

Rev. W. B. Clarke, M.A., Incumbent, St. Thomas', St. Leonard's, called in and further examined.

Further examination adjourned until Wednesday next.

Witness withdrew.

[Adjourned till Wednesday, 17th instant, at Ten o'clock.]

WEDNESDAY, 17 APRIL, 1861.

MEMBERS PRESENT:—

I. Shepherd, Esq., in the Chair.

Mr. Cowper,	Mr. Mate,
Mr. C. Cowper, Junr.,	Mr. Walker,
Mr. Hoskins,	Mr. Wilson.

Rev. W. B. Clarke, M.A., Incumbent, St. Thomas', St. Leonard's, again called in and further examined.

Examination concluded.

Witness withdrew.

Committee deliberated.

Motion to be made in the House for Message to the Legislative Council, requesting leave for the Honorable E. Deas Thomson, C.B., to attend and be examined.

[Adjourned.]

WEDNESDAY,

WEDNESDAY, 24 APRIL, 1861.

MEMBERS PRESENT:—

I. Shepherd, Esq., in the Chair.

Mr. Cowper,		Mr. Mate,
Mr. Hoskins,	|	Mr. O'Brien.
	Mr. Walker.	

Committee met pursuant to summons.

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

Witness withdrew.

Committee deliberated upon the views suggested by the evidence, and the prospects of further progress.

In respect to certain documents closely bearing upon the evidence given by the Rev. W. B. Clarke, and desired by that gentleman to be annexed thereto, the Chairman submitted for consideration the form in which the same might be received by the Committee.

Ordered:—

That the Papers referred to be allowed to form a Separate Appendix to the Report.
[Adjourned.]

WEDNESDAY, 1 MAY, 1861.

MEMBERS PRESENT:—

I. Shepherd, Esq., in the Chair.

Mr. Cowper,		Mr. Mate,
Mr. Hoskins,	|	Mr. O'Brien,
	Mr. Walker.	

Committee met pursuant to summons.

The Chairman stated that he had caused the meeting to be convened, with a view to deliberate upon the expediency, at this late period of the Session, of reporting to the House the evidence of Mr. Clarke and Mr. Deas Thomson, at the same time proposing that the matter should be resumed after the termination of the approaching recess.

Committee deliberated, and Progress Report prepared.

When, the Draft having been read,—

On motion of Mr. Mate, same agreed to.

Ordered, to report.

LIST OF WITNESSES.

	PAGE.
<i>Tuesday, 9 April, 1861.</i>	
Rev. W. B. Clarke, M.A., Incumbent, St. Thomas', St. Leonard's	9
<i>Friday, 12 April, 1861.</i>	
Rev. W. B. Clarke, M.A., Incumbent, St. Thomas', St. Leonard's (further)	20
<i>Wednesday, 17 April, 1861.</i>	
Rev. W. B. Clarke, M.A., Incumbent, St. Thomas', St. Leonard's (second further)	30
<i>Wednesday, 24 April, 1861.</i>	
The Honorable E. Deas Thomson, Esq., C.B., M.L.C. (formerly Colonial Secretary)	35

LIST OF APPENDIX.

(To Evidence given by Rev. W. B. Clarke, M.A., 9 April, 1861.)

A.	
Extract from the "Spectator" Newspaper, 6 September, 1851	16
B.	
Rev. W. B. Clarke to Capt. King, R.N., 7 July, 1847	16
C.	
List of Rocks, Fossils, and Minerals forwarded to Professor Sedgwick, November, 1844	18
D.	
"Plutus" to Editor, "Sydney Morning Herald," 16 February, 1849	18
E.	
A. W. Thornton, M.R.C.S., to Rev. W. B. Clarke, 15 August, 1860	19
F.	
Concluding portion of a paper by Rev. W. B. Clarke, in 1847,— "A Comparison of the Geology of Russia and Australia"	19
G.	
W. Trollope to Rev. W. B. Clarke, 16 August, 1860	19
H.	
Rev. W. B. Clarke to Colonial Secretary, 7 July, 1861	19
I.	
Rev. W. B. Clarke to Colonial Secretary, 9 July, 1851	20

LIST OF SEPARATE APPENDIX.

	PAGE.
Rev. W. B. Clarke to Chairman, 24 April, 1861	38
[Enclosures.]	
A.	
Extracts from Sir R. J. Murchison's "Siluria," with his Notices of Australia in 1844, 1845, 1846, and 1849	38
B.	
Extract from Clarke's "Plain Statements," &c.	40
C.	
Instructions to Rev. W. B. Clarke, issued by the Government, 30 July, 1852, on his second journey	40
D.	
Appendix to answers given before Select Committee, 24 September, 1852	41
E.	
Colonial Secretary's letter, 11 November, 1853, informing of the <i>gratuity</i> of £1,000	44
F.	
Copy of letter from Mr. Stafford, Superintendent of the Province of Nelson, New Zealand, 7 June, 1853, offering appointment	45
G.	
Letter from Colonial Secretary, 19 February, 1856, respecting a Coal Survey at Newcastle, with extract of acknowledgment from Governor General Sir W. Denison	45
H.	
Letter from Colonial Secretary, Hobart Town, proposing a survey of Gold and Coal, 26 May, 1856	45
I.	
Letter from Sir W. Denison proposing exploration of a Coal Field in Auckland, New Zealand, 26 October, 1858	46
J.	
Letter from Colonial Secretary, Hobart Town, offering appointment as Geological Surveyor, 10 March, 1858	46
K.	
Letter from Colonial Treasurer on same subject, 18 March, 1858	46
L.	
Reply of Rev. W. B. Clarke, 9 April, 1858	46
M.	
Further communication from the Colonial Secretary, Hobart Town, 27 April, 1858	47
N.	
Application respecting Board of Advice on Government Lands, from Mr. Under Secretary Fitzpatrick, 23 August, 1858	47
O.	
Appointment of Chairman and Board by Mr. Secretary Robertson, 18 September, 1858	47
P.	
Summary of Reports presented to Government by Rev. W. B. Clarke, in 1851-2-3.. .. .	48
Q.	
Dates of Reports addressed by the same to the Government of Tasmania in 1856 and 1859	49
R.	
Extract from a letter relating to the decision of a Committee of the Legislative Council of Victoria on the Discovery of Gold, 10 March, 1854	49
S.	
Extracts of letters from :—	
(1.) Sir R. J. Murchison, 14 April, 1858	49
(2.) Count de Strzelecki, 6 November, 1854.. .. .	49
(3.) Professor Dana, of Yale College, Connecticut, 1 September, 1851	50
T.	
Extracts from publications by :—	
(1.) M. Delesse, Professor at Paris, 1853	50
(2.) Bishop Salvado and the Abbé Falcimagne, 1854	50
V.	
Memorandum of Artesian Well, 1853	50
W.	
Letter from Chief Secretary, 7 January, 1854	50

1861.

Legislative Assembly.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

CLAIMS OF THE REV. W. B. CLARKE.

TUESDAY, 9 APRIL, 1861.

Present :—

Mr. SHEPHERD,		Mr. HOSKINS,
Mr. MATE,		Mr. WILSON,
Mr. O'BRIEN.		

ISAAC SHEPHERD, Esq., IN THE CHAIR.

The Reverend William Branwhite Clarke, M.A., called in and examined :—

1. *By the Chairman* : A number of gentlemen, who have a high opinion of your geological experience, believing that no sufficient recognition has been made of your services, suggested that a Select Committee should be appointed for the purpose of inquiry into your claims. A Select Committee has been appointed, and we are now met. We have taken the liberty of soliciting you to attend, for the purpose of examining you in reference to what you have really done. I presume you will have no hesitation in any questions which may be put to you on the subject? None at all. But I should like to state that I make no claim whatever; the word "claim" implies a sort of right which somebody withholds. I have never made any claim whatever on any occasion. I know the feeling which has been expressed respecting me; and, while I state that I never have made any claim, I may have my opinion about what has been done. I shall be very happy to answer any question, and give as much information as I can upon the subject. I think it right to make this observation, because otherwise it might be supposed that I have been myself taking steps to bring matters to this position, which I have not.
2. I did intend, at the outset, to ask you whether you were privy to the application being made for the appointment of a Select Committee? No; I knew nothing of it more than I saw in the papers. I have never had a single word's conversation with any one on the subject. If I had been asked I might, perhaps, have —
3. Then, sir, I think it necessary, in order to arrive at a true position in reference to what you have done for the Colony, to commence even previous to your arrival in the Colony; but first of all, I would ask you—When did you arrive in this Colony? I landed here on the 3rd June, 1839.
4. What position in life did you fill in England previous to your departure for this Colony? I held a living in the county of Dorset. I was one of the Chaplains of the Bishop of Salisbury, brother of the late Governor. I was also acting under a special commission granted by King William the Fourth, and afterwards renewed by Queen Victoria, as a Magistrate.
5. What induced you to come to New South Wales? I had, in the course of the year 1833 or 1834, been travelling abroad a good deal, and had contracted a bad rheumatic fever, from having been out in the wet in France. (It was much such weather as we have had lately.)

The Rev. W. B. Clarke, M.A. After recovering from the first attack, I got the second from officiating in a new church, the walls of which were very damp. I had a most violent return of rheumatism, so much so that I became ill, and my medical adviser recommended me to go permanently to a warmer climate. There were four offers made to me. I might have gone to the East or the West Indies, to the Bahamas, or to this Colony. I was induced to come here, partly from what I had heard of the climate, and partly from the geological character of the country, which nobody knew anything about, and which I was anxious to look into.

9 April, 1861.

6. Had you at any time, before arriving here, turned your attention to geological matters? Yes; and I had published a good deal on the subject of geology. I should like, if you will allow me, to prove what I have now stated.

7. If the gentlemen here think it necessary that you should adduce proof? I should like to do so. I suppose you are desirous of doing me justice, and I should like to prove all I state. The letter I now hold in my hand is dated Norwich, December 10th, 1838. It was written to me by Professor Sedgwick. He writes in this way, amongst other matters,—“Pray collect all the information you can about the cavern bones—organic remains in the rock formations must be interesting. The coal formations will, of course, attract your immediate attention—their relations to the surrounding rocks, date, &c., are questions of interest. The plants I have seen from these formations—and they are (at least specifically) very unlike the fossils of our coal measures. But I have seen limestone specimens, from these formations, with producti and spirifers, and looking very like mountain limestone. I shall rejoice to be in correspondence with you, and any good specimens of organic remains would be highly valuable in our new museum at Cambridge.”

8. *By Mr. Hoskins:* That is merely suggesting to you to collect specimens in Australia? No, that is not the meaning of it. The writer knew what I was intending, and this letter is merely suggesting what would be valuable at Home.

9. This is merely a friend writing to you to ask you to collect geological specimens? The question asked me was whether I had turned my attention to these subjects before, and I produce this letter in proof that I had done so.

10. *By the Chairman:* Is there any other letter that you would like to read? You ask me when I turned my attention to geology. I have many years ago published various papers in England, in connection with the Geological Society, had travelled and extensively over the continent of Europe.

11. *By Mr. Hoskins:* I suppose you have been a corresponding member of the Geological Society? I have published in their Transactions and Proceedings. I am one of the oldest Fellows of the Geological Society.

12. *By the Chairman:* Had you travelled in other countries, and published anything on geology? Yes, certainly.

13. Can you enumerate what you have published? What I have published!

14. Yes; are they too numerous? I cannot recollect all I have published at this present moment. The books are here in the Colony. There are also the Transactions and Proceedings of the Geological Society.

15. That is previous to your arrival here? Oh, yes—years before.

16. You were then recognized as a geologist? Certainly.

17. Were you a member of any Scientific Societies? Yes.

18. What Societies were you a member of? I was a working Fellow of the Geological Society, to begin with, and before I arrived I was a member or Fellow of various other Societies—for instance, the Royal Society of Literature, the Zoological Society, and the Meteorological Society. I have been connected with such Societies for many years. I believe I was Vice-President of a Philosophical Society more than thirty years ago.

19. Have you ever in Europe visited any gold countries? Yes, I have—on the Rhine, and in other parts of Germany.

20. But you had no previous intimation of gold having been found here before you arrived? No, I had not—I did not know anything about it.

21. Did you make any communication to any one on the subject before 1851? Yes, certainly; I think I can shew that very clearly. Will you allow me to prove that to you?

22. Yes? I will prove it in a way which cannot be mistaken, from the *Spectator* newspaper. There is an article here—

23. Not emanating from yourself? Oh, no.

24. This question refers to anything which may have been communicated previous to 1851? Yes, the information was communicated in 1849; and I want to shew that it was known in England that it had been so communicated.

25. *By Mr. Hoskins:* What effect will this have upon the object of this inquiry? I do not know. You know best. I was asked whether I communicated anything respecting gold previous to 1851; and I am going to shew, by an extract from a letter of mine (published without my knowledge in 1850 and 1851), that I had so communicated. This is what it says:—(Witness here read an extract from the *Spectator*, of September 6, 1851.

Vide Appendix A.) The extract referred to is from a letter I wrote to Sir R. Murchison. In the month of April, 1850, he himself published an article on the Gold of California, and produced the same extract in the *Quarterly Review*. Previous to that I had communicated papers to the journals in Sydney, upon the subject of gold.

26. *By the Chairman:* Did you print anything on the subject of your geological researches either here or in Europe? Yes, you will find in the pages of the *Sydney Morning Herald* statements to that effect.

27. That is, previous to the year 1851? Yes, previous to 1851. I have enumerated, in the little book which I published sometime ago [*Researches in the Southern Gold Fields of New South Wales, by the Rev. W. B. Clarke, M.A.*], the facts as they really occurred; so that

that here, in fact, is almost a catalogue of the circumstances; and I am quite prepared to prove everything stated in it as far as regards myself.

The Rev. W. B. Clarke, M.A.

28. Did you lay before Parliament any account of the Coal Fields of the Colony? This Parliament?

9 April, 1861.

29. Yes, this Parliament? Yes.

30. Can you refer us to any Report on the subject? Yes, there is the Report from the Select Committee on Coal Inquiry in 1847, in which you will find my evidence, containing an account of all that was known in reference to the existence of coal in this Colony, and from my own researches.

31. Will you have the goodness to read to the Committee what you did? Yes; here is the Report of the Committee on Coal Inquiry; and you will find in it, apart from the evidence, a long account of the matter addressed to Captain King, and forwarded to the Chairman of that Committee, the present Speaker of your Honourable House. (*Vide Appendix B.*)

32. *By Mr. Mate:* A Select Committee was appointed, and you were called to give evidence? Yes, I gave evidence before a Committee called on "Coal Inquiry," on the 3rd June, 1847, and here is the evidence. The answers, of course, were expanded afterwards. In working out the coal, I naturally worked out all the rocks that were connected with the coal. And what I am now saying bears upon the first question I was asked as well as the present. In working out the coal I made a large collection of the fossils connected with the coal beds.

33. Did you ever send to Europe any collections to make known the geological character of the country? I did, and I wish to point out what collections I sent. I forwarded collections to Professor Sedgwick, in November, 1844—2,673 specimens of rocks and fossils, which are now deposited in the Woodwardian Museum, Cambridge. (*List of Specimens read. Vide Appendix C.*)

34. *By Mr. Hoskins:* Did you send any quartz specimens? Yes. You will observe that I have put against the specimens mentioned in the list the letters *c* and *a*; *c* means carboniferous rocks, and *a* means auriferous.

35. What year was it that you sent these specimens? In November, 1844.

36. And to whom? Professor Sedgwick, of the University of Cambridge.

37. Was any public notice taken of them? Certainly. The public notice taken was this: Professor Sedgwick, in his "Synopsis of the Classification of the British Palæozoic Rocks," published in the year 1855, has this note:—"I am happy in this place to express my own thanks, and those of the University of Cambridge, to Professor H. Rogers, of the United States, and to the Rev. W. B. Clarke, of Sydney, New South Wales, for the very valuable palæontological collections presented by them to our museum." That is, the University thanks me. A portion of those specimens consisted of fossils, and at that time Professor McCoy (now in Melbourne) examined some of them, and published an account of them in this little book with these figures. [*Mr. F. McCoy on the Fossil Botany and Zoology of the Rocks associated with the Coal of Australia, with Illustrations*] I intended to publish myself, but was deterred by the expense. I have made drawings of the fossils. (*Witness here exhibited three books containing drawings of fossils.*) These consist of about half my proper collection, but it would have cost £1,500 to have them published.

38. *By Mr. Mate:* And they have never been brought before the public? No, only those published in that small work to which I have just referred. In a lecture on "Our knowledge of Australian rocks, as derived from their organic remains," the late Professor Forbes uses these words respecting my coal examination—(it is a question of difference of opinion between myself, Mr. McCoy, and some others):—"All competent observers who have examined the strata on the spot, especially Mr. Jukes, Mr. Clarke, and Mr. Dana, assure us that the beds pass into each other, and are not only conformable—*i. e.*, lying on and parallel to the beds below, but also, evidently, in sequence—*i. e.*, deposited without the intervention of a long interval of time. The peculiar fossil fish, already alluded to, supports the view, to which, after consideration of the arguments on both sides, I certainly incline, and would therefore set down the Coal Fields of Australia and Van Diemen's Land as formations of the carboniferous sections of the palæozoic era—which, in other words, means as equivalents of the most productive coal fields of the northern hemisphere." This question is not yet settled. We are still disputing about it. I have taken great pains to work it out, and if I could take up your time I might shew you that it is now extensively canvassed by writers in France and other countries. In speaking of me again in this lecture, Professor Forbes says, "I have already said that this metal (gold) is found either in connection with palæozoic rocks, or tertiary drifts of a very recent epoch, yet, of anterior origin to the general physical features and appearance of the animals and plants now indigenous to Australia. Of the mineral character of these rocks and drifts it is not for me to speak; indeed, a far better notion of it than I could possibly give, you can obtain by perusing any documents on the subject signed by Mr. Stutchbury or Mr. Clarke; and there are several papers by those gentlemen among the documents respecting the discovery of gold in Australia, ordered to be printed by Parliament. I mention their names only because, being able geologists, their observations and descriptions of the rocks which they have personally explored are more precise and valuable than those written by persons unacquainted with geology." I think then I have shewn that some interest has been taken in Europe in reference to this question.

39. *By the Chairman:* Have you made any collections, or assisted to arrange any, for any public institution here, so as to make them useful to the Colony? Yes; the collection sent home to Paris in the year 1855, exhibited first in Sydney, attracted very great notice, and I had a silver and bronze medal awarded to me in this Colony and in France in consequence of that collection. The words used, as you will find by reference to the French report, are these—"in consequence of the serious and scientific character given to the Exhibition from this Colony." I have given my assistance for years in the Museum here, gratuitously.

Thoso

The Rev. W. B. Clark, M.A. Those geological specimens arranged there were arranged by me. Thus, I have been constantly at work.

- 9 April, 1861. 40. It was in 1848 that gold was discovered in California, was it not? Yes, I think so.
41. Did you ever advise any persons emigrating to California not to leave this Colony? Yes; there is a letter in the *Herald* newspaper (I do not know where to lay my hand on it) advising them not to do so.
42. *By Mr. Mate*: Why did you advise them not to do so? Because I knew there was gold here, and plenty of it. I told them so. Here is a note, dated 16th February, 1849. This does not refer so much to California as to the supposed discovery of gold in Victoria at that time—1849. I will read a passage. This letter was written for the purpose of preventing people going to Melbourne.
43. *By the Chairman*: But not to California? No; but you will find allusion to it in the very article in the *Spectator* to which I have referred. Personally, I have spoken to dozens of people, and I have no doubt, if one could advertise and get them, they would give evidence to that effect. This is the letter. (*Vide Appendix D.*)
44. That has reference to Victoria? It has reference to what was reported in 1849, concerning which there has been a great dispute.
45. Had you formed any opinion of the mineral wealth of the Colony, and if so, did you communicate it to any persons in and out of the Colony? Most undoubtedly. I can shew you plenty of proof of that.
46. That has reference to this Colony, not to Victoria or California? I have not published the letters in my last book, but merely alluded to them. They were published in the Blue Book. I will shew you the originals. (*Witness here produced a number of letters.*) These original letters have never been seen by any one but myself. Here they are. There are ten to which I can refer. Here is one from Mr. W. Rutledge. It is dated Belfast, Victoria, 17 August, 1860. It is a letter written in reply to one of like kind, forwarded at the same date as those to others, to the writers of which I have just referred, but Mr. Rutledge went to England, and the answer did not get to me at the time.
47. *By Mr. O'Brien*: What is the date of those letters in your hand (*the original letters just referred to*)? These letters were dated about the year 1852. There are some earlier than that, in 1851. There was a little question as to whether I knew anything about the gold here before the year 1851. The only way I could prove it was, not on my own testimony, but on the evidence of others—for I do not think any man should wish to have such a question decided on his own testimony. I, therefore, wrote to persons who I knew were aware of the fact, and these are the letters I got in reply. They are from His Honor Mr. Justice Therry, Dr. Gill, Mr. H. K. James (in the Bishop's Office), Mr. James Macarthur, the Rev. Mr. Gore (of Muswellbrook), Mr. F. E. Manning (brother of Sir W. M. Manning), the Rev. Mr. Sowerby (of Goulburn), and from Mr. Charles Blakefield, a gold digger.
48. *By the Chairman*: Those letters are all on the subject of the Gold Fields? They all come to this same point, of which Mr. Rutledge wrote, "In reply to your note of 6th instant, I beg to state, that I have a perfect recollection of the first time you mentioned to me, at Parramatta, in 1841, that gold was to be had in large quantities in the Colony of New South Wales. This, as well as I can recollect, was after Count Strzelecki had reported the existence of gold in Gipps Land." [Here he has committed a great mistake. It is a mistake of memory. Count Strzelecki never found gold there. There is a report he wrote about the Murrumbidgee country, and a portion of the Bathurst country, 21st August, 1841, in which he mentions auriferous pyrites, but certainly, when he published his book in 1845, he left it out. You will not find anything about it in his book.] The letter proceeds: "and in speaking of that circumstance, I remember your earnest reply to my doubts, 'that ere long the production of gold in considerable quantities 'would be made manifest in several parts of New South Wales, besides Gipps Land.'" [That is also a mistake—there was no Gipps Land in it.] "You then alluded to your researches and discoveries in the Bathurst and other Western Districts, and stated confidently that gold would be discovered there, and in other parts of Australia, in as large quantities as probably in any other part of the world. I recollect, on other occasions, between 1841 and 1844, and since then, your frequent mention of the confidence you felt that gold discoveries that would astonish the world would, before many years, be made in the Australian Colonies, to which I paid but little attention, until I found all you said fully verified by the disclosures of 1851, when I was convinced of your thorough knowledge by the numerous Gold Fields then opened up in this and the neighbouring Colony."
49. Is there any other letter bearing upon the subject to which you would like to refer particularly? Here is one, the writer of which I do not know, dated 15th August, 1860. (*Letter read. Vide Appendix E.*) I wrote to him to say that I remembered perfectly well the circumstance, but that my remark did not apply to Muswellbrook, but to the country immediately beyond it, over the Liverpool Range, from which I had just come back. It is this same fact Dr. Gill speaks of in one of his letters.
50. *By Mr. O'Brien*: What is the date of that letter? 15th August, 1860.
51. And what is the name of the writer? Mr. Thornton; he is a medical man at Muswellbrook; but it is very clear that he had a recollection from some one of the conversation, and I can tell you how I know that the date of my exploration is accurate. Mr. Gore married, and I went to perform his clerical duties for him. I wrote to him to know the date, and he gives me in reference to my question the reply contained in his letter, "You were at Muswellbrook in 1844, for the first time. I ought to know, for it was at that time I was married." I wrote to him to know the date. I was there two years—in 1844 and in 1845, but I had a sort of dim recollection that it was in 1843 and 1844.
52. Did you ever receive collections from others of rocks and other minerals? Yes.

53. Did you employ any one to examine them in places to which you did not go yourself? Yes, I had a number of persons occupied in collecting for me, very extensively, all over the country. Some of those specimens sent to Professor Sedgwick were collected in that way. I did not collect them all. Altogether I have collected about twelve thousand. I had people all about the country collecting for me—some of the surveyors for instance. Captains Blackwood and Stauley, and others who went along the coast, made collections where they went. Those collections I saw. I had particularly in my service Mr. Nichols, an American, living in the Southern country. I have a letter here which I might read, to shew you that that was the fact. All these things were sent up to me, and of course I worked out of them a considerable knowledge of parts of the country to which my duties would not allow me to go.
54. Did you ever mention the probable wealth of the country to any members of the Government or Parliament? Yes; but will you allow me to fill up a little gap? You asked me a short time ago if I published anything. I now recollect that I published a paper on this subject in the year 1847—a Comparison of the Geology of Russia and Australia.
55. *By Mr. O'Brien*: That is in England? No, in the *Herald* newspaper, in Sydney.
56. Oh! were you here at that time? I have been here nearly twenty-two years. All my work—no, not all, but the greater part—which nobody here has ever seen, except Mr. Shepherd, was done before the year 1849.
57. To what year do you now allude? 1847.
58. *By Mr. Hoskins*: Did you publish the paper in Australia? Yes. This is the third volume, No. 5, of the "*Tasmanian Journal of Natural Science, Agriculture, Statistics, &c.*," which was published at Hobart Town. The editor of the *Tasmanian Journal* finds my article in the *Sydney Morning Herald*, and transfers it to his pages, with this heading:—"The following article appeared in the *Sydney Morning Herald* newspaper, of 28th September, 1847, and we have no hesitation in transferring it to our pages, although the author is unknown to us." It goes on to compare the geology of Russia with that of Australia. It takes the formations, as they are in Russia, and the parallels, as they are in the Colony; and it winds up with these words:—(*Vide Appendix F.*)
59. In reference to the question as to whether you mentioned the matter to members of the Government or of the Parliament, you say "yes"? I did.
60. What did they say to it? I will tell you what Sir George Gipps said to it, when I shewed him some gold. He said, "Put it away, Mr. Clarke, or we shall all have our throats cut." That was in 1844. I will tell you how it occurred:—Sir George Gipps was living at Parramatta. I was there too at that time, and had the honor of being frequently at Government House. I went up one morning to see Sir George (he was ill), and Lady Gipps said to me, "Don't go away; stay and spend the day with Sir George; he is unwell." I had to call elsewhere, but I came back and brought the gold with me. Sir George Gipps said, "Where did you get it?" I told him, and he said, "Put it away, or we shall have our throats cut." I had forgotten the date, but I asked Mr. Dobie, and he gave me the date at once. He said, "Don't you remember the great meeting held by the squatters at the Royal Hotel?" It was on that time. Sir George Gipps was so ill, that on that day he did not dine with the family, but had his dinner sent into the drawing-room; it was probably the anxiety about the squatter's meeting. That was in 1844, and it was then that Sir George Gipps said, "Put it away, or we shall have our throats cut,"—alluding of course to the convicts.
61. Does not Sir Roderick Murchison claim to have written to the Secretary of State in that year on the same subject? No; I have published his letter in this book. [*Clarke's Southern Gold Fields*]. He wrote to the Secretary of State in 1848, and not in that year; but he must have seen Strzelecki's collections after the time I speak of. I cannot tell you the date, but my own opinion is that he never saw Strzelecki's specimens until after I had spoken to Sir George Gipps on 9th April. I am pretty sure he had not—he could not, because if you look through his writings, you will find it was an impossibility; he had come home from Russia for the second time, I think—
62. *By Mr. Hoskins*: Who? Sir Roderick Murchison. He wrote a letter on his return from the Continent in 1848. He had inspected the specimens of Count Strzelecki in 1844, but he did not say anything about the gold then.
63. What year was that? In the year 1844. He says, "In the year 1844 I instituted a comparison between the rocks of Eastern Australia, numerous specimens of which had been brought home by my friend Count Strzelecki, and those of the auriferous Ural Mountains, with which I was personally well acquainted. This comparative view was printed in the same year (1844) in the journal of the Royal Geographical Society." Now, by comparison of dates, it appears that he never saw these things of Strzelecki's until after I had spoken to Sir George Gipps, in reference to the gold of this Colony.
64. Have you not disputed the priority with him? I have, upon that very ground. I knew of the gold in 1841; his was a most admirable determination, and it turned out to be true. I wish to give him all the honor and credit I can, but I actually knew of the gold in 1841.
65. Do you not know as a fact, that Sir R. Murchison delivered a lecture, or read a paper before the Geological Society some time in 1844, in which he predicted from the geological formations of Australia, and their similarity to the Ural Mountains, and the country through which the chain runs—that gold would be found in Australia? That is not in 1844. I will read to you my allusion to it if you like.
66. You recollect his reading a paper? I will tell you what I recollect of it. "From facts communicated to the Geological Society, Sir R. I. Murchison has already adopted the same view as the present, respecting the probable mineral wealth of Australia. He has even gone so far in a letter addressed to Sir C. Lemon (the date of which he gives, 1846,) "and

The Rev. W. B. Clarke, M.A.

9 April, 1861.

The Rev. W. B. Clarke, M.A. "and which is published in the last number of the Philosophical Magazine, as to advise that a person well acquainted with the washing of mineral sands, be sent out to Australia, speculating on the probability of auriferous alluvia being abundant, and he suggests that such will be found at the base of the western flanks of the dividing ranges."

9 April, 1861.

67. That does not answer my question. Do you know, or do you not know, that Sir R. I. Murchison, in a paper he read before the Royal Geographical Society, stated, that from the geological features of Australia being so similar to those he had seen in Russia, and also from having seen the specimens of Count Strzelecki, he predicted the existence of gold? No; I do not know that, but I will tell you what I do know. He compared the rocks in 1844, and you will see immediately, if you look through this little book of mine (*Clarke's Southern Gold Fields*), the bearing of that comparison. He had not then completed the comparison, because he gives me credit here of having done that for him. I have printed the letter, &c., at p. 283, and there can be no mistake about the matter. He says:—"In referring to geology, I must express my thanks to Mr. Clarke for having first elicited the fact of the presence of true fossils of Silurian age in some of the less metamorphosed limestones of the S. W. tracts of New South Wales and the adjacent region of Victoria Land; and also for the indication of intersection of certain rocks near to which metallic ores prevailed; since these are phenomena which have been observed in other auriferous regions." This is from Sir R. I. Murchison's address, at the Anniversary Meeting of the Royal Geographical Society in 1853. In a paper read before the same Society in 1852, he spoke of a "geological discovery recently communicated to him by the Rev. W. B. Clarke," namely, "the existence of many fossils of known Silurian species, including *Pentamerus Knightii*, and many shells and corals on the flanks of the dividing range in New South Wales." And he says, "This discovery is important, because it completes the resemblance of the Australian Cordillera (along which Devonian and carboniferous fossils had been found) with the Ural Mountains, the two chains being thus shewn to be zoologically as well as lithologically similar, and both to possess the same auriferous constants." In a letter which he wrote to me in 1852, he says, "In the course of reading the Memoirs presented, yours on the Gold of Australia was read on Wednesday last, at the Geological Society. It was followed by a brief *resumé* of my own publications on the same subject, and of which you seem to have been ignorant. Of course I stated that I was quite sure you would have made allusion to my published views of 1846 (not 1844) on Australia, as auriferous *in future*, if you had seen them as printed in Cornish papers, and repeated in the transactions of the Geological Society, Cornwall, of that year." I assure you that I have never seen those papers or transactions.

68. *By the Chairman*: That was in 1846? Yes. He proceeds:—"I then detailed the various other occasions (to say nothing of the first, in 1845, when I named your range, the Cordillera of Australia), and lastly, avowed myself, in my communication, to be what was indeed generally known, the author of 'Siberia and California,' in the *Quarterly Review*, the article to which you allude." That is where I got the extract. "In giving you the highest credit for your discovery of Silurian fossils, which completes the original parallel with the Ural Mountains, and in speaking of you as an exploring geologist worthy of every praise and encouragement, I do not subscribe to your theory (for such it is) as to the outbursts of auriferous chains having any definite relation to the quadrature of the circle." I will explain that to you. I had stated that the gold rocks in Australia ran nearly north and south. I consider that is one of my discoveries, and one of the most important I have made, because it enabled me to go to work and predict places where there could be no kind of mistake as to the existence of gold. Sir Roderick Murchison once adopted the theory of Humboldt, and formerly entertained a similar idea, but afterwards recanted and gave it up as being of no use, and again adopted it. But after I had adopted it, and worked it out, and found it to be true here, he writes to me—"I do not subscribe to your theory (for such it is) as to the outbursts of auriferous chains having any definite relation to the quadrature of the circle." (This was an incident only.) He goes on to say,—"You are in error in supposing that the north and south ridge of the Ural Mountains has produced three and a half millions sterling of gold. On the contrary, this produce results from the ridges of Siberia, spread over eighty degrees of longitude; the Ural producing only half a million sterling. Hence you see that the theory vanishes. It is not even applicable to your own Continent, various ridges of which, between its eastern Cordillera and its west coast, may prove to be auriferous. But your Silurian discovery rejoices me, and will enable me to introduce you with flying colours in a little general work on the primordial rocks, which I am preparing. I have incorporated all that is new which you have written as coming directly from yourself, and as being most important additions to what Strzelecki, Jakes, and others have written." The end of the letter is about information sent by Mr. Evelyn Denison, and it concludes with these words—"Such anticipations are of no great value in the eyes of scientific men, but they have great weight among statisticians and politicians. Thus, I have as much credit here as you have in Australia, without having any more than yourself profited by the golden riches. The north and south theory has gone much out of fashion, for, according to Erwan's maps, the exceptions prevail. Still I hold to the value of the great meridian chains, such as the Ural and its parallels, the Cordillera of America, and that of Australia. I am very anxious to know if any of the original sites of the ore have been discovered, to what extent, and if the people are fools enough to work into the solid rock when they can do everything most profitably in the 'drift.' Although you have trodden on my toe, I shall always say that you have done very much indeed for the geology of Australia."

69. *By Mr. Hoskins*: But still you must admit, even from what you have read, that Sir R. Murchison

- Murchison predicted in 1845 that gold would be found in extensive deposits in Australia? Yes, but I have shewn you that I did that in 1841. The Rev. W. B. Clarke, M.A.
70. But your predictions were not published in England anterior to Sir Roderick Murchison's? No; but to prove to you that I made the prediction in 1841, I will read to the Committee this letter. I have a brother-in-law in Tasmania. Having left a living in Lincolnshire he came to Adelaide, and afterwards removed to Melbourne. Subsequently he accepted a living under the Bishop of Tasmania. When this question was agitated before (knowing that I had written to him in England upon this subject), I wrote to him to send me the letters I had written, and here is his reply. (*Vide Appendix G.*)
71. I believe you know that the first printed prediction made in England of the probability of gold existing in Australia was made by Sir Roderick Murchison? No doubt; I do not deny that; but that there is no jealousy on that score, between him and me, will be clearly seen from the following extract from a letter I received from him under date October 31, 1860:—"I was glad to hear that the New South Wales Parliament was doing you the justice you deserve for your long, energetic, and successful researches. The justice of your claim at my hands shall of course be awarded to you in all future publications of mine, or of any body with which I am connected, in which Australia is mentioned, and certainly no new edition of Siluria shall appear without the correction of your initials and name."
72. At the same time you know, as a matter of fact, that Sir Roderick Murchison was the first person in England who printed or made public his predictions in reference to the discovery of gold? Yes, but that has no more to do with me than with the man in the moon.
73. *By the Chairman*: But you afforded him a great deal of ———? I cannot say what I afforded him. All I can say is what I did myself.
74. *By Mr. O'Brien*: When I heard Sir Roderick Murchison lecture in London, he predicted the existence of gold from his own researches? When Count Strzelecki returned home after examining the rocks, he found that there were indications of the same epoch in the rocks of Australia and those of the Ural Mountains, but you see his comparison was incomplete until I furnished him with the materials in 1852. It was in consequence of what he had seen in Russia that he, perhaps, said, "Why, bless my life! these rocks are so much alike that there must be gold in one as well as in the other."
75. *By Mr. Hoskins*: He also assumed it from the geological features of the country, independent of that? No.
76. And also from the direction in which the cordilleras ran? As I have already told you he first adopted that argument and then threw it away. He had been twice in Russia, and had collected very extensively. He had unlimited means of exploring; the whole of the Russian Empire was at his call. When he came back, Count Strzelecki had just arrived from Australia with his collection of rocks, and, having seen them, Sir Roderick Murchison saw that they were exactly like the rocks which he had just been examining.
77. I only wished to get this fact, which was disputed in the House when the Select Committee was moved for—that Sir Roderick Murchison was the first who gave expression, publicly, to the fact that he believed heavy deposits of gold would be found in Australia? If you mean by printing—
78. In England? Nobody denies that.
79. It was denied in the House, privately? I have here a number of letters, which if you desire to read privately you can do so.
80. I am not disputing your claim to have made it public in New South Wales? If I were to bring all the documents I have upon the subject, I should cover this table; but I would be happy to let any Hon. Member of the Committee examine them. I feel very easy upon the subject, for I have never asked the Government to do anything for me.
81. *By the Chairman*: You were employed by the Government in 1851 to make explorations for gold? Yes. I have been very often employed by the Governments.
82. What led to your employment? In the year 1851 (I cannot remember the exact date, but it was the end of June or the beginning of July) a friend of mine came to me several times, and said to me, "The Government are in a great fix"—"They are in great difficulty respecting what is going on in the country. They cannot let the matter rest, and they want fresh discoveries to be made. Those already made are not sufficient to satisfy the public—why do you not go forward with all your knowledge and assist them?" In consequence of this being urged upon me several times, in an interview with Mr. Deas Thomson, an expression was given to this effect, that I was ready under certain circumstances, to assist the Government. The Government proposed first of all to have a Committee consisting of certain individuals, with a stationary Chairman, sitting in Sydney. Mr. Stutchbury and myself were to go abroad and pick up information for them to make use of. To that I objected, and wrote this letter. (*Letter produced.*)
83. *By Mr. Wilson*: Was that letter addressed "Mr. Deas Thomson" or "The Chief Secretary"? No; to the Hon. E. Deas Thomson, Esq. It was written to him as Chief Secretary; but at the same time —
84. *By Mr. Hoskins*: As a private communication? It has not been held as a private communication. It is to be found in the Chief Secretary's Office. It is what they call sub-official or semi-official. (*Witness here read a copy of the letter referred to. Vide Appendix II.*) This was followed by another letter, dated 9th July. (*Letter read. Vide Appendix I.*) That is the history of my engagement. I was referred to as one being able to assist them by hunting up gold in places where people had never heard of it.
85. *By the Chairman*: What arrangement was made respecting your ministerial duties? It was this: It came to be a matter of official communication. Sir Charles Fitz Roy wrote me a letter, and my reply to it was that the application must come through the Bishop.

The Rev. W.B. Clarke, M.A. "I am a clergyman in his diocese, and consider myself bound by my clerical duties, and you must let it come through the Bishop;" and the Bishop wrote to me.

86. Where had you been employed as a clergyman up to that time? I was then at St. Leonard's. I came out here in 1839. They told me that the Government pay to clergymen was £200 a year, and that the congregations added another £200, and that there would be a glebe, a house, and other advantages. On my arrival the Bishop said, "I must appoint you to Campbelltown." I said, "What sort of a house is it." "Oh," he said, "there is no house." I said, "I do not understand that, I thought there would be a house." He said, "There is no house, but I suppose they will build one some day or other." The next day (I was staying with him) he said, "Mr. Forest has been here from Parramatta, and is anxious to leave the King's School for a time—have you any objection to take his place?" "Well," I said, "if it would convenience your Lordship, for a time I have no objection." I went, and up to December, 1840, I was at the King's School, when I abandoned it, for reasons which I need not here explain. Attached to this duty was the charge of the district of Castle Hill, extending down to the Hawkesbury. There was no stipend excepting the surplus money out of some fund the Government had, but the Bishop provided that I should get £150 a year. I spent the first year's stipend thus:—£80 for house rent and £70 for horse-keep. That duty continued until 1844, when the Bishop made an arrangement with Mr. Vidal, with whom I exchanged duties for a few months, and then I was translated to St. Leonard's—so that up to that time I had plenty of opportunity of moving about.

87. Then the Bishop sanctioned your new duties? The Bishop having received this communication from the Governor, wrote to me. He said the Governor had applied to him to (you know the common phrase) "lend you;" and I was "lent" to the Government. He then said, "Now, you can do a most important service. Your going into the interior will enable a good deal of duty to be done. Many people may be visited who could not otherwise; and besides, you can gain a great deal of information for me if you choose to do it. I shall give my sanction, and be very glad to do so." Well, the matter was arranged in this manner. But the Bishop said, "I must give a license to whoever takes your duty." He gave a license to Mr. Smith. There cannot be two people licensed for one place, and I said, "You have taken my license away, now give me a license for the whole of the diocese;" and he did so. I went away with a commission as a clergyman as well as a commission from the Government. I did officiate frequently. I have had congregations of three and four people under trees, and done much missionary work of that sort.

88. By Mr. Hoskins: As you were appointed by the Government of course you will have no objection to let us know the terms upon which you were engaged? No; certainly not.

APPENDIX.

A.

THE AUSTRALIAN GOLD-BED.—Prosperity is said to have visited New South Wales with its crowning disaster in the discovery of a Gold Field vast in extent. There is still room, however, to think that this report may have been exaggerated, and that the amount of "native gold" may not be so great as materially to hazard the welfare of the Colony. The total sum of the facts ascertained is, that a young gentleman brought into the town of Bathurst a piece of gold weighing eleven ounces; an old man brought "several lumps," weighing about two pounds in all; the manager of the bank and two gentlemen went forth, and each picked up a piece. One of those gentlemen brought back a few handfuls of loose earth which produced gold to the size of a small pea; and Mr. Stutchbury, the "Government Geologist," extracted from a handful of earth metal to the weight of twenty-one grains. Gold, therefore, unquestionably exists; but the average proportion in the soil and the extent of the field are questions wholly undetermined. The proportion is an especially undetermined question. The simple character of the geological structure of Australia, however, renders it probable that the whole extent of territory which bears the same aspect superficially has also the same character geologically; and it is most likely, therefore, that an extensive Gold Field does exist in that part of Australia if not also in other parts. Indeed it was already known that gold existed. More than a year ago, in April, 1850, we published an extract from a letter by a good practical geologist in New South Wales which may be now repeated (Extract referred to):—"This Colony is becoming a mining country, as well as South Australia. Copper, lead, and gold are in considerable abundance in the schists and quartzites of the Cordillera (Blue Mountains), &c. Vast numbers of the population are daily going to California; but some day, I think, we shall have to recall them."

B.

St. Leonard's, 7 July, 1847.

My dear Sir,

You are as well aware as I am, of the extreme difficulty of following out any particular bed in the coal measures of Australia, in consequence of the great variability of their condition—a remark which applies so generally to all the members of the carboniferous formation of New South Wales, that it is hazardous to trust any of the rocks further than we can see them.

Moreover, owing to the very frequent interruptions of the planes of dip, and the dislocations which have taken place, partly from contraction and partly from mechanical violence of intrusive masses, it requires much patience and study to come to any conclusion as to what may be the actual mean dip in any wide extent of surface.

In my evidence I have made frequent mention of undulations, the result, I think, of contraction and lateral pressure, and no person can examine the coast about Newcastle without being convinced of the existence of these undulations, for the cliffs exhibit, within comparatively small distances, very contrary dips, which, with the interruptions occasioned by faults, and the denuded intervals between the separate portions of the cliffs, together with the abnormal variation in plane of some of the beds when compared with others, and the thinning out and osculation of seams (all which phenomena are more or less traceable by the eye), so complicate the question as to make any decision as to individuality of beds or seams a matter of much hesitation.

I am, however, quite aware that such a dip as you speak of to N.W., and also others to N.N.W. and N.E., may be found in the vicinity of Newcastle, and that the dip of your worked seam is to N.W.

I have admitted nearly so much in my evidence, for, in my answer to Question 20, I mention the probability that the Burwood seam is "the summit of a fold in the undulation of one of the Newcastle seams"; perhaps it is the one you are working, as the dip tends to N.W. So, in the cliff near Khantarin (south of Shephard's brush cliff), the dip is slightly to N.W.; but close to this there exists an anticlinal curve, one end dipping to N., and the other to S.; and on the beach, south of the valley which descends seaward from the Burwood tunnel, the coal is thrown down to nearly high-water mark, and is broken up by numerous small faults, disappearing to the southward, under the pudding stone of the Valley of Palms, to rise again near Corigulla; and then, finally, it dips southwardly under the sea after the union of two seams at Red Head, to appear along the coast at Reid's Mistake, at a moderate height above the beach. After this, the pudding stone, which heaps all the strata from Nobby's southward, occupies the beach level, the coal seams being carried downwards by southerly dip and various faults.

Mr. Threlkeld, in his evidence, states loosely enough (in Answer 65), that there is "a very trifling dip to N. at Lake Macquarie; either Newcastle has risen, or the other has sunk, or vice versa." Without doubt, on the north of Reid's Mistake, the dip appears to be N.W.; and in one place near Ebenezer coal drift the dip is W. N. W., but from a plan of the first adit made there, given to me by Mr. Threlkeld himself, I find the dip of the coal seam he then worked was E. S. E. by compass, which direction I verified myself. Again, south of Reid's Mistake, the dip near the faults is reversed from northerly to southerly. Such phenomena as these must always occur in a district like that under review; and it is remarkable that the strike of the coal measures being N. E., and consequently the dips, folding over the axes of undulation, being necessarily to N.W. or S. E., examples of both cases are very distinct along the Hunter. At Milberring Creek for instance (as stated in my Answer 15), the dip is from ten to sixteen degrees S. S. E.; a similar dip occurs near Ebenezer, where a fault running parallel with the coast line of the bay cuts off the seam, and beyond this the dip is reversed.

Your friend Strzelecki has noticed similar facts along the Hunter, for he says (p. 87). "each detached portion has its own strike or dip;" but there are, nevertheless, some general features which appear to be invariable, and nothing can be more striking than the fact, that all the greenstone and trachytic dykes along the coast from Nobby's to Broken Bay, range nearly from S. E. to N. W., the very directions in which the undulations occur.

The very nature of undulation is to produce alternate synclinal and anticlinal folds, and, of necessity, at the bottom of the one set, and at the apex of the other, the dips must meet in reversed order. But let this occur never so often, there may still be a general tendency to a given plane of inclination, and this is all I meant when I assumed the dip of the beds (by which I meant all the masses of the formation) at and near Newcastle to be to the south; for I considered that the carboniferous rocks are thrown off to the south by the porphyries of Port Stephens; as, for example, in Bird Island, where the dip is twenty degrees to S. W., and at Raymond Terrace, where the dip is southerly, as it is in Nobby's Island, and in some spots along the coast.

And I am convinced, that a careful search would prove that south of the Bundoo, or Clyde River, where the ancient rocks on the flanks of Maneroo throw off the coal measures, the mean dip or general inclinations of the latter is to the north.

M. de Strzelecki, from different data and independent observations, came to the same conclusion respecting the southerly dip of the "north-eastern margin of the Newcastle basin" (p. 125). The same author says, "the strike at Illawarra is N. W.," but in the passage referred to (p. 126) I presume he used *strike* for *dip*, the latter being N. W.; for we agree as to the probable converging of the basin towards the County of Cumberland.

I have thought fit to enter into this long explanation because it may seem to some that I have contradicted *local facts* in alluding to *general phenomena*; and because in my desire to explain the state of the case, according to my views, in as simple a way as I could to the Committee, I have not been always sufficiently guarded in the employment of the term "*beds*" to satisfy strict geological technicality. In fact, there is mention of "*fields*," and "*beds*," and "*seams*," and "*basins*," and even "*saucers*," by the witnesses and examiners without proper contradistinction between those terms, whereas if we had occasionally used the term "*coal measures*" no apparent discrepancy would have occurred; but in *visu voce* unpremeditated evidence, errors of this sort will creep in, and afterwards it is difficult to correct them without making confusion or destroying identity of statement.

In Questions 164 and 165 put to you, it is inferred that the seams at Bullai and Newcastle may be identical. Your answers appear to me to be very proper and satisfactory; but I think my meaning in Answer 17 was slightly misapprehended by the Committee; I did not imply that those seams must necessarily meet in the most direct line of junction or that of the coast; I assumed a dip, in a true line from the points in question, to shew what might probably be the case; but my opinion (as expressed in Answer 16) is, that the Newcastle seams are on the western, and the Illawarra seams are on the eastern side of a basin comprehended between those localities, the longitudinal axis of which runs nearly parallel with the escarpment of the overlying great sandstone at the back of Illawarra; in which case there must be a considerable tract of coal measures washed away to the eastward of Newcastle, or sunk by a downcast fault below the ocean.

The axis I have thus assumed will run, as it ought, according to all the physical conditions of the country, nearly through the Wianamatta trough; in which case, if we could consider them continuous so far, we might expect to find the Newcastle seams a little to the eastward of Burragorang, where coal occurs immediately under the great sandstone, and over fossiliferous strata identical with those of Maitland; and it may be observed, that a line of faults and vertical fissures of great depth is marked by the direction of the Wollondilly, the Warragamba, and Nepean Rivers, westward of which the coal measures at their edge have been hoisted up by the elevation of the dividing ranges of the Blue Mountains.

On the other hand, assuming a basin which shall comprehend the whole of the area mentioned in my Answer 6, the coast from Illawarra to the Hunter may be assumed as an irregular eastern boundary, in part of which the extreme portion as stated just before, and in my Answer 16, must be missing.

Respecting your "*saucers*," I understand you to mean truncated anticlinal folds enclosing synclinal depressions or small basins, such as I spoke of in Answer 9, and merged in one great basin for the sake of conciseness. In Answer 7 I have described how these small basins may have been formed.

It will be found, I think, after this explanation, that no discrepancy about dip exists between us; and if you will bear in mind a few admitted facts as to the dip of the Illawarra beds and that of your worked seams, you will see that the Newcastle seams cannot lie in the exact plane of the Bullai seams; for the *strike* at Bullai must be, at least, 25 miles in advance of the *strike* at Newcastle; and on this supposition, with a dip of four degrees, allowing the dip in both places to be N. W., the coal seams at Bullai would be at least 9,000 feet below the seams at Newcastle—a result so utterly improbable that the data must be rejected, or the N. W. dip in your seam must be taken as a local affection.

Admitting with you, therefore, the probability that the Coal Fields may be made up of numerous small basins, I see no other alternative for avoiding the consequences of admitting other suppositions, which consequences are monstrous in themselves, than the assumption that these basins are due to undulations produced as I have suggested.

I will mention one calculation which will show the necessity of close attention to the dynamical conditions and structural phenomena of the large solid masses of strata involved in the problem before us.

If we assume that there is a basin with Newcastle at one end and Maitland nearly at the other, since the dip of the underlying elevated rocks at Harpur's Hill is from two degrees to six degrees to N. W., and similar rocks are proved to exist, by the imbedded fossils about thirty feet below the surface at the

The Rev. W.B. Clarke, M.A. Long Bridge, and elsewhere between it and Morpeth, and as at Mulberring Creek the dip of the same beds is from ten degrees to sixteen degrees to S.S.E., we shall then have the coal about 3,300 feet below the sea at the junction of the Williams and Hunter Rivers, whereas the coal measures in that neighbourhood are from 200 to 250 feet or more above the sea. On the south-west edge of this assumed basin we should have the underlying fossiliferous rocks, if they were present, forming an anticlinal arch between the heads of Wallis Creek and Harpur's Hill, the apex of which would be upwards of 6,000 feet above the sea, and, of course, at least 5,800 feet above the coal measures; whereas, on the Buttai Range, which is above the former, the upper coal measures are not quite 700 feet above the sea; a fault of such enormous magnitude can hardly exist, and, therefore, as I said before, I see no means of reconciling the difficulties in our way, and of explaining the matter satisfactorily, but by adopting the explanation I have given, viz., that the strata are folded up and drawn in long or short undulations, so that the coal beds are alternately elevated and depressed, and the underlying rocks made to partake in similar changes, becoming prominent at points where the strata fold anticlinally, by which the lower beds seem to occupy an apparent position not actually belonging to them. In this case, Lake Macquarie will be found to occupy a synclinal fold; and if so, coal underlies the whole of the lake between Ebenezer and Reid's Mistake, and also underlies the ocean between the latter place and Red Head, the line of *strike* agreeing with an observed rise in the beds, occupying the beach at Red Head, and in Nirritinba, or Mutton-bird Island, which is an outlier of the mass of coal measures now destroyed.

9 April, 1861.

I have troubled you at this length, in order to assign my reasons for the conclusions at which I have arrived,—conclusions which, I think, will hold good, till actual investigations, by artificial means, shall modify or disprove them. And if such investigation should prove what I think far from improbable, that the fossiliferous beds, generally supposed to be invariably below the coal, interpolate the series of coal beds as I know they do on the flanks of Mount Wingan, all that will, in that case, be effected, will be the establishment, by fresh proofs, of the truth of the supposition as to the vast thickness of our carboniferous formation.

Captain King, R.N.,
&c., &c., &c.

Yours, &c.,
W. B. CLARKE.

C.

List of Rocks, Fossils, and Minerals, sent to Professor Sedgwick, and now deposited in the Woodwardian Museum, Cambridge. Forwarded, November, 1844.

Hawkesbury District	115 (c)	Gill's Cliff	18 (c)
Wianatatta District	271 (c)	Bathurst Section	79
Prospect	22 (c)	Miscellaneous	11
Mataval	5 (c)	Sutton Forest and Mittagong	24 (c & t)
Piskihaba	33 (c)	Mount York	2 (c)
Maroota	16 (e)	Upper Hunter	19 (c)
Illawarra	588 (c)	Twofold Bay and Maneroo	16 (a)
Stonequarry	6 (c)	Pago	24 (c)
Awasaba	31 (c)	Wollombi G. Plains, &c.	10 (c)
Hartley, Cox's River, &c.	34 (a)	Mudgee, &c.	47 (a)
Arriwa and Irrawang	38 (c)	Newcastle, and up to Loder's Creek	111 (c)
Harpur's Hill	5 (c)	Paterson District and Stroud	12 (c)
Mudgee	33 (c)	Lewin's Brook	18 (c)
North of Liverpool Range to Peel	54 (a)	Williams River	65 (c)
Clarence River, and north of	18 (c & a)	Hunter River	34 (c)
Argyle	145 (a)	Binjaberri	44 (c)
Murrumbidgee	71 (a)	New England	33 (a)
Murray	119 (a & t)	Harpur's Hill	20 (c)
Port Stephens	55 (c)	Darlington	16 (c)
Norfolk, I.	6 (v)	Mitchell's River, Glendon, &c.	75 (c)
Windsor	1 (c)	Korinda	38 (c)
Muswellbrook	47 (c)	Segenhos	33 (c)
Cedar Brush	23 (c)	Richmond and Moreton Bay	51 (c)
Mt. Wingan	34 (c)		
		Total	2,673

D.

To the Editors of the Sydney Morning Herald.

16 February, 1849.

Gentlemen,

We may well exclaim in the language of the poet—
"Quid non mortalia pectora cogis
"Auri sacra fames!"—

when we call to mind the rush made to California; and now again we are startled by the cry of Mammon from Australia, inviting the indolent and covetous to make a hasty revenue from the clays and rocks of the Pyrenees.

Far be it from me to deter any adventurous individual from acquiring experience at his own cost, since it can do no harm for any one to become convinced that it may be bought too dear. I think it will be found so in the present instance. Gold is not so rare a mineral as many imagine, nor is there any lack of it in this country. It would not, indeed, be surprising if it should eventually be found in some abundance; but the story in the *Melbourne Herald*, which you have copied to-day, contains something improbable. That a shepherd-boy may have found a specimen in a quartz rock is likely enough—
that he could not find another, after some days' digging, is actually stated!

The Editor of your Melbourne contemporary says—"From the specimens we have seen, an immense mass of gold lies in the bowels of the earth in the district of the Pyrenees, which has been thrown up in lava in volcanic action," &c.

It is, perhaps, rashness to deny the truth of this statement; but I venture to inform such of your readers as, on the strength of that announcement, are about to turn gold hunters, that there is no instance known of gold, either in little or great quantities, occurring in lava thrown up by volcanic action.

The fact stated, that the gold is mixed with quartz, proves distinctly that it occurs (if at all) not in the Pyrenees, as it does in other parts of the world, and that there is nothing extraordinary about it. It generally occurs in veins of quartz traversing mica-schist, or chlorite schist, both of which rocks occur much nearer to Sydney than to the Pyrenees. It may do no harm to add, that there is no instance of a man making his fortune by opening a gold mine, and that it is only in countries where labour is as cheap as it is with slaves and serfs, that even gold-washing pays.

PLUTUS.

E.

E.

Muswellbrook, 15 August, 1860.

The Rev. W. B.
Clarke, M.A.

Sir,

I take the liberty of addressing you, trusting that I shall, at least, receive pardon, even though you may decline giving the information which I solicit. 9 April, 1861.

When you were doing the Rev. Mr. Gore's duty in this town, many years ago, it is reported that you made use of this remarkable expression while standing under Mr. Nowland's verandah:—"If you good people of Muswellbrook knew what a mine of riches was under you feet you would not rest quiet in your beds"—you pointing at the time towards the hills opposite. Now, sir, as the town is in a most depressed state, and knowing that your acumen in geological matters is most acute, I naturally suppose you referred to a paying Gold Field, and have, therefore, been led to solicit information as to whether a paying Gold Field is possibly within the neighbourhood of this town, and in what direction a search would be likely to prove successful. Being the medical man practising here, I can speak from experience that the poverty among the labouring classes here is *extreme*; and should you be able to give me any hints to ameliorate the circumstances of the people you will be doing an act of charity to many.

As to the advisability of raising that state of excitement called a "gold fever," with all its concomitants of evil, I take it that the Almighty having, in his Divine wisdom, placed gold in certain places, and having blessed men with understanding to search and find it, has done so for some purpose of good. Therefore, I do not think, with some, that (because evil accompanies the discovery of gold), it is a sound reason to abstain from the search of gold, or that a man of science should object, on that ground, to make known the discoveries which He who is the giver of all wisdom has blessed him with the ability and means of making.

I am quite aware there are other reasons which might induce you to withhold any information on the subject you may possess, and to them I pay the respect due, not attempting to argue against them, but merely putting the subject in this way:—

You, possibly, are in the possession of information which, if divulged, might lead to the discovery of a paying Gold Field. I, as a stranger, ask you have you any objection to give me that information or part of it. Should you object, I submit to your decision, as I have no claim on you for it. Should you, on the contrary, acquiesce, I will not only feel indebted to your generosity, as well as *honored* by receiving a communication from one of the *most scientific* geologists of the present day, and one who has done so much, and received so small a reward from his country.

I have, &c.,
A. W. THORNTON,
M. R. C. S., &c.

F.

Now we have here a third striking resemblance to the condition of the Blue Mountain Ranges, which in Australia run rudely in a general line, not far from the meridian, through thirty degrees of latitude, in Tasmania and New Holland, and New Guinea, having their highest points at an altitude of from 5,000 to 6,000 feet above the sea; with an axis of chloritic and talcose schist, and quartzites, with occasional limestones of Silurian age, in which occur metallic ores and gold in veins of quartz. Moreover, granitic rocks of a comparatively younger age break through them.

As on the flanks of the Ural, the carboniferous formation reposes, so in this country occurs the very same order of deposits.

It is, therefore, highly probable that, besides the lead and copper which exists in the Blue Mountain Ranges, auriferous sands will be found in the rivers flowing from them. Indeed, gold occurs not only in the veins of quartz which traverse the schist, but in the black striated cubes of pyrites so common in the Bathurst country. Nor ought there to be any astonishment if, hereafter, it be discovered that platinum also exists in N. S. W. In respect of all other phenomena, the dividing ranges of New Holland are similar to the Ural, with the exception that the slope in this hemisphere is to the west, and the escarpment edges of the deposits to the east; and let it be observed, that the general direction of the South Australian mineral ores is nearly, if not (on the large scale) actually parallel with the greater chain to the eastward. N. S. W will, probably, on some future day, be found wonderfully rich in metals.

G.

Green Ponds, 16 August, 1860.

When we arrived at Melbourne your dear sister had some of your letters (three, I think) which were written in 1841; two containing allusions to the auriferous character of the mountain ranges of N. S. W. If you recollect, she sent those letters to you in the summer of 1851, when they fell, together with my testimonials forwarded to the Bishop of Newcastle, into the hands of the scoundrels who robbed the mails and burned all the contents of the bags. I had to get my papers out from England again when I came over here. On referring back, however, to my articles in the *Herald* at the time (the *Melbourne Herald* I mean), I find the following quotation from one of them. The date is *Tuesday, June 3, 1851*. Speaking of the gold as fine and plentiful, you ask, "Who would turn badger and mole to get it, but one who has no other way of procuring it?"

If you can get a file of the *Herald* for June and July, 1851, you will find several articles of mine alluding to these letters.

Rev. W. B. Clarke.

WM. TROLLOPE.

H.

St. Leonard's, 7 July, 1851.

My Dear Sir,

After I left you on Saturday, I reflected on the conversation which had taken place, and gave full attention to what fell from you respecting a Commission, with an elected Chairman.

In the course of the day I became acquainted with the sentiments of one gentleman named by you.

The result of my consideration is to strengthen my prejudice against any incorporation whatever, and I therefore deem it a bounden duty to state frankly that, though I am prepared, to the best of my humble ability, to serve the Government and the Colony in the proposed survey and report, my own reputation is too much concerned in the matter to allow me to undertake it in conjunction with others. You will observe that in the case of Murchison and M. de Verneuil, that they were obliged to separate from Baron Meyendorff in consequence of a difference of objects, and that the success of the two geologists depended altogether on their perfect unity of purpose, zeal, diligence, and geological animus.

In the case supposed, there can be nothing of this kind, and the only result to me would be vexation and annoyance. I am not prepared to sacrifice for this, my present quiet endeavour to complete my report of the Colony.

When

The Rev. W. B. Clarke, M.A. When you consider that I have now been at work unassisted in any way for twelve years, that I have nearly finished a survey of the whole country, and that it is my wish to complete it by myself, you will see at once how completely opposed it will be to my design and desire, to be bound and shackled by those who will not keep pace with me, and whom I must either work for, or yield too often perhaps against my own conclusions.

9 April, 1861.

With an able practical geologist, who has really acquired his *experience* in the *field*, I should be glad to work in company; but as this cannot be, however high, as undoubtedly it is, my opinion may be of my contemporaries, I can only, in common justice to myself, and what is expected from me, offer my services unfettered by connection with others. No doubt the proposed expedition would enable me to fill some gaps in my report, which will be at last for the benefit of the Colony, and not of myself; but I would rather forego whatever advantages I might gain than place myself in a *false position*.

I must beg you to believe, notwithstanding, that I am anxious to do what I ought, and what I can, in the present emergency.

Believe me, &c.,
W. B. CLARKE.

The Honorable
E. Deas Thomson, Esq.

I.

St. Leonard's, 9 July, 1851.

My dear Sir,

I would have called before with the accompanying papers, but have been prevented by the weather, by funerals, and attendance on sick parishioners.

I think you have all the ideas I wished to convey respecting the extent and object of the proposed exploration for the purpose in view.

I am quite willing to undertake this exploration alone, and would much prefer being disconnected from others. The object is a simple one, and would be facilitated by such exploration, and a report respecting the results of the survey would be more useful as embodying the general deductions of one than the, perhaps, opposed principles of several.

All I would require would be to be supplied with all that might be necessary to carry on the survey, in the way of expense, and such remuneration for the loss of present income, &c., as the service would deserve, coupled with the option of being allowed to be the bearer of my own report to the Home Government, accredited by the Colonial Government, if necessary to send Home the report.

If arrangements can be made to set me free by the beginning of August, I would be ready to start within a few days afterwards.

I hope to be able to see you to-morrow (Saturday) as I wish to shew you the results of some experiments upon quartz rock, which, I think will be interesting to you. I have sent a letter respecting them to the *Herald*, for publication.

It is better, however, to forward the papers at once.

Believe me, &c.,
W. B. CLARKE.

The Honorable
E. Deas Thomson, Esq.

FRIDAY, 12 APRIL, 1861.

Present:—

MR. HOSKINS,
MR. MATE,

MR. O'BRIEN,
MR. WILSON,

MR. WISDOM.

I. SHEPHERD, ESQ., IN THE CHAIR.

The Rev. William Branwhite Clarke, M.A., called in and further examined:—

The Rev. W. B. Clarke, M.A. 89. *By the Chairman:* With the permission of the gentlemen of the Committee, before I proceed to ask you the questions that I intend to do, in resumption of your evidence, I would like to ask you in reference to a question put to you by Mr. Hoskins, in regard to a lecture given by Sir Roderick Murchison in 1844. Reference was made by the honorable gentleman to some matter contained in that lecture, with some remarks as to what Sir R. Murchison had done in 1844. Can you offer any explanation on this point? Yes. I have purposely brought all the papers having reference to this very question.

12 April, 1861.

90. *By Mr. Hoskins:* You may remember that the purport of my question was, as to whether you were aware that Sir R. Murchison had read a paper before the Royal Geographical Society of London, and also, that this paper, and the opinions it contained, had been printed; that in this paper he had inferred, from the similarity of the formation of the Australian Alps with the Ural Chain, that the former would be found to be auriferous as the latter had been; and that this publication was anterior to any publication of your views in England? Exactly; and if you remember I said they were so. That the publication of these views of Sir R. Murchison was prior to the publication in England of anybody else's theory, I readily admit. I may say that I never saw the document alluded to, before the other day. I had, of course, heard of it before, and immediately I reached home, after the Committee closed the other day, I searched out the volume of the Geographical Society's Journal, in which this paper occurs; and I have now here with me, a copy of the article itself. This is, no doubt, the passage to which you alluded—he is speaking of the crystalline rocks which are prolonged along the whole of the Eastern Coast of New Holland, and then proceeds to draw out a general comparison between the Ural Chain and the Great Australian Range—he says, "With the exception then of a few embranchments towards its southern end, which throw off the waters of the Darling and its tributaries into the new settlements of South Australia, and of the curvilinear band in Van Diemen's Land, this
"chain

"chain may be said to have a meridian direction through upwards of 35° of latitude, and is therefore considerably longer than the Ural, another great meridian chain, of which I have elsewhere spoken, even if we include in the latter the great islands of Nova Zembla. The Australian chain further resembles the Ural, in being composed, according to Strzelecki, of an axis of eruptive or igneous rocks (greenish syenite, greenstone, porphyry, serpentine, &c.), some metamorphic rocks (quartz rocks and slate), with unquestionable palæozoic deposits on either flank. It still further resembles the Ural in altitude, and in the total absence of all free transported blocks or boulders, all the alluvia or diluvia being local; but it so far differs from the Ural and many other meridian chains, in having, as yet, offered no trace of gold or auriferous veins."

The Rev. W. B. Clarke, M.A.
12 April, 1861.

91. *By Mr. Wilson:* What was the date of this address? It was read on the 27th May, 1844. I have also looked through his book upon the Ural, and I find that the date of his dedication to the Emperor of Russia is May, 1845. His position as the first publisher in England of the theory of the resemblance of the Ural and the Australian Chains, is not at all assailable. With regard to the actual discovery, however, Sir Roderick, in his work on Siluria, 3rd edition, 1859, p. 491, after saying in the preceding page, "The Rev. W. B. Clarke did, however, rouse the attention of the inhabitants of New South Wales in 1847, to the auriferous character of these rocks, and indicated, as I had previously done, their similarity to the rocks of the Ural Mountains, including the meridional direction of the two chains," goes on, "Just as in Siberia the greatest amount of gold is found in heaps of debris, or old alluvia derived chiefly from veinstones in old slaty rocks, and often adjacent to or associated with eruptive rocks, whether granites, porphyries, or greenstones. I also assumed that the chief auriferous slaty rocks of Eastern Australia are of the same age as the central masses of the Ural, viz., Lower Silurian; because, like them, they are overlaid in parts by strata which contain Pentameris, Trilobites, and Corals, indicative of the Upper Silurian Group. Many of these last have been identified by my friend Mr. Lonsdale, who considers some to be Upper Silurian, and others referable to the carboniferous era. The shells examined by Mr. Salter confirm this conclusion; and the carboniferous strata, with European forms of life, appear to be clearly separable from the Devonian." Now, I am prepared to shew you that what Sir R. Murchison assumed, I had in my hands prior to 1847; and I have also documents coming from his own office to shew that the specimens he here alludes to were not in his hands, and examined by him until 1856. Consequently he has shewn here, as having been alluded to by him in 1844, matter that was not actually in his power until 12 years after that time. I have no doubt but that this omission of dates was made by mistake, and I have already written to him on the subject, when I am sure he will do me justice. I now produce before the Committee, these letters, which principally come out of Sir Roderick's own office. One dated 12th July, 1858, from Mr. Lonsdale; another May 9, 1856; and a letter from Sir R. Murchison himself, dated 30th May, 1856, in which he enters into some of these very points. All these letters go to shew that Sir Roderick made a mistake by omitting the date in what he wrote in his Siluria; for what he should have said in place of what I have read is, that since he made the remarks he did in his address to the Geographical Society, in 1844, he had received such evidence of the correctness of his theory, as unmistakably to establish it. And here I may remark that to a very great extent he has thanked me for having established this point.

92. *By Mr. Hoskins:* I am perfectly satisfied upon the point? But you could not have been satisfied, because you could not have known of the existence of these documents which I now produce before the Committee. Then, again, there has been a controversy between Mr. George Windsor Earl and Sir R. Murchison in reference to the anticipation of the latter of the gold discoveries in Australia; and in one of the letters of Mr. Earl, published in a pamphlet in 1853, and addressed to Lord Colchester, as President of the Geographical Society, the following passage occurs:—"I first became aware of the fact that Sir R. Murchison was himself a party to the claim, subsequent to the dispatch of my letter to your Lordship of the 10th April, 1852. The intelligence reached me through the proceedings of the Geological Society at the meeting of February 4th of that year, in which Sir R. Murchison defends the originality of his anticipations, &c., against a rival claim set up by the Rev. W. B. Clarke, also a Fellow of the Geological Society. The paper of Sir R. Murchison, which was read on that occasion, also notices the fact of fossils of known 'Silurian' species having been discovered in the dividing range of New South Wales (by the Rev. W. B. Clarke), and which is described in the paper (by Sir R. Murchison) as completing the resemblance between the Australian Cordillera and the Ural Mountains of Asia, the two chains being thus shewn to be zoologically, as well as lithologically similar." Now this discovery of "fossils of known Silurian species" in the dividing range was my work, and the passage becomes more clear by the words I have inserted in parenthesis; and when Sir R. Murchison read his papers to the Geological Society, he must have been in receipt of my letters proclaiming this discovery. The fact is that the whole mistake has occurred through a jumble of dates; and the only thing I care about in the matter is, that I shall not be deprived of the credit of this, which is a point to which I have paid very great attention since my arrival in the Colony. I also produce another letter from Mr. G. W. Earl to Captain Smith, also on the same point, clearly proving my right to claim the priority in the actual discovery. I put all these documents before the Committee for fear that they should have misunderstood what I have said.

93. The Committee have not misunderstood you, but I fear you have mistaken the tenor of my question? I only wish to place myself right before the public. And here again are three letters from Sir R. Murchison to myself in reference to my claim, and one from Mr. Earl to a friend of his, in which he asks his friend, "Please do not move in the matter
" until

The Rev. W. B. Clarke, M.A. "until I shall have had further opportunity of inquiry, but if it will serve Mr. Clarke, & Co." So that the Committee will see that this matter has been pretty well ventilated at Home; and the documents I now lay before the Committee are of very great value to me, because they shew that the discovery of the fossils proving the age of the rocks, shewing them to be of the same genera and species as those found in Russia, and in other countries where gold is abundant, was my work, though it was not this discovery which first led Sir R. Murchison to the conclusion that gold existed here.

12 April, 1861.

94. *By Mr. Wilson:* Then, in point of fact, it was from an inspection of these fossils, and your description of them, that Sir R. Murchison was first led to judge that the rocks were auriferous? I will explain. It so happened that Count Strzelecki reached Home from Australia, with numerous specimens of the rocks of the Australian Cordillera, just about the same time as Sir R. Murchison got Home from Russia with his large collection of specimens from the Ural; and there is no doubt whatever but that he compared the two, the more particularly as I was informed that Sir R. Murchison edited Count Strzelecki's work on the "Physical Description of New South Wales." There was, however, this difference between the two in Sir R. Murchison's mind, that gold had been found in the Ural, but none in Australia, and this distinction he clearly marks in his address delivered in 1844. In fact, Sir R. Murchison received no specimen of gold from Australia until 1846. In 1852 he got from me an account of my discovery of fossils, when he gave me the credit of completing the comparison between the Ural and the great Australian chain which he had begun in 1844. These documents which I have laid before the Committee establish this fact in my favour, and shew that in his *Siluria*, Sir R. Murchison has not sufficiently pointed it out. He has, however, more than once promised to put me right with the public in this respect; and I have no doubt but that he will do so. I may mention that there is really no actual difference between Sir Roderick and myself; and having now before him documents that were not at hand before, he will doubtless come to a different conclusion to that at which he had previously arrived.

95. He delivered a second lecture subsequently? He did. The date of that address was in 1846, and after that, or about that time, it was, that he got the first specimens of gold from Australia, I believe from Mr. T. W. Smith. I have no feeling against Sir R. Murchison in this matter. I believe that he made an unintentional omission, and my only anxiety is that I should be put right before the public.

96. The only object of the Committee is to put you in your true position? That is all I require; and from the passages I have read, and the letters I have laid before the Committee, it is clearly shewn that Sir R. Murchison admits that, on the 27th May, 1844, when he delivered his address, he did not know of, and did not venture to declare, the existence of gold in Australia, whatever he may have surmised; whilst it has been clearly proved that I communicated my discovery to several persons in 1841, 2, 3, and 4, and to Sir George Gipps on the 9th April, 1844. At the same time I admit that the first reference to the similarity of the Ural and the Australian chains published in England was by Sir R. Murchison.

97. *By the Chairman:* My last question to you at the previous meeting of the Committee was, whether or not the Bishop had sanctioned your employment in the way proposed by the Government, and to this you answered that he did—I would now ask you what were your receipts from the Treasury up to the time of your employment as a geologist? I have a return from the Auditor General of the whole sums I have received from the Treasury up to the present time.

98. What I wish to know is, what were your receipts from the Treasury from the time of your arrival in the Colony up to the time when the Bishop sanctioned your new employment? I had occasion some time ago to require, for my own use, a memorandum of the various amounts I had received from the Government since my arrival to the present time; and I consequently wrote to the Auditor General, to request that he would furnish me with an account of every sum paid to me from the Treasury of New South Wales, from the 26th May, 1839, to the 31st December, 1860. From the account thus furnished me, I find that from the 26th May, 1839, to the 31st August, 1851, when I was otherwise employed by the Government, I received £1,675 11s. 11d., including £75 12s., for a period of 12½ years, for travelling expenses, or less than £137 annually.

99. Was that your total amount of income from all sources? From all public Colonial sources, yes.

100. You were not then in receipt of income from any other public source? I was not.

101. What stipulation was made as to the remuneration you were to receive for your services? My salary was fixed at £150 a year for 12 months after my arrival. I subsequently received a stipend at the rate of £200 a year, with an occasional allowance for travelling expenses. The amount is made up as follows:—

1839.	Salary, at £150 per annum, for one year after arrival,				
	26th May to 31st December...	...	...	...	£89 18 4
1840.	Do., from 1st January to 25th May, with £12 for travelling expenses	...	...	...	72 1 7
1841 to 1843	...	...	...	...	Nil.
1844.	Grant from surplus of Schedule C, as a stipend for Dural and Castle Hill (paid in 1846)	...	...	...	100 0 0
	Stipend, Campbelltown, for December	...	...	...	16 13 4
	Travelling expenses...	...	...	...	10 0 0
					126 13 4
1845.	Stipend	...	...	...	200 0 0

1846.

1846.	Stipend	...	...	...	...	...	...	...	200	0	0
1847.	Do.	...	...	...	...	...	...	...	209	9	0
1848.	Do.	...	...	...	...	...	...	...	215	15	0
1849.	Do.	...	...	...	...	...	...	...	215	16	0
1850.	Do.	...	...	...	...	...	...	...	207	7	0
1851.	Do. to 31st August	...	...	...	...	...	...	...	138	11	8

The Rev. W. B.
Clarke, M.A.

12 April, 1861.

102. What I meant to ask you was, whether upon entering upon your geological duties at the request of the Government you made any arrangement with respect to the compensation you were to receive for your services? I think I explained to the Committee before, that I was spoken to by the Government to join a Board, to be established permanently in Sydney, which Board was to receive and collate the reports upon the Gold Fields received from various quarters. This proposal I rejected, as I preferred making my own surveys, and arriving at my own conclusions with the facts fresh before me. The matter then came before me in another shape, and it was proposed by the Government that I should undertake a geological survey of the country in relation to gold discovery. I informed the Government that I had no objection to undertake this duty, provided that my Diocesan offered no obstacle. The Governor thereupon wrote to the Bishop to know if my services could be spared for a time; and the Bishop on this allowed me to go, and wrote to me acquainting me with the fact. The thing then was so far settled, and afterwards I had an interview with Mr. Deas Thomson, then Colonial Secretary, when he said to me, "The Government have some little difficulty as to the way in which they are to remunerate you,—can you suggest how this is to be done." I at once replied, that if I were a layman, I could tell the Government in a moment what I had a right to expect, and what they ought to do—for I knew well the extent of work that would have to be performed, and how to perform it; but, I told him, situated as I was, receiving an income from the country as a clergyman, I did not feel myself in a position to drive a bargain with the Government. At the same time, having a family to provide for, I must take care not to lose anything by my journey, and therefore if the Government would save me from loss, and provide me with all I want, I would undertake the duties required of me; and then afterwards when the work is finished, you can remunerate me for my labours, as you may think fit. This was the arrangement then made, and I have it in writing from the Government. In the despatch from the Colonial Secretary to myself, dated 8th August, 1851, the concluding paragraph is as follows:—"In conclusion, I beg to add that your equipment and pecuniary allowance will be in accordance with the terms suggested in your note of the 4th ultimo, namely, to be supplied with all that may be necessary to carry on the survey at the public expense, and allowed such compensation as may be sufficient to cover the loss of present income, and such further remuneration as the service may appear to entitle you to; but I am distinctly to state, that the Government cannot accede to your stipulation or request, that when your final report has been furnished, you should be allowed to be the bearer of it to England." I may say here, that my object in requesting to be allowed to be the bearer of these reports to England, was in order that I might be enabled to publish there something in relation to the geology of the Colony, which I could not possibly do here. I hoped that by taking my work Home to England to be published, I should be able to do so more cheaply, whilst, at the same time, I should be brought into contact with many of my scientific friends, from whom I should have received very great assistance.

103. At that time you did not ask the Government to compensate you for more than the amount of which you were then in receipt? No; I did not ask for more. I must, however, clearly explain this. All I asked from the Government was, to compensate me to the extent of £300; my *income*, however, was much more than that which I received from the Government, for if it had not been, I could not have lived upon it at that time. My *stipend* was then £200; my *income* more.

104. What was about your annual income when you made this arrangement with the Government? It was about £420 or £430 a year; and in the course of the conversation with Mr. Deas Thomson, I suggested to him that, as in undertaking the duties of the survey, I was not looking for money, but merely desired to do a service to the country, the Government had better make me compensation to the amount of £300 a year, and I gave up the remaining £120. But, whilst I did this, I had left upon my hands the parsonage at St. Leonard's, which I had to maintain and keep up.

105. *By Mr. Hoskins*: You considered that £300 a year was all that you could legitimately claim from the Government? As I have said, I was in the receipt of more than that, but as I was not desiring to drive a bargain with the Government, as a layman would have done, I did not ask for compensation for more than £300 a year; nor should I have pressed this, only that my family was then in England, and I required the money in order to remit to them.

106. *By Mr. Mate*: What was the full amount of your income from all sources for that year? It was between £420 and £430, up to the Easter of 1851.

107. *By the Chairman*: You are satisfied with the arrangement entered into with you by the Government? Yes; I have no complaint whatever to make against them, since they did all I asked them to do, and gave me all the means I required for carrying out the survey. They supplied me with all the articles I demanded, and allowed me £300 a year compensation during the time I was employed, though this was not sufficient to cover the loss of all the income I was then receiving. However, I do not blame the Government for that, because they gave me all I asked for, and I have no doubt that, if I had demanded more, I should have got it; and I only mention the matter in order to shew that I was not driving a bargain with the Government, for if I had been, I should not have allowed myself to be a loser.

The Rev. W.B. Clarke, M.A. 108. Did you receive any instructions from the Government? Yes. The letter from which I have just quoted, in regard to the compensation, was from my first letter of instructions, dated August the 8th, 1851.

12 April, 1861. 109. What were those instructions? The letter, after stating that the Government accepted my services "to proceed to ascertain the probability of the existence of gold in various parts of the Colony, not only in the alluvial deposits, but also in the rock, both visibly and "invisibly," directed my attention more particularly to the following places, viz. :—The heads of the Macintyre Brook; the waters running into the Severn; the country at the head of the Apsley; the country below the Apsley Falls; the heads of the rivers joining the Peel, near Tamworth; the heads of the Talbrago and Coolaburagundi; the whole of the creeks and rivers flowing to the Macquarie, as far as Sappa Bulga; the head of the Colo; the heads of the Lachlan; the rivers and creeks falling eastwardly and westwardly, between the Crookwell and Cooma; the heads of waters falling south-eastwardly from Cooma to Cape Howe; the country between 35° and 37° south, and between 147° and 149° 30' east; such portions of New South Wales as lie south-west from the Tumut; the Meridian ranges, between 146° and 149° east, and between 32° and 34° south; and the country at the head of the Logan and Richmond. As a preliminary step, I was ordered to examine "the ranges" dividing the waters of the Hunter from those falling to the coast, between the Hunter and "Broken Bay, where metals are reported to exist." The instructions then say, "It will be necessary that observations should be made on the geological features of the country, as well as experiments to ascertain, not only the wealth and extent of auriferous alluvies, but the existence and amount of invisible gold in the rocks; but it is not desired to confine you to any distinct system of observation, as you will, no doubt, be better able to ascertain the speediest and surest way of gaining the end required by following your own "discoveries."

110. Who supplied the Government with the names of the localities mentioned in these instructions? I did. They were places at which I expected to find gold, and I supplied the list to the Government.

111. Were instructions to survey and search for gold given at the same time to any one else? Yes; to Mr. Hargraves.

112. Are you aware what those instructions were? Yes; in the letter from the Colonial Secretary to Mr. Hargraves, dated 10th June, 1851, it is stated :—"It has been suggested to the Government, by a gentleman of great scientific acquirements, that the 149th meridian passes through a rich metalliferous region, and where schists traversed by quartz rock, and which have been transmuted by igneous rocks, occur, are localities in which creeks running laterally into waters falling north should be examined. It is also stated, that, south of Bowring, the main creeks run south into the Murrumbidgee, which deserve attention; and the heads of the Tumut and Cooradigbee, Tarentta, Yiven, &c., are mentioned as likely places to supply gold. The whole 149th meridian indeed ought to be examined."

113. Who supplied the names of the localities here mentioned? I did. That was the first time that I had seen Mr. Hargraves, or spoken to him. I happened to be with Mr. Thomson at the time, when he said, "Oh! here comes Mr. Hargraves." I then asked him to introduce me to that gentleman, and when he came up, we were introduced. I then congratulated him on his appointment, and asked him why he had not come to see me, as he had been requested to do. Mr. Thomson then asked me to sit down and write the names of the places which I would consider it advisable Mr. H. should visit to search for gold. I thought this a very odd request at the time, as it implied one of two things, either, that it was thought that Mr. Hargraves did not know where to go, and that I was to direct him, or else that I did not know, and that Mr. Hargraves was to prove that I did not; and so I felt bound to at once shew that I had no fear on the subject, and that I really did know what I was about. I then sat down and wrote the names of the places which I should advise to be searched; and the names I have just read from the instructions to myself and Mr. Hargraves are those of the places in which I expected gold to occur; and if the Committee will but take the trouble to look at all these places, where they are situated and how very widely apart, they will see how very large an extent of country is here designated, nearly the whole of which has since been proved to be auriferous.

114. From what sources did you derive your knowledge? I think I explained that the other day, but I may again say that some of the localities I had examined, whilst others had been examined by persons employed to do so, who had transmitted to me specimens of the rocks; on these I formed an opinion as to the auriferous nature of the ground, in the same way as Sir R. Murchison had previously or subsequently done with regard to Strzelecki's specimens. It seems also, that in every instance I came to a conclusion that turned out to be a correct one.

115. Did you point out to the officials of this country any other locality which you declared, before any gold had been found there, as likely to be highly auriferous? Yes. I pointed out to Mr. Deas Thomson the Mount Alexander country on the map. The Colonies had just then been separated, and he asked me if there was anything in Victoria as in New South Wales. I told him there was, and I can remember putting my finger on the spot where Mount Alexander is marked on the map, and saying, "there is the tail of it." This remark was made in Mr. Hargraves' presence. On the 18th June, 1851, I printed the announcement of this fact in a pamphlet ("Plain Statements," &c., p. 12.) in these words, "Thus gold ought to be found, if at all, in the province of Victoria, between 143° and 145° E., north and south of 37° S. lat."

116. Were these statements of yours confirmed by subsequent discoveries? Most certainly; because the two great Gold Fields of Bendigo and Ballarat were both in connection with Mount Alexander.

117. In one of your reports you mention that before long an area of 16,000 square miles of auriferous land in New South Wales would be open to the researches of the miner; has that prognostication been realized? It has, to the fullest extent, an immense deal more than that quantity having been opened, and being now under work. Here is a passage from one of my Reports to the Government, dated 20th May, 1852.

The Rev. W. B. Clarke, M.A.
12 April, 1861.

118. So that with regard to the 16,000 square miles, your prognostication was strictly within the limits of truth? Yes, and very far within; but before we go further, I should wish that the Committee would permit me to clearly prove this point in reference to Mount Alexander.

119. I was coming to that in my next question. Did the Government or the Parliament of Victoria acknowledge your services in relation to the gold discovery there, in any way; and can you shew that you were at all instrumental in any of the great gold discoveries there? I can. I have before me, in the Parliamentary papers of Victoria, a Report from the Select Committee of the Council, appointed to inquire into the claims for the discovery of gold in Victoria, dated the 10th March, 1854, in which the following passages occur:—
“ Mr. Thomas Hiscock, a resident at Buninyong, induced by the writings of the Rev. W. B. Clarke, and by the discovery of Brentain’s nugget in the Pyrennes district, five years before, had kept a constant look-out for gold in his neighbourhood. * * * It is obvious that Mr. Hiscock’s discovery, at Buninyong, by attracting great numbers of diggers to the neighbourhood, was the cause of the discovery of Ballarat, and is, in fact, upon the same range, and at no great distance—about six or seven miles. * * * In the language of a disinterested witness, Mr. Alfred Clarke, of Geelong, ‘the discovery of Ballarat was but a natural consequence of the discovery at Buninyong.’” The Report, however, opens with the following passage, which plainly shews the grounds upon which the Committee proceeded:—“ In dealing with this subject, your Committee cannot but draw some distinction between scientific and practical discovery; for although the former would in reality have been equally as beneficial as the latter, had the colonists been as ready to trust to the scientific theories of the scholar as they were to the tangible demonstrations of the actual digger, yet, seeing what has been the result of the Rev. W. B. Clarke’s discovery in 1841, as compared with that of Mr. Hargraves’ in 1851, your Committee feel called upon to recommend a more substantial reward to the one than they can do to the other. At the same time they admit the higher claims to honor and public consideration that the scientific explorer possesses. It appears from the evidence given by the Rev. W. B. Clarke before the Select Committee of the Legislative Council of New South Wales, that as far back as 1841 he discovered gold in the mountainous country to the west of the Vale of Clwyd.” The Report then goes on to mention the facts in relation to my discovery of gold at that period, and then continues:—
“ Thus it appears that the Rev. W. B. Clarke did all in his power to make his discovery serviceable to a country not then in a position to make that discovery available, and your Committee feel bound to recognize his claim to be considered the first discoverer of gold in Australia.” The Report concludes with several recommendations, amongst which is the following:—“ Your Committee recommend that the sum of £1,000 should be awarded to the Rev. W. B. Clarke, in appreciation of his researches into the mineral wealth of the country.” I would also wish to read a few passages from the evidence given before that Committee upon this point. Mr. William Patterson, a gold broker of Geelong, gave the following evidence, in answer to Mr. Strachan:—“ Q. 184. Do you know Hiscock? I do.” Q. 185. When did you first see him on the occasion of the discovery of gold? I did not see him then. It is only within the last few weeks that I have known him. All that I knew of him before that was from the reports in the *Geelong Advertiser*. Q. 186. Has he spoken to you of his discoveries? Yes; and he says that it was from reading the writings of the Rev. W. B. Clarke that he was led to make a search for gold in this Colony.” Mr. Alfred Clarke was asked if this discovery led to the discovery of Ballarat, and he says it did. Mr. Thomas Hiscock was also examined before the same Committee, and gave evidence very much to the same effect. Now I told Mr. Thomson previous to this, that was in 1851, that the gold extended to Mount Alexander, and this evidence as to the correctness of my views came out in this Report of 1854.

120. Did the Government of New South Wales agree to give you any further remuneration at the close of the term for which you had arranged? They did.

121. What sum did they give you? It was stipulated in the original agreement that they should give me such further remuneration as in the words of the instructions “the service may appear to entitle me to.”

122. What sum did they propose to give you? I produce a letter from the Colonial Secretary, dated 2nd September, 1853, in which he informs me that the question of the amount of gratuity to be awarded to me for my services had been considered by the Governor and the Executive Council; that he was now directed to inform me, that as I had during the time of my employment been in the receipt of £800 a year, the Council had expressed an opinion that I should receive a gratuity of £500, which amount His Excellency now directed to be paid to me.

123. The Governor and Executive Council awarded you the sum of £500? They did.

124. Did you receive any addition to that amount; and if so, upon what grounds? Yes; I received an additional grant of £500, and on the following grounds:—A Committee of the Legislative Council was then sitting to inquire into the state and management of the Gold Fields, and they took my services rendered to the country into their consideration, and came to the conclusion, that the Government had awarded me an insufficient sum, recommending that the sum of a £1,000 should be placed upon the Estimates for me instead of £500 as proposed by the Government. This was notified to me by a letter from the Colonial Secretary, who informed me, that this sum of a £1,000 was at my disposal.

The Rev. W. B. Clarke, M.A. 125. *By Mr. Hoskins*: To what Gold Committee are you now alluding? To one appointed by the old Legislative Council, and which sat for three Sessions to inquire into the state and management of the Gold Fields. They were sitting at the time the Government awarded me this sum of £500, and regarding it as insufficient to meet the justice of my case, recommended its increase to £1,000. This sum was subsequently agreed to by the Government, and I received a notification of the fact from the Colonial Secretary.

12 April, 1861.

126. *By the Chairman*: Did this sum of £1,000 cover the expenses you had incurred in preparing for and executing your instructions? Upon this point I should like to say a few words beyond giving a direct answer, out of a sense of justice to myself and my position. If I had been a layman, and making a bargain with the Government for my services, I should not, of course, have left it open to decide, after the work was done, what sum I should have received, but should have fixed the amount at once that I considered my work would be worth. Being a clergyman, I could not do this. If I had been asked to fix upon a sum to pay my own personal expenses on these expeditions, I should have named £500—the amount awarded me as remuneration by the Government; for it must be remembered that I was incurring very many liabilities; for, besides giving up my clerical engagements, which were performed by another person, I still had the charge of the Parsonage at St. Leonard's, which was maintained at a cost of between £60 and £70 a year; and besides this I had to make a rent allowance to my successor in the ecclesiastical duties. There were also very many little things that I did in order to carry out the expedition successfully, all of which entailed considerable expense upon me, so that I had really but very little left out of the £500 awarded to me when the balance was struck. As to the £500 remunerating me, I do not think that ten times that amount would have been more than a fair remuneration for the work I did.

127. Did you express yourself satisfied with the amount awarded to you? I replied to the communication informing me of it, that I was thankful to the Government for what they had done, as I regarded it as a testimonial to the value of the services I had rendered.

128. However it did not leave you much profit? I did not look for it. Profit was the last thing that entered into my consideration. All I looked to was, the establishment of my reputation and the advancement of the Colony.

129. *By Mr. O'Brien*: To what extent did the Gold Committee then sitting recommend the amount awarded by the Government to be increased? By £500 in addition to the amount awarded. The Governor and Executive Council decided upon giving me £500, and then the Committee recommended that this sum should be increased to £1,000. When I was informed of this, I replied to the effect that the two sums were to be looked upon as two separate testimonials, the one from the Executive and the other from the Legislative Council.

130. You were informed then that the Gold Committee recommended that the £500 should be extended—to how much? To £1,000; but I had no communication with the Committee; I was informed through the Government that such a recommendation had been made; the information came from the Colonial Secretary's Office.

131. *By Mr. Wisdom*: How long were you engaged upon this survey? I left Sydney in September, 1851, and returned in June, 1852; I then went away again in October, 1852, and returned in July, 1853. Altogether I was engaged twenty-two months in the survey; that was the time which elapsed before I again assumed my duties as a clergyman at St. Leonard's.

132. That, however, includes the time you were in Sydney? Yes; and I take that time into account, because I was just as hard worked then as I was when in the country; for I was engaged in drawing up a supplement to my reports, and in correspondence with the Government. The actual cause that brought me down was this:—The Bishop was then on the eve of his departure to England, and I wished much to see him before he left. Mr. Thomson had written me a private letter, requesting me to continue my surveys, the original understanding with the Bishop being that I should not be engaged upon it for more than a year. I told him that I was willing to continue if the Bishop assented; and then I received this official letter, dated in April, 1852. [*Letter from Colonial Secretary to Rev. W. B. Clarke, April, 1852.*] I set out for the Northern Districts in October, 1852, and was engaged there about ten months; and if I had had another year, it was my intention to have gone through the Western Districts.

133. *By the Chairman*: You were not employed to dig for gold? No, certainly not; I only went in the capacity of a geologist, to make a geological survey of the country.

134. How many men had you with you? Two men.

135. The Government allowed you these? Yes, and paid them. One was cook, and the other had to look after the horses. I again say, that I have no complaint to make of the Government, for they did all I asked them to do.

136. Had you any further assistance—any staff of officers? No. I was dependent entirely upon my own knowledge. All I did was done single-handed; and I never had an atom of help.

137. Did the two men give you no assistance? Not at all. They were rather a nuisance than anything else, and if I were going again on a similar expedition, I should pursue a totally different plan.

138. *By Mr. O'Brien*: Did the £1,000 embrace your two years receipts from the Government? Yes, it embraced everything.

139. *By Mr. Hoskins*: You have however received £1,000 besides the compensation of £300 a year? Yes, certainly.

140. How did you receive it? In one sum. I had not received the first £500 when the second was awarded to me by the Committee.

141. *By the Chairman* : You have made numerous reports to the Government in the course of your researches? I have. Upwards of thirty.
142. Have your reports been published for general information? Yes, both here and by order of the British Parliament.
143. They have then attracted a considerable degree of public attention? Yes, everywhere. They are now well known all over the world.
144. *By Mr. Wisdom* : They were printed, I believe, amongst the Parliamentary papers, by order of the House of Commons? Yes, in the ordinary mode. They were printed here first, and were then sent Home to the Government. The Ministers laid them on the Table of the House of Commons, and they were ordered to be printed. A great many of them appear in this work of mine on the Southern Gold Fields, and I may as well here state that my object in writing this book was simply this:—I had received very numerous applications from all parts of the country for copies of these reports, and finding upon inquiry that they were out of print, I waited upon Mr. Cowper and Mr. Robertson, to ask them if they had any objection to my reprinting them. They made no objection, so I compiled them in this work, and I may say that I have every reason to be satisfied with the way they have been received both here and at Home.
145. *By the Chairman* : Are these reports well known in foreign countries as well as in England? They are.
146. Have any foreign writers expressed an opinion upon them, or upon your claim to be considered the discoverer of gold in Australia; and if so, can you shew the Committee where they have done so? I think I can do so, but I shall have to prove it by referring to books which I have not here with me. Here, however, is a letter from the Vicomte d'Archiac, dated the 21st March, 1851, in which he alludes to my reports. He is a highly scientific gentleman, employed to collect and collate the geological reports for the French Empire. Here is another letter received from St. Petersburg, from Tarassenko Otreschkow, a Councillor of State, dated the 25th July, or our 8th August, in which he highly compliments me.
147. Have you made any discovery of valuable minerals and metals besides gold and coal? Yes. With regard to tin I consider that I was the first to find tin in the Colony. Amongst other metals I have seen and reported on a good deal of lead and copper.
148. *By Mr. O'Brien* : Did your researches lead you to the discovery of tin at the Ovens? No, I did not find it there; it was on the Murrumbidgee, on the Alps, and in New England I got it.
149. *By Mr. Hoskins* : Where did you discover it—in the black sand? No. And with regard to the black sand of New England, which has always been regarded as a detritus, I may mention that I have had some correspondence respecting it with Mr. Cleghorn, a practical miner; and I have placed some of it under the microscope, and I find that instead of being a detritus it is a mass of pure crystals.
150. *By the Chairman* : Have you explored other Colonies besides New South Wales? Yes; parts of both Victoria and Tasmania.
151. Have you been instrumental in discovering gold in Tasmania as well as in Victoria? I have; and besides that, I claim the priority in having discovered it also in New Zealand.
152. Have you evidence to shew this? I produce a copy of the *Illustrated London News*, of December 3, 1853, containing an illustration of the first working of gold in New Zealand, and in the description attached to it, the following passage occurs:—"The New Zealand settlers were first led to search for gold in their country by an opinion of the Rev. W. B. Clarke, the Government Mineralogist in New South Wales, expressed in the Geological Report of that gentleman on the Australian Gold Fields, and which was to the effect that a similar geological formation to that of the auriferous mountains of California, and of Bathurst, N. S. Wales, might be expected to exist in the principal mountain ranges, extending in a direction north and south, in New Caledonia and New Zealand. About the month of June, 1852, some specimens of quartz, from the vicinity of Wellington, Cook's Straits, were transmitted to Mr. Clarke, and were found by him to contain gold." As is mentioned here, I received at different times, a lot of specimens from New Zealand, and very many persons wrote to me asking my opinion as to the probability of finding auriferous deposits in New Zealand. My answer was, that from the knowledge I had of the structure of the main chain, I had no doubt but that they had gold there; and I proved the fact by crushing some of their quartz and finding gold in it.
153. Was there ever an offer made you of an appointment in either of these Colonies? Yes; I received offers of appointments, both from Tasmania and New Zealand. From New Zealand I was offered a permanent appointment, as geologist, with a salary of £500 a year; and from Tasmania, I received a letter from Mr. W. Henty, the Colonial Secretary, dated 10th March, 1858, in which he informed me that the Legislature of the Colony had voted £5,000 for the expense of a geological survey of the Colony, with a report on its mines and minerals, and offered me the appointment with a salary of £600 per annum, with an allowance for travelling expenses, for a term of six years certain. He concludes his letter in the following terms—"But for your presence in a neighbouring Colony, the Government would at once have addressed themselves to some friend in England for the selection of a surveyor there, but believing that you may possibly be at liberty there, and remembering the interest previously exhibited in your spontaneous labours when a visitor in Tasmania, they have a pleasure in placing the appointment at your disposal, as an individual already well known and appreciated, and whose services would therefore command our confidence and give great satisfaction to the people of this Colony."
154. You declined these offers, did you not? Yes, I declined them both.
155. On what grounds? Partly because I was not in such a condition in regard to my health as would warrant my undertaking the duties of the office offered me; and partly because I thought

The Rev. W.B. Clarke, M.A.

12 April, 1861.

The Rev. W. B. Clarke, M.A.
12 April, 1861.

thought that, as a clergyman, it would not be altogether right or becoming in me to go to another Colony to do that which I might do here for those amongst whom I have been so long.

156. To what cause do you attribute your ill health? I attribute it to accidents which happened to me some years back when on service, by which I have twice suffered contusion of the brain, since which I have been subject to very severe attacks, so that in 1856 and in 1859 I had for a time to leave my clerical duties.

157. Had you any attacks of illness whilst you were on your exploring tours? Yes, I had two; one whilst in the Alps, and the other when on New England.

158. And have you been attacked since then? Yes, twice.

159. You do not attribute these attacks to the effects of exposure whilst on your exploring tours? No. I think they originated in the first instance from the effects of the accidents, and possibly their virulence may have been increased by the exposure; but I do not allege this.

160. Do they affect you in your limbs, with rheumatism for instance? No; it is in the head that they affect me.

161. I would now ask you what it was that caused you to print your book upon the Southern Gold Fields? I stated just now that I received so very many applications for copies of my reports on the Southern Gold Fields, that I was led to make inquiry about them at the Government Printing Office, when I found that they had run out of print. I waited upon Mr. Robertson and Mr. Cowper, to know whether, as the reports were undoubtedly Government property, they would permit me to publish them for public information. They at once allowed me to do so, and stated even that they were much obliged to me for suggesting the thing. I consequently compiled the whole of my southern reports, and took advantage of the occasion to introduce a great variety of new matter, which had originated partly before and partly since the writing of these reports, and in this way I managed to make up a very good history of the Gold Fields of the Southern Districts.

162. Is it your intention to publish a systematic account of the Gold Fields of the other Districts of the Colony—the northern and western? Well, it was my intention to have gone into the northern reports, and subsequently into the Western Districts if I could have had an opportunity of examining them minutely; and these I purposed to make even larger and more precise works than the book on the Southern Gold Fields, in order to carry out an object that I have always very much desired, which is, to have a complete work upon the Gold Fields of the Colony generally. That, I say, was my intention, but book publishing is not a very profitable thing in this Colony.

163. *By Mr. Hoskins:* How is it not profitable? The expense is so great that you cannot sell enough copies to reimburse you.

164. But you must have sold a large number of your work on the Southern Gold Fields? Yes; but the cost was very great. The least that it cost must have been £260.

165. For how many copies? I am not aware. The way it was published was this: I went to the publishers, and asked them what they would charge me for printing the work. They told me it could not be done under £10 a sheet. I replied that this would amount to a much larger sum than I felt disposed to speculate with; and they then asked me if I would be willing to come to any terms with them for the copyright. I answered that I could do nothing of the kind, as, although I had received permission from the Government to reprint them, yet I considered the reports to be public property, and therefore not for me to dispose of; but I told them, if they would take the risk of publishing them on themselves, I would be responsible for any deficiency that might arise between the cost and the amount realized.

166. So that you have no pecuniary interest in the sale of the work? None whatever. The only interest I have in it is, that I am liable to be called upon for any deficiency; profit I did not calculate on, and never thought of making.

167. *By the Chairman:* Have you, since your return from your exploring expeditions, continued your geological pursuits? Yes; there were a series of reports upon the Gold Fields of Tasmania, furnished by me, and published in the Parliamentary Papers of that Colony, and also amongst the Parliamentary Papers of Great Britain, on the 25th August, 1857.

168. Your labours, however, have not been merely limited to this? No, certainly not—for the applications made to me, and the correspondence I receive, give me really more than I well know how to do. I have had correspondence with all sorts of people from all the Colonies on the subject of gold; and not merely with them, but with scientific men and others in various parts of the world. I have already produced letters from Paris and St. Petersburg, and I could shew dozens of others. Besides the offered appointments by the Governments of the neighbouring Colonies, persons in Western Australia, South Australia, Tasmania, and New Zealand have made repeated applications to me, on points that they required solved, or on which they wished my advice. All this is, no doubt, very troublesome—but I look upon all these applications as so many testimonials in my favour.

169. *By Mr. O'Brien:* I see that this letter you have handed in says, that if a prolonged arrangement were entered into, the salary would be fixed at £400 or £500 a year—that you would be paid your travelling expenses—and that all necessary assistance would be supplied at the expense of the Government—but that if any particular work were required it should be contracted for; am I to understand that you contracted for the work? No, I did not accept the offer, on the ground, as I have already stated, that, as a clergyman who had for many years received a stipend from New South Wales, I was bound to work for that Colony, and not for any other. From the very moment I arrived here, I devoted myself to the discovery of the correct geological formation of the country. That task, which I had imposed upon myself, I have followed out ever since; and it was only at the request of the Government of Tasmania that, whilst there, I went to inspect and report upon their Gold Fields.

170. *By the Chairman:* You have been applied to for advice by the neighbouring Governments? Yes; I have received more than one application of that sort. For instance, when Dr. Hockstetter was here, I received a communication from Sir W. Denison, on account of Governor Gore Brown, requesting me, as a geological surveyor, to work out the coal formation in New Zealand. The Austrian frigate, "Novara," happened to be here at the time, on board of which was my friend, Dr. Hockstetter, and, having asked him if he was willing to undertake the work, I recommended him, and he was appointed. My views throughout have been simple and sincere—my only object being to do that which was right and proper. On a former occasion I received a letter from New Zealand, asking me to give my opinion upon the capabilities of several persons, who were applying for the office of geological surveyor there. As it happened, I did not know one of the parties, and so I informed the Government, recommending them to whom to apply on the subject. As I have said, I look upon all these applications to me as so many clear testimonials to me of the value of my researches.

The Rev. W. B. Clarke, M.A.
12 April, 1861.

171. If means were afforded you, would you publish a much more extended work than you have hitherto done, on the geology of Australia? It has always been my intention to collect all the available information I could get upon the geological structure of these Colonies, in order that I might publish a work that would be of use to the Colony, and would bring credit to myself. I am, however, more desirous of doing that which will be of use to the Colony than that which will be of benefit to myself.

172. You have already made considerable collections for this purpose? I have; ever since my arrival in the Colony, this has been my great aim and end.

173. Can you explain to the Committee what progress you have made in the work? I could shew you, in my house at St. Leonard's, the very large collections of notes and manuscripts I have made, with the portions of maps that have been completed, and the collections of rocks and minerals ready to figure or describe for the illustrations, but these of course I am unable to bring here. I have with me a geological map, which I have coloured, and also some of my sketches of specimens, which I now produce.

174. *By Mr. O'Brien:* All those who have ever made themselves acquainted with the researches of scientific men, are fully aware that your name ranks very high amongst them; this Committee does not, therefore, for a moment, doubt your scientific attainments, their only object now is to discover whether you have been sufficiently remunerated for the services you have rendered to the Colony? I am aware of it.

175. *By the Chairman:* How far have your inquiries gone beyond the limits of this Colony? You have had proofs of this in the reports I have already handed in. But the labours may be said to be divided for some time past; Mr. Stutchbury has done his part for the neighbouring Colony of Queensland, as has Mr. Selwyn his, for the Colony of Victoria, and myself for New South Wales. Numerous reports have been sent in by these gentlemen, as well as by myself, and if all the matter thus furnished from these three sources were put together, I should have been able to draw up a full report upon the geology of the whole country.

176. Have you recently been engaged in any fresh gold discoveries—in Lambing Flat for instance? No. I have not been there, but I have evidence before me of what I believe to be the existence of a much larger Gold Field than that of Lambing Flat.

177. Is that in the Western District? Yes; but I have never been in that part of the Western District.

178. You have already stated the whole amount of money that has been paid you from the Treasury up to the time of your engagements by the Government; will you now tell us what amount you received on account of your exploration, and what amount was expended by you in investigating the country, and preparing yourself to undertake the survey? The account is contained in a return that I obtained from the Auditor General, for another purpose. In 1851, from the 1st September to 31st December, there was charged against me £163 3s.; being remuneration at £300 per annum, £100; travelling expenses, £8 5s.; and forage allowance for three horses, £54 18s., but as the last item ought clearly not to be taken into account as part of my receipts, the sum I actually received in that year would be £108 15s. In 1852 there are charged against me the following items:—

	£	s.	d.
Remuneration	300	0	0
Travelling expenses	21	2	5
Forage allowance for 3 horses, at 9s. per diem, from 1st January to 12th June.....	73	16	0
Ditto for 4 horses, at 12s., from 1st September to 31st December.....	73	4	0
	£108	2	5

Here again the forage allowance is clearly not chargeable to me as an actual receipt, and the amount really received in that year is reduced to £321 2s. 5d. In 1853, I am charged with the following items:—

	£	s.	d.
Remuneration to 31st July	175	0	0
Forage allowance, at 12s., to 30th June	108	12	0
Loss of instruments.....	13	10	0
Lodging of Rev. E. Smith, from 5th July, 1852, to 30th June, 1853	33	9	6
	£330	11	6

Here

The Rev. W.B. Clarke, M.A. Here the only amount I actually received, for myself, was the £175, which form the first item; the forage allowance is clearly not chargeable against me; the amount for loss of instruments arose from one of the men upsetting the cart on the ranges near Cunningham's Gap, and destroying part of my apparatus, which I had to replace; and the lodging allowance to the Rev. E. Smith was given to him at my request, he being the gentleman who had undertaken my duties at St. Leonard's during my absence—the Government, however, very kindly consented to reimburse me this amount. The whole amount that I have received from the public Treasury, since I have been in the Colony, is £5,474 1s. 1d., including the £1,000 and all forage and travelling allowances, loss of instruments, and Mr. Smith's lodging money, and which, for the 21 years and 7 months that I have been here, gives me an average of £194 4s. per annum, if the gratuity and other items be omitted.

12 April, 1861.

179. Did you contribute in 1854 to the Great Exposition in Paris, and was any opinion expressed in the English and French reports of the value of your collections? Yes, a very favourable opinion indeed was expressed upon them, and the French Jurors awarded a medal each to Sir Alfred Stephen, Dr. Smith, and myself, for the serious and scientific character we had given to the Exhibition by our collections. I also received a silver medal, in addition, for the collection.

180. Have you not acted on appointments by the Government upon several Boards of Inquiry, particularly upon those instituted in respect to supplies of water? Yes; I have been so employed upon several occasions. I was upon the Board appointed to inquire into the practicability of establishing Artesian wells, and also, when at Parramatta, I reported to the Water Works Board. I have done some useful work in this way for the present Government.

181. In fact you have, as far as lay in your power, contributed to the public knowledge in other matters besides geology? I have.

182. You have been an active member of the Board of Management of the Sydney Museum? Yes; I have been a member of that Board ever since I have been in the Colony.

183. I have no further question to ask you, and have now only to express a desire that you would allow the Committee to visit you and inspect your collections? I should be most happy to exhibit them to the Committee. Before this meeting closes, I would wish to repeat what I have said before, that I came here, not to prefer a claim, but merely in obedience to the wishes of the Committee. I see by a letter in one of the daily journals that some remarks have been made upon what the writer calls, "The Claims of the Rev. W. B. Clarke." Now, I call the Committee to witness that this term has never been used by me. I come here to answer such questions as the Committee may think proper to put to me in relation to the subject they are investigating, and not to proffer any claim. If I had had any claim to make, it would have been made in 1851, when my arrangement with the Government was entered into. That arrangement has been fairly and honestly carried out by the Government, and I have no complaint to make in respect to it; and I hope, from the explanation I have offered, the Committee will acquit me of any desire or design, in entering into that arrangement, of making a bargain for my own private interests.

184. I can only say, in regard to this Committee, that I did not consult you before I made the motion for its appointment, nor am I aware that you were consulted by any person in the matter? That, I presume, will acquit me before the Committee.

WEDNESDAY, 17 APRIL, 1861.

Present:—

MR. COWPER,	MR. MATE,
MR. COWPER, JUNR.	MR. WALKER,
MR. HOSKINS,	MR. WILSON.

I. SHEPHERD, ESQ., IN THE CHAIR.

The Reverend William Branwhite Clarke, M.A., further examined:—

The Rev. W.B. Clarke, M.A. 185. *By the Chairman:* When you were present the other day it did not occur to me that there were other questions which I wished to put to you before the examination was closed. I would now wish to ask you whether you took any prominent part in reference to geological pursuits in this country previous to the year 1841, and whether you have in your possession any documents to shew that you did? Nothing but note-books; all that I had then done was confined to my observations.

17 April, 1861.

186. You have note-books to shew what you did? Oh yes.

187. I am anxious to trace your proceedings in the Colony from the very first, to shew the Committee when you began your geological pursuits, and to shew what you did. If, therefore, there are any documents that will throw light upon these matters I should like to have them exhibited? I can shew my books of notes, which were made on the spot, and which extend from the year 1839 to 1851; but nothing was done of any importance up to 1840.

188. As far as I can understand you, you say you commenced your career as a geologist here in the year 1839 or 1840? In 1839 and 1840.

189. Well, I wish to shew the Committee what was done at that time? I can shew the notes I took on the spot; but nothing was worked out up to that time—1840.

190. Nothing was published I know; but I wish you to exhibit your note-books, to shew what

what you really did at that time? Yes. I have been in the habit, for a long time, of going about different countries on geological pursuits, making notes. I will shew you every thing I did in this country. I produce some of the note-books, filed up in the different spots I visited.

The Rev. W. B. Clarke, M.A.

17 April, 1861.

191. What is the earliest date at which any of those notes were made? I think I can shew you memoranda made in 1840, when I first went down to Illawarra. Some of these notes were made in January, 1840. There are a good many of these books on that part of the country; some of them no one can understand but myself, who put them together. I think there are notes in *this* book, used in 1840, of various places, partly in the Hunter district, and partly in the county of Cumberland, across the Nepean, on the Bathurst line of road. This is another book of notes, made in the year 1841. This goes up as far as the range between the Fish River and Cox's River. All these note-books were filled up in the same way; but there does not appear in these books now produced to have been any thing later than 1851.

192. I understand you to say there has been no official recognition of those particulars? Except in papers I have written upon the subjects. I think the particulars have been described. There is a paper on an exploration made with my friend Mr. Jukes. In 1846 I again went through Illawarra, and he published a joint paper for the Geological Society, which, I think, embodied some of these notes. I have published various others from them. I began the work upon a regular plan—it was not done casually.

193. And you have continued to extend that plan since? Yes, up to the year 1853, and later—up to 1860.

194. But I understand you to say you supplied the Government with the names of the various localities you considered it desirable to visit, and that these were referred to in your instructions? Yes; but that was in the year 1851.

195. Did you also give any intimation to the Government of that day as to the various localities to which they should instruct Mr. Hargraves to go? Yes.

196. Was he privy to those instructions? Yes. He received his instructions, and was present when I wrote down the names of the localities it was desirable he should go to. That, also, was in the year 1851.

197. Previous to his instructions to make a geological survey? That was embodied in his instructions. That was all stated in my previous examination the other day.

198. *By Mr. Cooper:* At one time the Government placed at your disposal the Printing Office, to enable you to publish what you had done? No. I think a vote was passed in the House to assist in paying the expense of it; but I did not receive the money.

199. Then the Legislature did vote the money for it? Yes.

200. You know that as a fact? I do not know it officially; but I believe £210 was voted.

201. Why did not the publication go on—it was understood that that sum would cover the cost? It might have paid it at that time to a certain extent, but more than that amount of money has been spent upon this. (*Clarke's Southern Gold Fields.*)

202. My question did not refer to your receiving the money; but as the Legislature did provide for the publication of the results of your labours up to a certain time, it was necessary to have a record here of the reason why it was not carried out? I have a letter from yourself upon this very question, in reply to one from me. In that reply you state you know that I had never received the money, and that it was insufficient.

203. This does not meet the matter. You say you know the two hundred guineas were voted by the House, and that you never received official intimation of it from any quarter, and also that you never received the money. I ask you why it was, that when the Legislature placed the money at your disposal, you did not avail yourself of it? I think I can give an answer to that. I wanted very particularly to publish illustrations of the fossils, having three or four books filled with them; and having made inquiry as to the cost found it would require £1,500 to get them lithographed. A little after that time a great noise was made about the discovery of gold, and the whole thing was set aside. Neither I nor any act of mine had the object of hindering the carrying out of the proposal.

204. The Legislature having voted a sum for the purpose of placing the result of your labours before the public, you did not then avail yourself of it? That is the fact. The sum was perfectly sufficient for the purpose of giving a short general account, as I have done in my reports, but not at all sufficient for the publication of a complete work upon the subject. £210 would have to be spent in the engraving only. The sum, therefore, was thoroughly insufficient. Subsequent to that things occurred which gave an opportunity to increase the material, so that it became perfectly impossible for any one to do anything with that sum of money.

205. *By Mr. Hoskins:* If you had received, as you might have done had you applied for it, this £210, you would then have had altogether £1,210 from the Legislature, having received £1,000 before? I admit that I received £1,000, but not "before" the vote of £210.

206. £1,000 is all you received from the Legislature? Yes, but that is for such work as was done in the years 1851, 1852, and 1853, not for that of other years previously.

207. *By Mr. Wilson:* I wish to ask you, provided you had taken that £210, would you have considered yourself bound to go on with the publication of the work? I should have considered myself bound to publish such materials as would have been paid for by the £210; but it would have been perfectly useless to do anything of the kind.

208. It would have been out of your power with that amount of assistance to publish such a work as you would like to have published? Certainly. You have probably seen Sir Thomas Mitchell's two volumes on "Eastern Australia." He told me that the lithographing cost him £500.

209. *By Mr. Cooper:* Supposing it were desirable, or considered so by the Legislature, to give

- The Rev. W.B. Clarke, M.A.
17 April, 1861.
- give the world the benefit of your geological researches, what sum of money would be sufficient to enable you to bring out a publication of them? It is a matter of difficulty to say. I cannot tell you. That involves another thing—time is money. As I am now situated, and probably shall be for some years to come, it is clear I have not time to devote to such a thing. Besides it is not a mere matter of money, because you could call in any one, whether he had a knowledge of the subject or not, and tell him to do the work. But it is necessary that such a work should be conducted by experienced and thoroughly qualified geologists. I did not, however, understand that to be the object for which I was brought here. I could have answered that by private letter.
210. *By the Chairman*: You have a large number of manuscripts by you? Yes; it was my intention, if I had the leisure and means, to have published them, not wishing to be assisted by anything official. I am perfectly aware that the field notes, long as they are, will require extension; but a great deal of the material is in only a secondary stage. Besides I do not think such a book can be published in the Colony.
211. *By Mr. Cowper*: What is the difficulty? The illustrations. We have not people here to do the engraving. No engraver or lithographer can publish things of that kind unless he has some knowledge of the subject, and has superintendence to direct him. It is a very different matter to engraving ordinary things.
212. *By the Chairman*: Could you by any means give the country the advantage of your researches without being compelled to go to England to do it? I wished to go to England for that special purpose in 1853, and I was induced to make a stipulation with the Government in 1851 that I should do so. Why it was denied me I do not know. That was my particular object.
213. Although we could not get the full benefit of your researches, yet we might obtain considerable benefit from them if the means of publication in the Colony were availed of for that purpose? I have done all I could with the means at my disposal in that book (*The Southern Gold Fields*.)
214. That is valuable, but cannot you give still further information? Of course.
215. *By Mr. Cowper*: Has the sale of that work repaid you? No; I never intended it to repay me. I had been repeatedly urged to republish the reports I had sent in to the Government, and I went to yourself and Mr. Robertson, and asked whether there was any objection to my publishing them. You said, no; and Mr. Robertson said, I was at liberty to republish them and he would be glad of it. I have added new matter, and it is now held to be a valuable book.
216. What amount do you think, after the publication, you will be out of pocket? I may explain the circumstances, and the way in which the work was published. I have told you that the printers asked me if I should like them to make an offer to buy it. I told them no, it contained matter belonging to the Government, from the publication of which I had no right to make money. They then said, "Will you allow us to publish at our own risk?" I said, "On condition that you lose nothing by it." It has cost already about £260. These were the considerations by which I was guided.
217. *By Mr. Walker*: How many were struck off? I do not know. They asked me originally ten guineas a sheet.
218. *By Mr. Hoskins*: You told us during your previous examination that you were not aware that a Select Committee had been appointed for the purpose of investigating your claims? I said I had no communication regarding it made to me by any one.
219. You were not cognizant of the fact that the Committee had been moved for? Of course I was.
220. But previously you were not aware that it was to be moved for? No.
221. Were you not aware that, during the present Session of Parliament, Members of the Assembly had urged your claims upon the Legislature by motion, asking that a sum of money might be placed upon the Estimates as a requital for your services? I do not recollect. Do you allude to Mr. Byrnes' motion?
222. No, during the present Session? No, I do not recollect that there was such a motion.
223. I believe the Chairman of this Committee put such a motion on the paper previous to his asking for the appointment of a Select Committee? Well, I believe he did put a notice on the paper to that effect.
224. Are you aware that Mr. Byrnes also moved in the matter last Session? I am well aware of that; it was a matter of notoriety.
225. You say you make no claim upon the Legislature? I will explain what I mean by claim (as I have done before); I gave a definition of the word. I said it involved the idea of right withheld, and under these terms, I said, I make no claim whatever.
226. You consider, however, that you have not received such a remuneration as you have a right to expect for your geological researches? I think I ought not to answer that question, and therefore respectfully decline.
227. I believe you were absent from the Colony three or four years ago? Yes, and last year.
228. Are you not aware that a pamphlet has been published, and circulated among the Members of the Legislature, urging your claims? Yes. I received a copy of that pamphlet when I was down in Tasmania, but from whom I could not recognize by the address.
229. Are you not aware that parties have made applications to Government—various Governments—on your behalf? No.
230. You told us that your reason for coming out to this country was that, as you were practically acquainted with the science of geology, you were desirous of making yourself acquainted with the geology of this country? I was asked why I left England, and I said that, whilst in France, I contracted a severe rheumatic fever, and, in consequence of the dampness

dampness of the building in which I afterwards officiated, the complaint returned, and that I required a change of climate. That induced me to leave England, and I lost a valuable living by doing so. The first letter I received after arriving in this country informed me that the incumbent of that living was dead. It could not be filled up by me, being here.

The Rev. W. B. Clarke, M.A.

17 April, 1861.

231. But when you came here you anticipated continuing to officiate as a minister? No doubt. I stated that the reason I chose this country was partly on account of the climate, and partly on the ground that I wished to explore it.

232. You wish, by your explanation, to convey that you came here with a view to obtain private information, by making yourself acquainted with the geological features of the country, and to continue your vocation as a minister? No doubt. I carried on what I did at intervals, and only as I had an opportunity. I had no opportunity until the year 1851 of going out for a long period. For instance, my duties were exchanged for those of other clergymen, and I took the opportunity, when in their districts, to work them out.

233. You told us that you sent reports and specimens to England in 1844, but you did not tell us of what description they were? I gave you a list of them marked.

234. Did you not know that Mr. Stutchbury had sent specimens and reports? To England! He was not here! He did not arrive till the year 1850.

235. Are you not aware that persons in the interior—shepherds and stockmen—had frequently reported that they had discovered gold previous to its discovery in 1850 and 1851? Of course.

236. You have heard of a shepherd coming into the township of Wellington bringing gold with him? I never knew of it until 1843 or 1844.

237. You never heard of gold being discovered by chance by persons who had nothing to guide them to a knowledge of its existence prior to 1844? Well, I do not know of any case; I only know what I did myself.

238. You state that you found gold in 1841? Yes, in 1841.

239. Have you heard of persons finding it before that time? I have been told it. I have heard that this shepherd you allude to found it, but I am not aware of the fact. I have told you before that I knew nothing about gold existing here when I first came.

240. You know gold was found in Victoria in 1849? There was said to be a nugget of gold found there in 1849, in the Pyrenees, by a shepherd boy. I wrote a letter about it in the *Sydney Morning Herald*, pointing out the absurdity of people going to Melbourne when they had the gold here.

241. The nature of your engagement with the Government, when deputed to make a survey of the country, was, I believe, that you were to receive £300 a-year, and if the Government considered your services merited more, they would increase it at the expiration of your engagement? When first the idea was suggested to me of going out exploring, it was, as I understood, from a friend coming to me, in consequence of the Government having expressed a wish to obtain information which would afford them a guide to the character of the geology of the country. It was then suggested to me to offer my services. I did so. I put my services at their disposal, and a proposition was made that a Committee should be formed in Sydney with a resident Chairman, and Mr. Stutchbury, I think, with myself, was to go about, and report; a statement of the results of the proceedings to be sent to the Chairman, who was to draw up an official report.

242. *By Mr. Cooper*: Was this the Government proposal? Yes. I wrote two letters on the subject. That proposal was made to me; but it placed me in a false position, and I had nothing to do with it. I stated to Mr. Thomson that these were not the services I expected to be asked to perform. That gentleman said the Government were in doubt as to how I should be properly remunerated. I said in reply, that were I a layman I would state my opinion upon that subject at once; and he then said I need not feel any delicacy about it. But I determined to guard against anything that would in any degree compromise my position as a clergyman. In his office the question was again mooted. I then stated that I wished not to be relieved of my present income, and have at my disposal things necessary for carrying on the work, and that if my services were rendered I would leave the remuneration to themselves. They adopted the proposition conveyed in this explanation. You will see why I declined to enter into the first arrangement; I might in the field have done never so much good work, and the Committee in Sydney might reject it.

243. *By Mr. Hoskins*: Did the Government stipulate that you should not make private use of the reports as by taking them to England? There was a sort of stipulation on my part that I should be allowed to go to England when the reports were finished, for the purpose of laying the matter before my geological friends, and for getting assistance in their publication.

244. And the Government refused to allow you to do so considering that the reports were Government property? The officer then in charge of the Government ordered it to be refused. But the grounds of refusal were fallacious, because it would have done the Government a service.

245. Mr. Hargraves was also sent to explore the country, I believe? Oh, yes!

246. And the result was the discovery of the Turon? I do not know.

247. Have you been examined previously by the Committee with reference to the services you performed? No. I was, in 1852 and 1853, examined before two Committees, and was asked certain questions as to the tracts of country I had explored, and as to when I first found gold; but nothing else. The questions were mostly directed to the management of the Gold Fields. Mr. Cowper asked me whether there was gold to the north; in reply to which I said there was. I then determined to lay a report upon the subject before the Government.

248. You received a sum of £500 from the then Executive under Mr. Thomson, they having employed you to proceed on this exploration—and at the termination of your services was it never

The Rev. W. B. Clarke, M.A.
17 April, 1861.

never represented to them that this was a miserably insufficient remuneration? I held myself sufficiently high in my own conscience not to represent it to them that the remuneration was insufficient. I did not condescend to ask them for anything more.

249. You are aware that the Government of that day ought to have a better appreciation and knowledge of the value of your discoveries than the present Legislature? I do not wish to give an opinion of my own on the subject.

250. The Government who deputed you to proceed on your explorations merely authorized you to receive £500? I gave up £120 that I said nothing about, because I wish the world to understand that I have acted honorably and straightforward without reference to my pecuniary benefit. I was willing to survey the country, and went out to do so; but I cannot beg from it.

251. *By Mr. Cowper*: The fact remains that the Executive who appointed you gave what must be considered as in their opinion a sufficient remuneration? I can give the opinion of one gentleman high in office at one time in the Government, I think.

252. The Executive who appointed you awarded for your services £500? I think they regarded me in the light of an ordinary surveyor, and made their calculation accordingly. I think that was the view they took. It was a matter of calculation as to what a person had a right to expect if put in the position of a surveyor; but you must know the difference in the positions. It is not every one who would or could have undertaken that work, especially at my age. I was fifty-three when I started on that exploration.

253. *By Mr. Hoskins*: The necessary expenses in surveys, together with the loss of your income as a minister, have never been reimbursed by the £1,000 you received—that is, the two sums of £500 each? It is a difficult matter to make calculations upon that point. I do not think the £500 put anything into my pocket. Geological pursuits are the most expensive of any; a man cannot undertake them without considerable means at his disposal. Suppose in this Colony I want to compare a particular fossil, where am I to go to get a comparison? There are not men of the particular kind of qualification to go to; and I have to buy costly books in order to obtain a comparison. If I attempted to make a calculation of the expense I do not know where it would end. I took up the study of geology forty-one years ago, and having been a hard student ever since, have spent considerable sums of money upon it. The Colony, upon my undertaking its survey, got the advantage of what I knew before coming here, and what I had learned up to 1851.

254. You told the Committee that, as a recognition of your services, the Governments of the Province of Nelson and the Colony of Tasmania had made offers of service to you as surveyor? Yes.

255. Have you not heard that the present Government contemplated the fresh appointment of a Geological Surveyor? Mr. Robertson stated it in the House, I believe, and Mr. Cowper has said as much to me in private.

256. So that whilst these neighbouring Colonies recognized your claims and the benefits derived from your labours, the Executive of New South Wales do the same? Not for what is past, but for what is future. I am not master of the future, and what has been done in the past is known. I understood the Committee was appointed to review the past, and not look to the future. If an appointment were offered me, which I could not, to the honor of my profession as a clergyman, accept, or which would take me from my duty, and entail labour in the field, which the state of my health will not allow of, these things would require debating before I could decide upon my course of action; and I should not like the office to be contingent upon an annual vote of Parliament.

257. The appointments you were offered in the Colonies before alluded to would be dependent upon annual votes? They offered me a fixed period of service, and a fixed sum. In Tasmania they obtained a vote of £5,000 on purpose for me. I have a letter from Mr. Chapman, in which the offer is made. He says, we want a geological survey of the country, and a report upon it. We think it can be done in six years; and he states, that the amount they propose to pay for this service will be about this £5,000. I was then exceedingly ill, and declined the offer. I considered whether I should be justified in throwing up the work of a clergyman. In 1851, 1852, and 1853, I did the whole work of my clerical office, and I consider that the £300 I received was to pay, in part, for my services as a clergyman, and had nothing to do with geology.

258. Have you made application for permission to publish your reports in a compiled form—I understood they were for the use of the Government? Nothing of the sort. Captain King, once, in speaking of the matter, used these words:—"Shut them up in a box! No; give them to the public." I blamed the Government for not keeping them in print.

259. Mr. Stutchbury was also appointed to make explorations? Yes.

260. Do you know the terms of his engagement? No, they were never mentioned to me; but I believe he was paid from £600 to £800 a year.

261. After receiving this amount he never made further claims? I might refer to Mr. Stutchbury's case at some length, but it does not become me to speak of dead men.

262. *By Mr. Walker*: Do you produce the field book, containing the memoranda when you first discovered gold? Yes; that is the book.

263. What is the date? The 23rd. and 24th of February, 1841.

264. Where at? I will shew you the place on the map. The first gold I saw was on the direction of the road between Hartley and Hassau's Walls.

265. On the Western Road? A little off the road; near what you call Mount Kirkley.

266. In what quantities? Merely sufficient to prove that there was gold. I was working among the decomposed granite, and found a few specks of gold. I afterwards found some in

267. Did it occur to you then that there is sufficient quantity to make it worth

- any one's while to work for it? Nobody knew how at that period, because few persons knew anything about working for gold. I have been in gold countries, but had not at that time any speculation about there being a rich field. There could not be any speculation about it. Afterwards, when I instituted a series of inquiries into the geology of the country, and began to collect and gather information, in 1841, I came to definite views about the Colony, and I set people to work to collect for me.
268. Did it occur to you in 1841 that gold, in paying quantities, was to be found? Not at the time I found it, but afterwards, in that year.
269. How long afterwards? I cannot tell the exact date, but the letters I have produced would satisfy you upon that point. Two letters speak positively about 1841, and others thence to 1844. I was continually at work on the question from the year 1841.
270. Did you ever make it public or at what time did you make it public, that in your opinion there was gold to be found in this Colony? I have already given evidence on that, and these books were brought here by me, supposing that there might be a wish to be satisfied on the point of dates. These are the original notes made on the spot.
271. What sum have you received altogether for your geological services to the country? £1,000 in addition to £300 when out exploring, and at the same time officiating as a clergyman. I left it to the Government.
272. *By Mr. Cowper, junior:* You stated that this £300 was nearly absorbed by keeping up the establishment at St. Leonard's during your absence? No; what I said was that it was in lieu of any receipts as a minister.
273. I fancied, from your evidence, that you considered you were obliged to keep up the establishment at St. Leonard's just as if you resided there as a clergyman? This was explained in my former evidence.
274. *By the Chairman:* A good deal has been said in reference to the recognition of your services, as a geologist, by the previous Executive,—now, had you been a private individual would you have considered the amount the Government thought proper to award you anything like a sufficient recognition for your services? Had I been a layman, and had given as much information to the country I should have thought myself not overpaid with £5,000.
275. You did not receive what you have had as a recognition, or remuneration? No, only as a testimonial, or "acknowledgment." I wrote a letter in reply, stating that I considered my desire and willingness to serve the country were of infinitely more importance to me than any sum of money whatever.

The Rev. W. B.
Clarke, M.A.
17 April, 1861.

WEDNESDAY, 24 APRIL, 1861.

Present:—

Mr. COWPER,	|	Mr. MATE,
Mr. HOSKINS,	|	Mr. O'BRIEN,
Mr. WALKER.		

I. SHEPHERD, ESQ., IN THE CHAIR.

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

276. *By the Chairman:* This Select Committee has been appointed to inquire into the claims, if any, of the Rev. W. B. Clarke, and the gentlemen who form it have thought it desirable to request your attendance in order that they might elicit certain information from you. Perhaps you will allow me to ask you, in the first place, if you remember the circumstance of £1,000 being paid by the Government of this Colony to the Rev. W. B. Clarke, having reference to that gentleman's geological researches in New South Wales? Yes, I have a perfect recollection of that circumstance. It was part of the agreement with the Rev. Mr. Clarke when he voluntarily undertook the duty of making a geological survey of the country, with reference to gold, that he was to receive a gratuity when he completed his services. The gratuity fixed by the Government was £500. A Committee of the late Legislative Council was sitting at the time, and they inquired into Mr. Clarke's claims, and I find the following passage in their report:—"Your Committee while on the subject of gratuities, feel it due to the Rev. W. B. Clarke to record their high appreciation of the geological reports which he has addressed, at different times to this Government, and their opinion that the sum of £500 placed on the Supplementary Estimate, as an acknowledgment of his services, should be increased to £1,000." That is an extract from the report of the Committee on the Management of the Gold Fields, and is dated 1853. The Committee consisted of Mr. Wentworth, Mr. Jas. Macarthur, Mr. Cowper, Mr. Deas Thomson, Mr. Nichols, Mr. Bligh, Mr. Darvall, Mr. Murray, Mr. Macleay, and the Solicitor General—Mr. Manning at that time, now Sir William Manning. I find that the original agreement with Mr. Clarke was in these terms,—"To be supplied with all that may be necessary to carry out the survey at the public expense, and allowed such compensation as may be sufficient to cover the loss of present income and such further remuneration as the service may appear to entitle you to." That is an extract from a letter addressed by me to him on his appointment to proceed on a geological tour.

The Hon. E.
D. Thomson,
C. B., M. L. C.
24 April, 1861.

The Hon. E. D. Thomson, C.B., M.L.C.
24 April, 1861.

277. *By Mr. Cowper:* The "present income" alluded to is his stipend as a minister? His stipend as a minister. He obtained leave from the late Bishop to undertake this duty, and it was necessary to provide a substitute to perform his clerical duties. He was then incumbent of St. Leonard's, North Shore. His *locum tenens* received his stipend during his absence, and a similar sum was paid to Mr. Clarke as part of his salary. I find, for instance, that he was employed on this duty from 1st September, 1851, to 30th June, 1853, and he received, in lieu of his clerical stipend, during that period, at the rate of £300 a year. Besides this, he was allowed servants, forage for horses, and, in fact, the whole expenses consequent upon the performance of this duty.

278. Besides the £500? Besides the £1,000 that was afterwards paid to him.

279. *By the Chairman:* We are to understand then that this sum of £1,000 was given as a gratuity and not as remuneration for his services? Well, I can scarcely distinguish between the two, it was certainly intended in both ways, both as a gratuity and as an acknowledgment of his services. Those services were extremely valuable. The reports were admirably drawn up, and, I believe, of very great value to this Colony. He undertook this duty at considerable personal risk, and great personal labour, and suffered in his health frequently in his journeys —

280. I believe Mr. Clarke made no specific bargain with the Government as to what sum he should receive, that in point of fact, he did not ask for any sum? He did not ask for any specific sum, but, as already stated, part of the agreement was that he should receive a gratuity on the completion of his services.

281. *By Mr. Cowper:* A gratuity, I suppose, means compensation? It is, I suppose, compensation—I see I called it a gratuity myself, and, I suppose, that was passing through my mind at the time, and correctly designated what I intended. Mr. Clarke, in a letter, dated 6th September, 1853, addressed me, as Colonial Secretary, to the following effect:—"I do myself the honor of acknowledging the receipt of your letter of the 2nd instant, apprising me that His Excellency the Governor General, having brought before the Executive Council the question of amount of gratuity to be offered to me, the Council had expressed an opinion that I should receive a gratuity of £500, and that, therefore, His Excellency had specially recommended to the Legislative Council the appropriation of that amount to be paid to me accordingly. I beg leave to request that you will be good enough to convey to his Excellency and the Executive Council my thanks for this mark of their consideration and thoughtfulness, and my desire to be allowed to regard the proposal and its recommendation as a proof that my endeavours to further the interests of the Colony have met with the approbation of the Government, an object of higher importance to me than any gratuity, whatever may be its intrinsic value." That was before the sum of £1,000 was voted or paid, and had reference, as will be perceived, to the smaller sum of £500.

282. Is there any example of gratuities of sums of money having been supplemented—for instance, in the case of Mr. Hargraves, was not the sum first proposed to be given to him afterwards increased? The sum at first proposed to be given to Mr. Hargraves was, I think, £5,000, and it was afterwards increased to £10,000.

283. Was that as remuneration, or as a gratuity? It was a reward for the discovery of gold, that is to say, the practical discovery of a working Gold Field. Gold had been discovered long before. The existence of gold in the Australian Colonies was also well known to myself. I had taken gold from quartz, and I had searched for gold in rivers, but I had not the knowledge of gold washing which would enable me to discover it.

284. Do you recollect making any observation to the late Capt. King upon the importance to the public of the publication of the Rev. Mr. Clarke's reports, and saying that you would make some arrangement for the Government to bear the expense? Some years ago (I think it was several years before the gold discovery) Mr. Clarke had been engaged in geological researches throughout the Colony. He had collected a vast amount of information, and was desirous of publishing the results. The work would have been an exceedingly expensive one, because it would have had to be illustrated by maps and sections, which cost a great deal here for engraving. He made application to the Government, I think, through Capt. King, to assist him in this matter, and the sum of £210 for the purpose was accordingly placed on the Estimates for 1850. That sum was voted. It stands in the Votes in the following words:—"A sum not exceeding £210 to enable the Rev. W. B. Clarke to publish a report of his geological researches in Australia, illustrated by maps and sections." He had not completed the work at that time, and I think the payment of the sum depended upon its publication. I believe that sum has not been paid, and I am not aware that Mr. Clarke has ever been in a position to claim it.

285. From what you believe, or perhaps, know of the Rev. Mr. Clarke, would you consider that the sum of £210 would be sufficient to cover the expense of publishing such a work? That I cannot say; such a sum would not, I think, go very far in publishing a work of that kind. I do not, however, believe it was intended to cover the whole of that expense, for the work would have been the private property of Mr. Clarke when published. I think it is a great pity that the result of all these geological researches cannot be given to the world. I am sure it would be found to be exceedingly valuable.

286. Those made by Mr. Clarke? Yes.

287. *By Mr. Cowper:* Were there any services rendered by Mr. Clarke to the Government, at the request of the Colonial Government, exclusive of those for which £1,000 was supposed to have been the remuneration? I do not remember any. We were in frequent communication with him, as he was considered a great authority, and he was very kind in giving information to the Government that was useful to it; but I do not remember any other specific services on which he was employed.

288. *By the Chairman*: Has Mr. Clarke in any other way rendered useful service to the country? As a most useful clergyman, and valuable member of society.
289. In reference to scientific pursuits? I believe he has been in the habit of publishing to the world, through the medium of the press, the result of many of his researches, which have been very useful.
290. For which he has received no compensation from the Government? Compensation could not have been expected. It would not be within the province of the Government to remunerate services of that kind.
291. *By Mr. Hoskins*: I understood you to say that the Rev. Mr. Clarke received £300 a year salary in lieu of his clerical stipend? Yes.
292. Can you tell us what was his clerical stipend at that time? I find, in a minute made by myself, on a private note from the Rev. Mr. Clarke, of the 4th July, 1851, to the following effect: "I am verbally informed by the Rev. Mr. Clarke, that the emoluments which he will have to give up during his absence on this duty amount to upwards of £300 a year. Independently of this, he will expect to receive, in addition to the payment of his actual expenses, a fair remuneration for his services. It will be necessary of course to determine what amount shall be so paid to him."
293. Then I presume the Executive Council considered that the £500 they intended to ask the Legislative Council to vote to Mr. Clarke was a remuneration for the services he performed, in addition to the salary he received? Yes.
294. I understood you to say that the Gold Committee recommended that an additional £500 should be voted to Mr. Clarke in acknowledgment of his eminent services? They recommended that the gratuity of £500 should be increased to £1,000, and I have already explained that that sum was placed on the estimates by the Government, voted by the Legislative Council, and paid to Mr. Clarke.
295. And was understood to be as a recognition of, and as a remuneration for, the Rev. Mr. Clarke's services? Undoubtedly.
296. I believe Mr. Stutchbury was appointed by the Government as geologist, to make a survey of a certain portion of the Colony? All information relating to Mr. Stutchbury's appointment will be found in the paper printed by the order of the late Legislative Council, in 1851. It is headed "Geological Surveys," and gives the whole of the correspondence of the Government on the subject with the Secretary of State. It contains also the correspondence of the local Government with Mr. Stutchbury on his arrival, and shews the precise circumstances under which he received his appointment, and the object for which he was appointed. In 1849 a despatch was addressed, by the late Governor, Sir Charles Fitz Roy, to the Right Honorable Earl Grey, in which he pointed out the expediency of causing a mineralogical and geological survey to be made of the Colony. It is not necessary that I should go into the several points referred to in that despatch, but I will mention one or two. At that time the mining capabilities of the Colony began to attract considerable attention. Copper and iron mines had been discovered, and specimens of gold in quartz had also been found. A specimen of alluvial gold was placed in my hands in the early part of 1849, by the late Mr. Smith (a lapidist), who stated it to have been found in some portion of the country to the westward of the Great Dividing Range. He would not further describe where it had been found, but he endeavoured to obtain the promise of a reward from the Government. Sir Charles Fitz Roy in his despatch says—"In some parts of the Colony I am informed that auriferous ores have been discovered. A specimen weighing about three ounces and a half was lately exhibited to me. I have not been able to learn the precise locality where it was found; except that it is on the western side of the Great Dividing Range in the Sydney, or Middle District." He goes on to say, in consequence of these mineral indications, "I would take the liberty of suggesting to your Lordship the expediency of sending out to the Colony a well qualified geologist; whose employment in the public service should probably be limited to such a period only as may be necessary to accomplish the object of his appointment. It would, of course, be his duty to furnish the Government, from time to time, with reports of his proceedings, and maps shewing the geological structure of the country examined. I would further take the liberty of pointing out that, probably, by application to the Chairman of the Geological Society an individual well suited to undertake this duty might be selected." In consequence of that the Secretary of State entertained the proposition, and communicated with Sir Henry de la Beche, who was, I believe, the President of the Geological Society at that time, and he recommended Mr. Bristow for the appointment, but he was unable from family reasons to accept it. It was then offered to Mr. Beete Jukes, who had formerly been employed as naturalist and geologist on board H.M.S. "Fly."
297. I merely wish to know whether Mr. Stutchbury was appointed, in consequence of Sir Charles Fitz Roy's recommendation, as geologist to the Colony? He was eventually appointed. He was recommended by Sir Henry de la Beche in a letter to Mr. Hawes, then Under Secretary of State. It is dated 26th April, 1850; he says, "I have the honor to commend to Earl Grey, as highly qualified for the service, Mr. Samuel Stutchbury, Fellow of the Geological Society of London, and member of various other learned societies, now, and for many years past, the able Curator of the British Scientific Institution, and with whom I have been personally acquainted for many years. Mr. Stutchbury is well instructed in our mode of work on the Geological Survey of Great Britain, has had great experience as a coal viewer, and is perfectly acquainted, not only with mineralogy as a science, but also practically with the mode of occurrence of the ores of the useful metals." Then the terms upon which he was appointed were these—I find them detailed in a letter addressed to him by myself, as Colonial Secretary, under date the 27th December, 1850:—"With reference to my letter of the 23rd instant, I am directed by his Excellency the Governor to inform you that, under

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

24 April, 1861.

The Hon. E. D. Thomson, C.B., M.L.C. "under the instructions of the Secretary of State, you will be paid a salary, whilst employed in making a Geological and Mineralogical Survey of New South Wales, at the rate of £600 per annum." Then in another part of the letter,—“In addition to your salary, you will be allowed the equipment hereafter mentioned, and your actual expenses for yourself, your men, and horses, when travelling—on an account to be rendered by you in such form as may be satisfactory to the Auditor General.”

24 April, 1861.

298. What I wished to know was merely whether Mr. Stutchbury was the Government Geologist at the time the Rev. Mr. Clarke was making his geological surveys? Yes.

299. And therefore Mr. Clarke's services were purely voluntary? Yes; he tendered his services to the Government, but the Government was too happy to avail themselves of them, and there was quite field enough for two mineralogical surveyors. It was considered extremely important at the time, that the various localities throughout the Colony, containing auriferous deposits, should be ascertained, examined, and reported on by some properly qualified geologist, and most desirable, therefore, that Mr. Clarke's services should be so availed of.

300. *By the Chairman:* Mr. Clarke had made several geological surveys previous to that time? Yes. I have already alluded to his desire to publish the work for which the sum of £210 was voted.

SEPARATE APPENDIX.

St. Leonard's,
24 April, 1861.

Sir,

I herewith enclose a series of documents (distinguished by letters from A to W) illustrating, or being absolutely necessary to the elucidation of my evidence before your Committee; and I do myself the honor of requesting, that these documents may be appended to my evidence, as of essential importance to truth and justice.

Isaac Shepherd, Esq., M.P.,
Chairman of Select Committee.

I have, &c.,
W. B. CLARKE.

[Enclosures.]

A.

Extracts from the published writings of SIR RODERICK I. MURCHISON, G.C. St. S.; D.C.L.; M.A.; V.P.R.S.; V.P.G.S., &c., &c.

(1.)

“Having, in the year 1844, recently returned from the auriferous Ural Mountains, I had the advantage of examining the numerous specimens collected by my friend Count Strzelecki, along the eastern chain of Australia. Seeing the great similarity of the rocks of those two distant countries, I had little difficulty in drawing a parallel between them; in doing which I was naturally struck by the circumstance that no gold had ‘yet been found’ in the meridional Australian ridge, which I termed in anticipation the ‘Cordillera.’” * Impressed with the conviction that gold would sooner or later be found in the Great British Colony, I learnt in 1846, with satisfaction, that a specimen of the ore had been discovered. I thereupon encouraged the unemployed miners of Cornwall to emigrate and dig for gold, as they dug for tin in the gravel of their own district. These notices were, as far as I know, the first printed documents relating to Australian gold.”—*From Siluria, 3rd edition, 1859, p. 489.*

(2.)

* “The announcement that ‘no gold had yet been detected,’ which was printed in my ‘Provisional Discourse,’ (*Trans. Roy. Geog. Soc., 1844*), is the clearest proof of my ignorance of a trace of the metal having been discovered by any one. Some time after the practical opening out of the gold mines, however, facts transpired which were totally unknown to me when I ventured upon my comparison. Thus it appeared, that Count Strzelecki himself discovered traces of gold in 1839; but on relating the fact to some friends, and to the Governor of New South Wales, Sir G. Gipps, secrecy was enjoined, and the Count never more reverted to the subject, not even in his own work of 1845. It also appears that the Rev. W. B. Clarke wrote to a friend in the Colony (1841), mentioning that he had found gold ore. * * * * My views, whatever they may be worth, were therefore formed quite irrespectively of any such proceedings. * * * * I now simply affirm, that no one in Britain or the Colonies had for several years printed anything on the auriferous character of the Australian rocks except myself, and that my Memoirs of 1844, 1845, and 1856, are the earliest publications relating to the subject.”

(2.)

The whole Notice of the year 1844, alluded to in the preceding extract from "Siluria."

"MR. MURCHISON'S Address—Australia.

" Another traveller, M. de Strzelecki, who has already given some short accounts of a southern portion of this chain, will shortly appear before the public with an important work explanatory of its general structure and physical features. Passing five years in the country, he traced these mountains continuously on foot from 31° to 44° S. lat., and whilst making this survey, which obtained for him the warmest approbation of the Governors of New South Wales and Van Diemen's Land, Sir George Gipps and Captain Sir J. Franklin, R.N., M. de Strzelecki repeatedly crossed it, and examining its lithological characters in detail, ascertained that it had a mean altitude of about 3,500 feet, and was on the average 70 miles distant from the sea. In Van Diemen's Land he found the axis of the same crystalline rocks to be prolonged in a curvilinear direction, whilst to the north of our settlements of New South Wales, he found by sailing along the coast the same chain, there coming close to the sea, as determined by the admirable survey of Captain P. King, was persistent to Torres Straits at the north end of the Gulf of Carpentaria, and that on the north side of these straits it is again prolonged in the same direction far into New Guinea.

" With the exception then of a few embranchments towards its southern end, which throw off the waters of the Darling and its tributaries into the new settlements of South Australia, and of the curvilinear band in Van Diemen's Land, this chain may be said to have a meridian direction through upwards of 35° of latitude, and is therefore considerably longer than the Ural, another great meridian chain, of which I have elsewhere spoken, even if we include in the latter the great islands of Nova Zemlia. The Australian chain further resembles the Ural in being composed, according to Strzelecki, of an axis of eruptive or igneous rocks (greenish syenite, greenstone, porphyry, serpentine, &c.)—some metamorphic rocks (quartz rocks and slate) with unquestionable palæozoic deposits on either flank. It still further resembles the Ural in altitude and in the total absence of all free transported blocks or boulders, all the alluvia or diluvia being local; but it so far differs from the Ural and many other meridian chains, in having as yet offered no trace of gold or auriferous veins. Apologising for having momentarily drawn your attention to a comparison between this Australian chain, and one with which I am acquainted, I must refer you to the forthcoming work of M. de Strzelecki, for many mineralogical and geological views, as well as for barometrical and meteorological observations made over a very large area by that intrepid and intelligent traveller, entirely for the love of science, and at his own expense."—*Address to the Royal Geographical Society of London, on 27th May, 1844. (Journal Roy. Geog. Soc., vol. 14, p. xcix.-c.)*

(3.)

The whole Notice of the year 1845, alluded to in the preceding extract from "Siluria."

" In reference to the encomium which I last year thought it my duty, as it was my pleasure, to bestow on the gratuitous and important researches of M. Strzelecki along the great Cordillera of Australia, so I now congratulate you on the appearance of the volume, in which the condensed results of his travels are embodied. The trade of bookselling is, I regret to say, very adverse to the development of that species of detailed knowledge which geographers specially covet, particularly from those who describe new lands; hence this able and industrious explorer has been necessarily compelled to abstain from giving us his views in the form of a narrative, followed by general inferences, and to abridge that style of graphic description in which I know he excels. The work, however, which is now produced, small though it be, in relation to what M. Strzelecki could bring forth, is a well arranged and methodical view (geographical as well as geological) of a great and slightly known chain, and he is entitled to our warmest thanks for considerably improving our acquaintance with the physical features and structure of this lateral back-bone of the vast south-eastern Continent, and for presenting to us a new map of that part of the world."—*Presidential Address to the Royal Geographical Society of London, 26 May, 1845. (Journal Roy. Geog. Soc., vol. 15, p. lvii.-lviii.)*

(4.)

Extract from Letter of SIR R. I. MURCHISON to SIR C. LEMON, in the year 1846, on the rocks of Cornwall.

" If gold exist not (in any remarkable quantity at least) in your otherwise richly endowed mineral county, there are, I am happy to say, good grounds to hope that in their most distant Colony, Englishmen may find it abundantly. In an address to the Royal Geographical Society, delivered in May, 1844, when commenting on the valuable labours of Count Strzelecki, in decyphering the structure of the great north and south chain which ranges along the eastern shores of Australia, I especially insisted on its striking resemblance to the Ural Mountains within, in direction, in structure, or in alluvia, remarking by the way that as yet no gold had been found in this alluvium. I now learn, however, that fine specimens of gold have been found in the western flank of the Australian Cordillera, particularly at the settlement of Bathurst, where it occurs in fragments composed of the same matrix (via., quartz rock) as in the Ural.

" My

"My friend and associate in the Imperial Academy of Petersburg, Colonel Helmersen, has recently suggested that a careful search for gold ore in the Australian debris will, it is highly probable, lead to its detection in abundance, since the Russians had long colonized the mountains, and had for many years worked mines of magnetic iron and copper in solid rocks, before the neglected shingle gravel and sand on the slopes of their hills and in their valleys were found to be auriferous. If, then, in the course of your statistical inquiries, you may know of any Government Cornish miner about to seek his fortune in Australia, be pleased to tell him to apply his knowledge of the mode of extracting his ore from his own gravel to the drift and debris on the flanks of the great north and south chain of Australia, or any smaller parallel ridges of that great country, for great would be my pleasure to learn that through the application of Cornish skill such a region should be converted into a British El Dorado."

(5.)

Extract from the Report of the British Association, for 1849, of an Address by SIR RODERICK I. MURCHISON.

"He reminded his auditors that, in considering the composition of the chief meridian ridge of Australia and its parallels, he had foretold that gold would be found in them; and he stated that in the last year (1848) a resident in Sydney (Mr. Smith), who had read what he had written and spoken on this point, had sent him specimens of gold ore found in the Blue Mountains, whilst from another source (Mr. Phillips) he had learned that the parallel north and south ridge, in the Adelaide region, which had yielded so much copper, had also given more undoubted signs of gold ore."—*Report of Sections, Brit. Assn., 1849, on the distribution of gold in the crust and on the surface of the earth,* p. 63.

(6.)

Extract from the Presidential Address to the Geological Society of London, by R. I. MURCHISON, ESQ., on 18 February, 1842.

"Slender as our information is as yet, respecting the natural history of that wide and detached continent which British industry is reclaiming, we cannot but anticipate a rapid accession to our knowledge, now that some highly gifted naturalists are established in it. Whilst I simply allude to Mr. W. Macleay and Captain Philip Parker King, whose researches are directed to branches of science connected with our own, it is my duty to mention more specially the Rev. W. B. Clarke, a member of this Society, who has previously contributed to our Proceedings and Transactions; and who, in his recent voyage to Australia, has afforded fresh evidence that his leisure hours will still be employed in geological pursuits. A short residence at the Cape of Good Hope enabled him to communicate to us a memoir on the structure of that Colony. * * *"—*Proceedings of the Geological Society of London, vol. iii., p. 645.*

B.

Extracts from "Plain Statements and Practical Hints respecting the discovery and working of Gold in Australia. By the REV. W. B. CLARKE, M. A., &c. Sydney, 24 June, 1851."

"As New Guinea is also geographically connected with Australia, and as New Caledonia and New Zealand are evidently merely outlying summits of the great submerged land of which the Australian Cordillera is the main parallel—the older rocks of all these countries being identical—there can be little doubt that hereafter those islands will be added to the list of auriferous countries."—p. 10.

"And thus, also, gold ought to be found, if at all, in the province of Victoria, between 143° and 145° E., north and south of 37° S. lat."—p. 12.

C.

*Colonial Secretary's Office,
Sydney, 30 July, 1852.*

Reverend Sir,

Referring to my letter of the 8th August, 1851, notifying the Governor General's acceptance of your offer to proceed to ascertain the probability of the existence of gold in various parts of the Colony, and to your note of the 2nd instant, I have now the honor to inform you that His Excellency approves of your proceeding so soon as your arrangements will permit, to ascertain and report on the auriferous character of the Northern Districts of the Colony.

2. The following localities, specified in my letter of the above date, include much of what it will be desirable for you to explore, viz. :—

- 1st. The Heads of the Mackintyre Brook.
- 2nd. The Waters running into the Severn.
- 3rd. The Country at the head of the Apsley.

4th.

- 4th. The Country below the Apsley Falls.
- 5th. The heads of the Rivers joining the Peel, near Tamworth.
- 6th. The heads of the Tulleragua and Coolabaragundi.
- 7th. The heads of the Colo.
- 8th. The Country at the head of the Logan and Richmond.

3. I may also mention the necessity of your following down the westerly waters towards the meridian of Warrialdra, and examining so much of the adjacent country as time will allow.

4. In prosecuting the object of your expedition, you will have the goodness to follow the general instructions communicated to you in my letter of the 8th August.

5. As you are doubtful whether you will be able to get a cart up the range from Grafton to the Table Land without more horse power than you will probably be able to command, His Excellency approves of the mode of getting on to the Table Land being left optional with you.

The Rev. W. B. Clarke,
St. Leonard's, North Shore.

I have, &c.,
E. DEAS THOMSON.

D.

1854.—NEW SOUTH WALES.—DISCOVERY OF GOLD IN AUSTRALIA.

Appendix to Answers 12 and 13, in the Evidence of the Rev. W. B. Clarke, M.A., F.G.S., taken before the Select Committee on the Management of the Gold Fields, on Friday, 24th September, 1852.*

No. 1.

From R. THERRY, Esq., one of Her Majesty's Judges of the Supreme Court.

*Keera Vale, Wollongong,
2 October, 1852.*

My dear Sir,

I can have no hesitation in stating I quite well recollect the circumstance of your communicating to me your discovery of gold. The conversation took place on board the Parramatta steamer, some time in 1844, on my return to Sydney from a visit to a part of the country which I then represented in the Legislative Council. On that occasion, you shewed a piece of quartz in which two or three large specks of gold shone very distinctly and brilliantly; and you intimated that from that and other specimens you had seen, and from the geological observations you had made, you were confident that gold would be found in abundance in this Colony. I mentioned the matter to many of my friends at the time, and the recent extensive discoveries of gold brought very vividly to my recollection your predictions, which these discoveries have verified.

I therefore can have no objection to the mention of my name in the manner in which you have introduced it in your evidence.

Rev. W. B. Clarke.

Believe me, &c.,
R. THERRY.

No. 2.

From MR. CHARLES BLAKEFIELD, a successful Gold Digger, written voluntarily.

Sofala, 11 September, 1852.

Rev. Sir,

The long controversy in the public papers respecting the alleged original discovery of gold in this country having now ceased, I beg to apologize for my negligence in not having sooner added my evidence in proof of your attainments as a geologist.

About nine years ago, I gave you a piece of gold in quartz, found at Mitchell's Creek, and brought down by McGregor, the shepherd, when you informed me that nearly the whole of the rivers on this side of the Dividing Range were highly auriferous. At the time I asked you

*12. Have you any objection to state to the Committee, when your attention was first directed to the existence of gold in this country? It was in 1841, when I crossed the Dividing Range to the westward of Parramatta, in endeavouring to satisfy myself as to the extent of the carboniferous formation in that direction, that I first became aware of the existence of gold in Australia, by detecting it at the head of the Winburndale rivulet, and in the granite westward of the vale of Clwydd.

13. *By Mr. Holroyd:* Did you go further to the westward? No; I had satisfied myself as to the object of my journey, and returned home. At that time I knew little of the history of gold, but since then I have obtained every information I could upon the subject. There are many persons living who know that I, very shortly afterwards, began to speak of the abundance of gold likely to be found in the Colony, and that as early as 1843, I mentioned it generally. On the 9th April, 1844, I also spoke to the then Governor, Sir G. Gipps, and exhibited to him a sample, but without any result as to further inquiry. The matter was regarded as one of curiosity only, and consideration of the penal condition of the Colony kept the subject quiet as much as the general ignorance of the value of such an indication. In that year I exhibited the gold, and spoke of its probable abundance to some of the then Members of Council, and one of them, the late Mr. Robinson, replied to me, "you ought to have been a miner," but took no further notice of it. The only person who seemed to take much interest in the subject was His Honor Mr. Justice Therry. I am able to fix the date of the time when I spoke to Sir G. Gipps, by the recollection that I spent that day with him at Parramatta, and that it was the day on which a certain great meeting of squatters was held in Sydney.

you why you did not make the fact known to the public, when your reply was that you was afraid that it would tend to the utter disorganization of society, particularly as then constituted.

But had I known that the whole science of gold washing lay in the shaking of a tin dish, I am doubtful whether any such considerations of public policy would have prevented me from essaying the facts at that time, particularly as a friend of mine was also at the time extremely urgent upon me to join him in a prospecting tour.

Rev. W. B. Clarke.

I am, &c.,

CHARLES BLAKEFIELD.

No. 3.

From F. E. MANNING, Esq. (brother of Sir W. Manning), voluntarily written.

*Carrabost, Tarcutta Creek,
20 November, 1851.*

My dear Sir,

Although some years have passed since we met at Appin,* I have, during the last few months, often recalled to mind your saying that you knew where to find gold on the Bathurst side, and finding that you proved a good authority in that case, I was tempted to go prospecting here, as I hear you stated that this was a likely locality to find gold. I think you will hear that your prediction proves to be correct. This place is situated on the right hand branch of the Tarcutta Creek coming up, and is about forty-five miles from its junction with the Murrumbidgee River.

A shepherd, in the employment of Messrs. Walker and Co., at a place called American Yards, eight miles lower down the creek, has also found gold there, of the same description as it is here; and he tells me that he has found some on a hill side that looks "as if it had been melted"; and he will not shew me any of this.

Rev. W. B. Clarke.

I remain, &c.,

FRED. E. MANNING.

No. 4.

From JAMES MACARTHUR, Esq., M.L.C., who was Chairman of the Gold Committee on 24th September, 1852. This letter is, therefore, confirmatory of my evidence.

*Camden Park, Camden,
29 July, 1854.*

My dear Sir,

I have deferred answering your note in order to refresh my memory by a reference to memoranda connected with public transactions, which I know took place at the period of our conversation, relative to your first discovery of gold in the Hartley District, and your conviction, from geological investigations, that Australia would prove to be a great gold producing country. I find, upon reference to those memoranda, that your communications to me, on the above subjects, must have been in 1843 and the early part of 1844. I well recollect that you pointedly alluded to the grave objection to opening gold mines to the cupidity of a population which, at that time constituted the great majority of the inhabitants of these Colonies, and you mentioned the strong views entertained by Sir George Gipps, as to the ill consequences to be dreaded from a disclosure of what you had ascertained.

On more than one occasion you expressed a hope, that opportunities would be afforded to you to pursue your geological researches, and you declared your firm conviction that gold, with other valuable metals, would, at no remote period, constitute a most important part of the resources of the Colony.

You also mentioned that your own object, apart from your public duties, were confined exclusively to the extension of science.

Rev. W. B. Clarke.

Believe me, &c.,

JAS. MACARTHUR.

No. 5.

Extract of a Letter from H. K. JAMES, Esq., Secretary to the late Bishop of Sydney.

"I have no certain recollection when you first told me that you had found gold in this country, but I thought, and still think, that you alluded to the fact in one of your notes to me a very long time ago, which, if I could have found it, would be of much value to you now.

"You have been, as long as we knew you, always speaking about the 'mineral resources of Australia'—that it was full of gold—that we should 'live to see this one of the richest places on the globe,' and so forth. 'Clarke's prophecies' upon these subjects were as 'familiar as household words;' they seemed, however, at the time, long before H. was ever heard of, to be idle tales, and as you were very generally regarded as a scientific enthusiast, your observations and truthful predictions received very ordinary attention, and entirely failed to make the impression they were calculated to do. I have often thought,
"if

* As I had forgotten the exact date of our meeting at Appin Parsonage, I applied to the Rev. H. D. Sparling, the Incumbent of Appin and Bargo, and he informs me it was in April, 1846, quoting a memorandum made at the time.—W. B. C.

" if not said, ' if half of Mr. Clarke's predictions of what this country is made of proves true, it will be good to be here', and such I have no doubt was the sentiment of many with whom you conversed about your golden dreams of Australia. * * * * *

" 3rd June, 1854.

" Rev. W. B. Clarke."

" Yours, &c.,

" H. K. JAMES."

No. 6.

Letter from CAPTAIN PHILIP PARKER KING, R.N., M.L.C., &c., voluntarily written.

(See " SYDNEY MORNING HERALD," 2nd June, 1851.)

Parramatta,

30 May, 1851.

My dear Sir,

Having noticed a remark of Mr. Hargraves upon your claiming to have been the original discoverer of the Gold Field now being worked, and which appears to me to attach doubt as to the correctness of your statement, I think it right to remind you, that about two or three months ago, you pointed out to me on Dixon's Map of New South Wales, a considerable extent of country in the neighbourhood of the Cauobolas in which gold was known by you to exist in large quantities.

If this communication can be of any service to you, you are at liberty to make any use of it you please.

Yours, &c.,

PHILIP P. KING,

CAPTAIN, R. N.

Rev. W. B. Clarke.

No. 7.

Extract from a Letter published in the " MAITLAND MERCURY" of 24th January, 1852, on the Tamworth Gold Field.*

" I must here pay a tribute to the foresight and scientific investigations of the Rev. Mr. Clarke, who unquestionably had ascertained the existence of an extensive Gold Field in Australia long before any excitement had been caused by the recent discoveries in California.

" Mr. Clarke was investigating the geological structure of the country about Murrurundi and the Page's River, I think in the year 1845, and I recollect his telling me that he had discovered gold in the Bathurst district in sufficient quantities to pay a person for working it, or I think his words were, in quantities sufficient to enable him to earn a subsistence, if necessity had driven him to such a course; he also mentioned at the same time, that most probably it would be found along the western flanks of the great Dividing Range, north of Murrurundi, where it is now found extensively disseminated, thus proving how surely and accurately the predictions of science are to be realized. * * *

" J. G."

" Maitland, 23 January, 1852."

No. 8.

Extract from the Leading Article of the " GOULBURN HERALD," of 20th May, 1851, forwarded to me by the REV. W. SOWERBY, Incumbent of Goulburn, who says, in his Letter enclosing it:—

" I am glad you are going to defend yourself. It is due to yourself and your friends everywhere to meet your opponents clearly and fearlessly. I intended long ago to write to you to urge you to do it, but I thought surely ' he does not require any advice on a subject so important as the defence of his fair fame.' "

Extract from the " GOULBURN HERALD" of the 20th May, 1851.

" Should there be any of our neighbours to whom the voice of warning is of no avail, we would say, ' Bide awhile'—there will be no necessity for travelling 150 miles to gratify their inordinate love for adventure in the hope of gaining great riches by easy means. Bide awhile. We have in our own county a gold mine as rich as that which is now causing so much excitement in the public mind. For the truth of this assertion we refer them to the first article, headed " Gold," in the second page of this number. It will be there seen that the Rev. W. B. Clarke, whose labours in geological research in this Colony have scarcely been appreciated, stated between 1842 and 1847 that gold exists in the Dividing Range (between Bathurst and Wellington), and also in the county of Argyle. †

" This

* I did not know of the existence of this publication till May, 1854, when I wrote for a copy of it to the author, John Gill, Esq., J.P., of Tamworth, a gentleman of the highest respectability and acquirements. In reply he states, that it was about the year 1844 (and not 1845), and he is right, for I was on duty in the first three months of that year at Muswellbrook, in place of the Rev. W. Gore, and I then visited Bickham. I left Muswellbrook on Ash-Wednesday, and after eight week's duty, I met with a severe accident on my way to Jury's Plains, which gives me the true date, 21st February. Mr. Gore, to whom I applied to fix the year, says in a letter dated 25th July, 1854, " you were at Muswellbrook in 1844, for the first time; I ought to know, for it was at that time I was married."

† The tract of country which I spoke of as auriferous was the District as well as County, and in the latter I found gold in 1842. The whole eastern border of the county along the Shoalhaven, I proved in 1851 to be auriferous; and the Gold Fields about Braidwood, Araluen, &c., are in the adjoining county.—W. B. C.

" This Dividing Range is the same line of hills which lies east of Richlands; and as the recently proclaimed Gold Field has been discovered to extend indefinitely to the northward, it is but fair to suppose that it does to the southward, and that the whole scope of country is rich in gold.

No. 9.

In the "Maitland Mercury," 6th October, 1852, is an advertisement signed "THOMAS HAYDON," offering £50 reward for the discovery of a paying and remunerative Gold Field, on the following grounds:—

" It having been pronounced some years ago by the Rev. W. B. Clarke, that Gold existed in the Tributaries of the Page, and it having been found in small quantities in various localities in the neighbourhood," &c.

No. 10.

Extract from the "ILLUSTRATED AUSTRALIAN MAGAZINE," October, 1851, published at Melbourne, Victoria, by MESSRS. HAM, in a Statistical Article, signed COLCHIS, "On the probable influence of the recent discoveries of Gold Mines, in various parts of the world, on the relative value of Gold and Silver."

* * * * *

" Hence arises the curious question—'How came the treasures of our adopted country to remain so long a sealed letter to those who daily traversed the scene?' The answer is plain and simple. We had no mineralogists or geologists amongst us."

To this the editor appends the following remarks in a foot-note:—

" We cannot entirely agree with the writer. The Rev. W. B. Clarke is acknowledged to be a thorough geologist, and years since he was aware of the existence of gold in the very localities in which it has been recently found in abundance. During a visit to this gentleman, a considerable time previous to the discoveries made by Mr. Hargraves, we were shewn a specimen of gold found in the Bathurst Ranges; and we have seen letters, written by Mr. Clarke to his friends in England, ten years ago, which proved he then knew the country to be auriferous. The Rev. Gentleman did not make public his knowledge of the existence of gold in Australia, simply because, considering that New South Wales had only a short time ceased to be a Penal Settlement, and that the people were not remarkable for their virtue, he feared it might become a curse rather than a blessing."—[Ed. I. A. M., Vol. III. p. 211.]

No. 11.

Letter alluded to in No. 10, from Rev. W. Trollope, M.A.—(See page 19.)

F.

Colonial Secretary's Office,
Sydney, 11 November, 1853.

Reverend Sir,

With reference to my letter of the 2nd of September last, respecting the gratuity which it would be proper to offer to you on the completion of the geological exploration on which you have been recently employed, I am now directed by His Excellency the Governor General to annex an extract of the report of the Committee of the Legislative Council on the Gold Fields Management Bill, in which the subject is adverted to; and to inform you that, fully concurring in the appreciation therein recorded of the geological reports which you have addressed at different times to the Government, His Excellency, with the advice of the Executive Council, reviewed his decision with respect to the amount of gratuity to be awarded to you, and invited the Legislature by a Message, dated 21st September last, to appropriate a sum of £1,000 for this purpose, in lieu of £500 which had been before placed on the Estimates. This amount having, in consequence, been voted by the Council, I am further to inform you that a warrant has been signed by His Excellency for its payment to you from the Colonial Treasury.

I have, &c.,

E. DEAS THOMSON.

The Reverend

W. B. Clarke, A. M.,

&c., &c., &c.

Extract of the Report of the Committee of the Legislative Council on the Gold Fields Management Bill, referred to in the Colonial Secretary's letter to the Reverend W. B. Clarke, A. M., of 11th November, 1853.

" Your Committee, while on the subject of gratuities, feel it due to the Rev. W. B. Clarke to record their high appreciation of the geological reports which he has addressed at different times to this Government, and their opinion that the sum of £500, placed on the Supplementary Estimates as an acknowledgment of his services should be increased to £1,000."

F.

*Superintendent's Office,
Nelson, N.Z.,
7 June, 1855.*

Sir,

Your reputation as a scientific discoverer of minerals, and reports that you have some intention of visiting New Zealand, have induced me to address you with reference to a Mineralogical Exploration which the local Government is anxious to institute in some portions of the province of Nelson.

The Government more especially desires to have a reliable examination of and report upon the Coal Fields of Massacre Bay, where coal is now being obtained in places twenty-five miles apart by quarrying on the surface, where it has been exposed by the action of streams.

The country to be explored in that district is partially open fern land, and partially covered with dense forest, the district itself being easily traversible, and in most places accessible by water.

Next to the desire of the Government for a scientific report upon this valuable Coal Field, it is anxious to ascertain the probable extent of copper ore which the province contains, which ore has been discovered in considerable quantities in close proximity to the town of Nelson, and is believed to exist in other places.

Plumbago and chromate of iron have also been discovered; and gold is reported to exist, and specimens have been exhibited, but without sufficient evidence that they were actually obtained within the province.

From the above it is evident that an interesting field for mineralogical research exists here, and the Government is most anxious to assist in the development of the economic resources of the province, which would result from certifying the existence of fields of valuable minerals in such positions as to be capable of being profitably worked.

It might possibly be within your power to conduct personally, for a time, an exploration of the character required, or some person in Australia competent to the duty may be known to you, and you would in the latter case confer an obligation on the Government if you would make known its wishes to any such person with a view to an engagement being entered into with him. If a prolonged engagement were entered into a salary at the rate of from £400 to £500 a year would be paid, and all necessary assistance supplied at the expense of the Government, but any particular work might if reference be specially contracted for.

I have, &c.,

E. W. STAFFORD,
Superintendent.

The Rev. William B. Clarke, M.A.,
Sydney.

G.

*Colonial Secretary's Office,
Sydney, 19 February, 1856.*

Reverend Sir,

With reference to my letter of the 6th instant, requesting your opinion, for the information of the Governor General, as to the probability of discovering coal, on a certain portion of land, in the vicinity of Newcastle, on which operations were for some time carried on by Messrs. Morehead and Young, but without success, I do myself the honor, by direction of his Excellency, to request the favour of your reply as soon as convenient.

I have, &c.,

W. ELYARD,
(For the Colonial Secretary.)

Rev. W. B. Clarke,
St. Leonard's, North Shore.

My dear Clarke,

*Government House,
31 March, 1856.*

I thank you very much for the labour and trouble you have taken to bring the state of that district clearly before me. I think that had the funds of the Colony been in a satisfactory state I should have been willing to continue the boring according to your recommendation.

Believe me, &c.,

W. DENISON.

H.

*Hobart Town,
Colonial Secretary's Office,
26 May, 1856.*

Sir,

The Government of this Colony having decided on defraying the expenses of an expedition in search of gold, and being desirous also of obtaining further information than it at present possesses respecting the coal beds on Tasman's Peninsula, I am directed by His Excellency Sir Henry Young to state that, if it should meet with your views, this Government will be glad to avail itself of the services of so experienced a geologist as yourself in examining and reporting on the geological character of the country in the neighbourhood of Fingal, and other places supposed to be auriferous, and also in endeavouring to ascertain the existence and extent of coal formations on Tasman's Peninsula, and elsewhere.

Should

Should you be disposed to render to this Government the assistance desired, your expenses will of course be defrayed, and such a personal remuneration allowed you as may be agreed upon; and on this point, as well as on the subject of this letter generally, I shall be glad to hear from you at as early a period as possible.

The Rev. W. B. Clarke,
Care of Rev. W. Trollope, Green Ponds.

I have, &c.,
W. CHAMP.

I.

Government House,
26 October, 1858.

My dear Clarke,

I send you a letter and enclosure which I have just received from New Zealand.

I know no one so competent as yourself to enter upon the examination of the Coal Field. Do you feel inclined to run down to New Zealand and report upon it? If so, I shall be very glad to be able to think that my mission has been so well fulfilled. If, however, you do not feel disposed to go, can you recommend any man whom you think competent to afford such information to the Government of New Zealand as they require?

* * * * *

Rev. W. B. Clarke.

Yours, &c.,
W. DENISON.

J.

Colonial Secretary's Office,
10 March, 1858.

Sir,

The Legislature of this Colony having, during its late session, made provision for the expense of a Geological Survey of the Colony with a report on its Mines and Minerals, I am directed by the Government to request, that you will do them the favour to accept the appointment.

The sum voted by the Parliament is £5,000, and from this it is proposed to allow £600 per annum as the remuneration for the services of the geologist, with an allowance for travelling expenses in the Colony.

The duties of such an officer it would be presumptuous in me to attempt to define. It is desired that the Surveyor should, before the expiration of six years, prepare a Geological Map of Tasmania, and also a book ready for publication, on the Mines and Geology of the Colony.

But for your presence in a neighbouring Colony the Government would at once have addressed themselves to some friend in England for the selection of a Surveyor there, but believing that you may possibly be at liberty, and remembering the interest previously exhibited in your spontaneous labours when a visitor in Tasmania, they have a pleasure in placing the appointment at your disposal, as an individual already well known and appreciated, and whose services would therefore command our confidence and give great satisfaction to the people of this Colony.

The Rev. W. B. Clarke,
St. Leonard's, near Sydney, N. S. W.

I have, &c.,
W. HENTY.

K.

My dear Sir,

* * * * *

You will doubtless have heard of our determination to have a Geological Survey of the Island; will you let me know in confidence if you will undertake it. We should presume the salary, for five or six years certain, would be about £600 to £800 a year. In haste.

The Rev. W. B. Clarke.

Yours, &c.,
THOS. D. CHAPMAN.
Hobart Town, 18 March, 1858.

L.

St. Leonard's,
9 April, 1858.

Sir,

The offer which, on the part of the Government of Tasmania, you have made me in your letter of the 10th ultimo, demands my best acknowledgments, not only on the ground of the confidence which you are pleased to say is placed in me by the Government and the people of your Colony, but on account of the very kind and flattering terms in which this proposal has been conveyed to me.

I do myself, therefore, the honor of requesting you to accept my thanks, and also to convey them to the other Members of Government, for their acceptable testimony to the value of the humble services which I have been enabled to render in the development of the resources of the Australian Colonies, and for the good opinion entertained of me.

Proportionate, however, with the sense of the obligation under which this offer has laid me, is my regret, that circumstances (partly connected with the state of health in which my illness in 1856 has left me) must render it my duty to decline an opportunity of exploring your Colony, which some years since would have been to me an object of ambition.

It

It is not without very careful consideration, that I have come to this decision.

It would, to say the least, be as unjust to the Colony to undertake the responsibility which would devolve on me, as it would be unfair to myself to lay aside my duties in this Colony, were I not perfectly convinced, so far as human foresight can go, that I should be able to carry out the views of the Tasmanian Government and my own desire to give satisfaction without withdrawing in the midst of my labours on the score of physical inability to complete the task.

Nor would this be materially affected by the opportunity, which I suppose would be readily allowed, of carrying on, in conjunction with my explorations, voluntary missionary labours in the secluded parts of the country.

It is not without reluctance that I feel compelled to abandon the prospect of completing my knowledge of Tasmania, and of endeavouring to repay, in some degree, the kindness and attention which I have already received from its inhabitants, and to oblige whom would be a source of satisfaction to me.

I beg leave to add, that if I can in any way, from my experience of what is required, be of any service to your Government, on consultation, I shall be happy in placing such service at your disposal.

I have, &c.,
W. B. CLARKE.

The Honorable
The Colonial Secretary,
Hobart Town.

M.

Tasmania,
Colonial Secretary's Office,
27 April, 1858.

Sir,

I have the honor, by direction of the Colonial Secretary, to acknowledge the receipt of your letter, declining to undertake the Geological Survey of Tasmania, and to express his regret at the cause which has led to that decision, a regret fully shared in by His Excellency the Governor and the other Members of the Government.

In the last paragraph of your letter, you kindly volunteer your aid to forward the objects in view; and to that end I am directed to ask if there is any gentleman with whom you may be personally acquainted, who, you think, is qualified for the task, and willing to undertake it, whose scientific knowledge is of such extent, as to give weight to his opinions, and in whose report you yourself could place thorough confidence.

I have, &c.,
The Rev. W. B. Clarke,
St. Leonard's, New South Wales.

W. TRAVERS SELBY,
Assistant Colonial Secretary.

N.

23 August, 1858.

My dear Sir,
Mr. Robertson has it in contemplation to frame some new regulations, having for their object the better development of our mineral resources, and when seeking the best assistance within reach in such a matter, he naturally turns to you. Do you see any difficulty in the way of presiding over the labours of a Board composed (say) of yourself, Mr. Keene, and the Deputy Surveyor General, having for its object the suggestion of such a code of regulations as may under the present circumstances of this Colony facilitate the working of coal-bearing and mineral lands, other than auriferous lands?

Answer me in the negative at your convenience.

Rev. W. B. Clarke.

Yours, &c.,
MICL. FITZPATRICK.

O.

Department of Lands and Public Works,
Sydney, 18 September, 1858.

Reverend Sir,

I am directed to inform you that the Secretary for Lands and Public Works is desirous of having the advantage of your assistance in framing a Code of Regulations, under which the coal-bearing and mineral lands of the Crown may be worked to the greatest public advantage; and, assuming that this service will be compatible with your other avocations, I am to request that you will have the goodness to meet the officers named in the margin, for the purpose of forming a Board to carry out this object.

2. It is conceived that through the Deputy Surveyor General the Board will have ready access to all existing laws and regulations, relating to the sale or occupation of the waste lands.

3. I am instructed to add, that it is not desired to confine your suggestions to what is practicable under the present state of the law; on the contrary, Mr. Secretary Robertson is anxious rather to ascertain what regulations the Board may consider likely to develop the mineral resources of the country, without regard to the now state of the law. But it would, at the same time, be a great convenience if any recommendations, which may proceed from the Board, were so distinguished as readily to shew which of them were possible under existing regulations, and which of them required special legislation to render them operative.

4. It is believed that any office accommodation, which the Board may stand in need of, can be supplied by the Deputy Surveyor General.

The Rev. W. B. Clarke,
St. Leonard's.

I have, &c.,
MICL. FITZPATRICK.

The Deputy Surveyor General,
The Examiner of Coal Mines.

P.

SUMMARY of REPORTS presented to the Government of New South Wales during the years 1851, 1852, 1853, by the Rev. W. B. Clarke.

No. Rpt.	DATE.	LOCALITY.	REMARKS.
1	1851. 20 Sept.	Creeks and Ranges between Marulan, Jacqua Creek and Shoalhaven River. Collins' Flat, Shoalhaven River.	Limestone, Iron, Statuary Marble, Slate, Gold. Limestone, Iron, Copper to the Westward, and Gold in Shoalhaven Gullies.
2	10 Oct.	Along the Shoalhaven to Mount Eirington. Boro Flat, Arnprior, Long Swamp, all creeks from Narriga District. Durran Durra.—Runs on the back of the C. and S. Lands, Coghill's property at Braidwood, Budawang Country, Mongarlow River Wombagugga, Tau-tu-lian Creeks, Jembaicumbene Swamp, Lagoon Flat at Bendoura. Dena River.	Iron, Limestone, Slates, Gold. Gold. Gold. Slates.
3	21 "	Araluen—Major and Jillamatong Creeks, Jincroo Branch of Gourock Range.	Gold, Lead, Copper.
4	10 Nov.	Bombay, Manar, Lake George, Gilleigh, Quancbeyan, Micaligo, and the Berudba, Ballepamang, Wari, Molonglo.	Gold.
5	15 "	Stony Creek, Lake George.	Gold.
6	17 "	Right Bank of Murrumbidgee, below Micaligo, Yangiera, and Cowara Creeks, Bircher's Creek, Frog Hollow, Good-good River, and Alum Creeks.	Gold.
7	24 Dec.	Cooma Creeks, Murrumbidgee River at Mittagang, Rock Flat, Jillamatong Creeks. Ural Creek (junction with Stony Creek), Moamba, Tongaro or Jacob's, Moyengul, and Berrina Rivers, Juyilmungee Creek, joining Mitta Mitta Creek, rising in Gurrancumungee Range, near Omeo; Omeo Plain, Mitta Mitta River and Creeks on left Bank, Gibbo River (at the Mouth), Snowy River, above Jindebein, Tarentta.	Slates, Limestone. Gold. "There are various other localities in this region in which I anticipate the discovery of Gold."
8	1852. 3 Jan.	Bobuplara and Ironpot Creeks, or Kara, Gungarlin, and Encumbene Rivers.	Gold.
9	29 "	McLoughlin River.	Lead and Copper.
10	6 Feb.	Kybean and Eumbaralla Rivers, Valley of the Brogo. Slaughter House Creek, near Junction with Delegete River.	Gold. Gold, Iron, Lead, Copper, Lime.
11	26 "	Maharatta Creek, Boroungoma on Bandoc River, between Bondi and Nangutta (Genoa River); Diliganea.	Gold.
12	6 March	Delegete, Bendoc, and Deddie Rivers.	
13	22 "	Gull-garrigal, at Featherstone's, at Allen's, at Bendoc, at Iandoon, Heyden's Swamp, Boroungoma, and between these Stations and Merinoo. (16,000 square miles.) Merinoo and Yambong.	Gold.
14	10 "	Dignam's Creek, near Mount Dromedary; Campbell's River and Stony Creek, Dry River, Greig's Creek.	
15	3 May	Nelbundera Ranges, Iamungee, Barrangabbuc and Gungarlin Rivers, between Big Bugong and Table Top Mountains; between Big Bugong and the Round Mountain to the E. of Dargal. Mouth of Encumbene Creek, Wallandabee, Krak-en-bac and Mowamba Rivers. Heads of Turmut.	Gold.
16	20 "	Munioog Ranges and Snowy River.	Gold.
17	1 June	Lake George, Yass, and Murrumbidgee. (18 localities.)	Gold, Lead, Copper.
18	3 "	Wollondilly.	Gold.
19	28 Aug.	Geology of Manero and County of Auckland.	
		<i>Northern Journey.</i>	
1	1852. 6 Nov.	Country between Marulla and the Peel River.	Gold.
2	15 "	Hanging Rock Diggings, and the extension of gold to the northward.	
3	24 "	Contains views of the Dispersion of gold in Australia.	
4	30 "	On the occurrence of alluvial native Lead.	
5	7 Dec.	Hanging Rock and Peel River Diggings.	Lead, Gold.
6	28 "	Geological Structure, and auriferous condition of the Upper Waters of the Namoi and Apsley Rivers.	
7	1853. 14 Feb.	Geological Structure and auriferous condition of the country between the Heads of the Apsley and Gwydir Rivers.	
8	7 May	Geology of New England. Gwydir. Liverpool Plains. Tillbuster-Creek, Gara Water, Saumarez. } Ningici Creeks, Wollomumbi River. }	Gold and Iron.
9	4 June	Clarence District.	Gold, &c.
10	14 Oct.	Condamine River.	

Dates of Reports addressed by the Rev. W. B. Clarke to the Government and Gold Committee of Tasmania, and published in the Hobart Town Government Gazette.

- No. 1.—19 June, 1856.
- No. 2.—28 July, 1856.
- No. 3.—27 September, 1856.
- No. 4.—11 November, 1856.
- No. 5.—2 May, 1859.
- No. 6.—18 June, 1859.

Extract from a Letter from a Member of the Select Committee of the Legislative Council of Victoria, on the Claims for the Discovery of Gold in Victoria. (Report dated 10 March, 1854.)

My dear Sir, I may tell you that the Committee feel bound to recognize your claim to be considered the first discoverer of gold in Australia. This paragraph in the Report which recognises the distinction of merits, was carried cheerfully and unanimously, by the whole Committee. I did not contemplate the probability that the Committee would recognize your services in a pecuniary way, and anxious that your scientific claims should be fully and freely admitted, consequently I did not move any pecuniary recognition. I am the more pleased to be able to inform you, that in resolving as to who should be reported to the House as worthy of pecuniary reward, your name was proposed, and carried unanimously, as one who, from the value of your scientific researches into the mineral riches of the Colony, should be recommended for £1,000. I feel certain that it cannot but be gratifying to you to know, that the Committee have recorded their sense of the value of these services; and further, I feel that you will look upon the pecuniary recommendation with more pride, emanating, as it did, from a party with whom you have had no communication. We have placed you, even in a pecuniary point of view, on a footing with our best men, and in other respects immeasurably before the whole of them. I see by the remarks of the *Sydney Herald*, that they are convinced the country will, sooner or later, do you justice. I am happy that the first step in the right direction has been taken by our Committee, and I do not think that the Committee have any cause to blush at the distinction marked, though it be that they have drawn it in favour of science.

Yours, &c.
 W. B. NICHOLSON.

The Rev. W. B. Clarke,
 St. Leonard's,
 Sydney.

Extracts from Letters.

Recently my thoughts have been recalled to Australia; first, and chiefly, by a letter from the Governor of Tasmania which almost announces that you are going thither as the Government Geologist. This last piece of news has gratified me, because it leads me necessarily to infer that your health has much improved, to allow you to undertake so laborious a task. You are certainly well qualified, by all your knowledge and experience, to effect the object of the Tasmanians, and I heartily wish you success.

Yours, &c.
 RODK. I. MURCHISON.

My dear Sir,
 I have read with considerable interest your valuable reports of geological surveys which you have undertaken (and so creditably to yourself) in New South Wales, and I cannot but express a hope that you may publish them in a separate form, so as to render that survey less voluminous than the general blue book is, and thus more acceptable to the reader, and handy to all those to whom the subject is of interest.

Your discovery of fishes is very important, as it will bear on many points, and particularly on the analogy which the succession of Australian geological periods has with those of the rest of the world.

With my best wishes, and thanks for your kind remembrance,—
 Believe me, &c.,
 P. E. DE STRZELECKI.

The Rev. W. B. Clarke.

(3.)

" My dear Mr. Clarke,

" *Newhaven, Connecticut,*
" 1 September, 1851.

" I shall look with great interest for the published account of your labours, in which
 " you have made so many and so important discoveries. * * * * *

" I must ask you to favour the American scientific public with some account of your recent
 " researches, drawn up by yourself. * * * * *

" Rev. W. B. Clarke."

" Believe me, &c.,

" JAMES D. DANA."

T.

Extracts from Foreign Writers.

(1.)

" Dans le courant de l'année 1844, l'un des géologues les plus éminents de l'Angleterre,
 " Sir Roderick Impey Murchison, avait été conduit par l'étude géologique de la chaîne de
 " l'Oural à la rapprocher de la grande chaîne de montagnes qui s'étend du nord au sud, près
 " de la côte sud-est de l'Australie et il l'avait désignée sous le nom de Cordillère Austral-
 " ienne. * * * * * D'un autre côté, dès le mois d'Avril (Février) de l'année
 " 1841, le Rev. W. B. Clarke, étudiant la géologie des Montagnes-Bleues, avait découvert de
 " l'or a peu près à trente lieues de Sydney : il avait observé cet or non seulement à l'état
 " roulé, mais même dans sa gangue. * * * * *

" Pendant les années 1851 et 1852 à mesure qu'ils exploraient la Colonie, ils ont adressé
 " au Gouverneur Général des rapports fréquents qui présentent le plus grand intérêt."

Sur le gisement, et exploitation de l'or en Australie, par
M. Delesse.—Annales des Mines, Tom. III, p. 186.

(2.)

" D'autre part, le docteur Clarke, chapelain Anglican de la paroisse Saint Leonhard,
 " près Sydney, et d'ailleurs savant géologue, a réclamé l'honneur d'avoir fait tout son possible
 " pour diriger l'attention vers les régions aurifères du district de Bathurst. * * * * *

" Il est certain qu'en 1847, dans le *Morning Herald de Sydney*, il comparait les montagnes
 " d'Australie aux Monts Ural. On doit reconnaître que plusieurs points dignes d'intérêt
 " sont signalés dans la lettre suivante de ce géologue distingué. * * * * *

" De tous ces documents il doit au moins résulter qu'en ce qui concerne la découverte des
 " mines de l'Australie, la science a certainement fait les premiers pas : on peut difficilement
 " lui contester la gloire d'avoir donné le signal et ouvert la marche. Mais les efforts de la
 " science sont facilement méconnus et oubliés du vulgaire."

Decouverte de l'or en Australie, par M. M. L'Evêque
Salvado et l'Abbé Falcimagne. Paris, 1854. p. 400.

V.

(Memorandum.)

1853.—NEW SOUTH WALES.—ARTESIAN WELL AT DARLINGHURST GAOL.

Ordered by the Council to be Printed, 23rd June, 1853.

RETURN to an Address from the Legislative Council of New South Wales, dated 27th
 May, 1853, praying that his Excellency the Governor General would be pleased to
 cause to be laid upon the Table :—

" A Report of the following Board, appointed about March, 1850, viz :—Reverend
 " W. B. Clarke, Chairman, Colonel Baddeley, and E. Blackett, Gilbert Elliot
 " and John M'Leerie, Esquires, for the purpose of sinking an Artesian Well
 " at Darlinghurst Gaol,—shewing the progress now made, and the cost up to
 " the present time."

W.

My dear Mr. Clarke,

Wivenhoe, 7 January, 1854.

I was not under the impression that you had received the sum voted for
 printing your geological notes. Upon some occasion, if I remember correctly, you informed
 me the sum allowed was insufficient for the service, and that, as matters stood, you did not
 intend to take any steps in the matter. And, recently, good old Mr. Berry hinted that a
 larger sum would be asked for, or some suggestion of the kind, just as the Council was
 closing; and, as I knew nothing could then be done during the Session, I did not listen very
 attentively to what fell from him.

It is a pity the result of so many years of scientific labour should be lost to the com-
 munity. By the way, what is Mr. Stutchbury about? I cannot say I have formed any very
 great idea of his talents, natural or acquired. Thomson said I should when I had read his
 reports; I did read them, but saw nothing to applaud in them.

Wishing you the compliments of the season,

Believe me, &c.,

CHARLES COWPER.

The Reverend

W. B. Clarke,

&c., &c., &c.

1861.

Legislative Assembly.

NEW SOUTH WALES.

DR. JONATHAN CROFT.

(RETURN IN REFERENCE TO CLAIMS OF.)

Ordered by the Legislative Assembly to be Printed, 8 May, 1861.

RETURN (in part) to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 5 March, 1861, praying that His Excellency the Administrator of the Government would be pleased to cause to be laid upon the Table of this House,—

“Copies of all Correspondence between the Local and Imperial Governments, together with all Papers in the Offices of the several Departments of Government with reference to the claims of Dr. Jonathan Croft.”

(Mr. Blake.)

SCHEDULE.

NO.	PAGE.
1. Mr. Jonathan Croft, Deputy Purveyor and Apothecary for the Military Chest and Convict Services in New South Wales, to the Colonial Secretary, forwarding a Memorial, addressed to the Commander-in-Chief, preferring claims for Land for former services. 15 February, 1859	2
2. The Under Secretary to Mr. Croft, stating that his Memorial had been referred to the Secretary for Lands. 17 February, 1859	5
3. Mr. Croft to the Colonial Secretary, in continuation. 7 May, 1859	5
4. The Under Secretary to Mr. Croft, conveying the decision of the Government on his claims. 7 June, 1859	5
5. Mr. Croft to the Colonial Secretary, conveying his wish that his Memorial may be forwarded to Her Majesty's Government. 13 June, 1859	6
6. The Under Secretary to Mr. Croft, returning his Memorial. 17 June, 1859	6
7. Mr. Croft to the Colonial Secretary, further respecting his claims. 8 July, 1859	6
8. The Under Secretary to Mr. Croft, in reply. 14 July, 1859	7
9. Mr. Croft to the Colonial Secretary, forwarding his Memorial. 22 July, 1859.. .. .	7
10. The Under Secretary to Mr. Croft, pointing out that his Memorial should be addressed to the Secretary of State instead of the Commander-in-Chief. 26 July, 1859	7
11. Mr. Croft to the Colonial Secretary, forwarding his Memorial to the Secretary of State. 8 August, 1859	7
12. The Under Secretary to Mr. Croft, apprising him that his Memorial has been forwarded to Secretary of State, by the Governor General. 17 August, 1859	7
13. The Under Secretary to Mr. Croft, forwarding copy of a Despatch from the Secretary of State in answer to his Memorial. 19 January, 1860	8

(The Despatch from the Governor General forwarding Mr. Croft's Memorial to the Secretary of State, and the Duke of Newcastle's reply, of which copies accompany the Correspondence, were laid before the Assembly on the 10th April, 1861.)

DR. JONATHAN CROFT.

No. 1.

MR. CROFT to COLONIAL SECRETARY.

Pitt-street South,
15 February, 1859.

SIR,

I beg leave to enclose to you a Memorial from myself, received per last mail, with two letters * from the Secretary of State for the Colonies, requiring that the same may be laid before His Excellency the Governor, which I request the favour of your doing.

I have, &c.,

JONATHAN CROFT,
Dy. Purveyor Half-pay, and late Apothecary.

[Enclosure in No. 1.]

To His Royal Highness Field Marshal the Duke of Cambridge, K.G., G.O.M.G., G.C.H., &c., &c., &c.,
Commander-in-Chief of the British Forces.

The Memorial of Jonathan Croft, late Deputy Purveyor and Apothecary for the Military, Civil,
and Convict Services in New South Wales,—

HUMBLY SHEWETH:—

That Your Royal Highness' Memorialist, who in 1835, had the purveying duties of the Military General Hospital at Cork, a post which he had held for many years, was ordered from full pay to proceed to New South Wales, for special duties connected with the Military, Civil, and Convict Services.

2. That it was ordered that he should receive his half pay, together with the difference between that and his full pay, with allowances from what was then in the Colony termed the Military Chest.

3. That in the duties of the three services, he was actually engaged for sixteen years, until its reduction, when he was ordered Home, the Governor giving authority for his family to have their passage allowed, with his two months pay, &c., during their stay in the Colony.

4. That this arrangement was not carried out, the Commissariat Department here considering your Memorialist to be upon full pay, and not entitled to the allowances ordered by the Governor.

5. That in consequence of your Memorialist being ordered to leave Sydney for London forthwith, and his family, fifteen in number, being unable, by the non-conformity of the foregoing arrangement, to accompany him, the idea of their following him without the care of a male protector was obliged to be abandoned, although at that time he possessed the means, if with the foregoing, to defray the extra expense of their passages.

6. That at the advanced age of Memorialist, seventy-five years, he is scarcely able to re-open a correspondence with the Colonial Government, in respect to a matter which has been so long in abeyance, and he therefore, by the advice of many friends, addresses Your Royal Highness, to whom he most respectfully submits his claims. These claims are as follows:—

(1.) He believes that he is, in the first place, entitled to the difference between two months' full and half-pay, ordered by the Governor to be paid, when, at the expiration of sixteen years service, he was ordered Home. This difference amounts at the rate of ten shillings per diem, with lodging money, forage, rations, and servants' pay, amounting to fifty-eight pounds, which he prays may be commuted to fifty-eight acres of waste land.

(2.) For Memorialist's sixteen years services in this Colony, he received no increase or gratuity, but only a small increase for his former military services, although he had here performed the duties of three distinct and responsible departments, and the increase which he did receive was calculated from a precedent in the case of Purveyor Peirce, who obtained an increase of three shillings per diem—who for his own convenience had asked to go on half-pay, his son succeeding him. Whilst Memorialist, after nearly fifty years service, only obtained the same allowance, and by the reduction in the departments in this Colony, he and his son (who was then medical clerk) lost their offices. Having received his appointment as purveyor, and as by the orders of the Governor, as apothecary, Memorialist was entitled upon his arrival here in 1836, in accordance with the then existing regulations (he being considered on half-pay), to a grant of sixteen hundred acres, which other military and naval officers similarly circumstanced obtained. Such a grant Memorialist would then have applied for had he known that he was not to receive it in full as then allowed. He has since received a grant of four hundred acres, and therefore a further grant of twelve hundred acres is due to him. He would respectfully submit, that it was not by his own choice that he was placed on half-pay, but by arrangements of the Government, as mentioned, and which militated against his own interest; he therefore submits, that he is entitled to the twelve hundred acres, which, being cultivated by his children, will tend to augment the revenues of this Colony.

(3.) By the same want of understanding here, Memorialist's son (as per certified copy enclosed) and who received from the Secretary of State the appointment of medical clerk to the principal Medical Officer of New South Wales, for special duties, has not received the sum of one hundred and fifty-six pounds eight shillings due to him, which amount of money Memorialist's son, who is now absent from the Colony, has authorized Memorialist to commute for one hundred and fifty acres of waste land.

(4.) Field Marshal, the late lamented Duke of Wellington, in consideration of Memorialist's services at Waterloo, and elsewhere, offered a commission of the value of four hundred and fifty pounds to a son of Memorialist, who accordingly took his son to England, as requested, but the expense of a military education was incompatible with his circumscribed means, he, therefore, at the cost of three hundred pounds, brought his son back to the Colony, after two years waiting, although recommended by the Secretary-at-War for a civil appointment in lieu. A loss of seven hundred and fifty pounds was therefore together sustained by reason of these untoward circumstances, which Memorialist also prays may be duly considered and commuted into land to the extent of seven hundred and fifty acres.

(5.) The Home authorities approved of Memorialist having a reward from the Colony for his civil services in New South Wales, and for having effected a saving to the Colony of two thousand pounds, in consequence of his having issued (by permission of the Government) medicines and other necessities

* The letters alluded to were forwarded to the Secretary of State with Mr. Croft's memorial.
See No. 11.

necessaries at the reduced English charges, from the Imperial chest for the public service of the Colony. On this account Memorialist's assistant (and an assistant surgeon of the Royal Navy) received a step of promotion and increased pay, and an extra allowance of one pound one shilling per diem, for the same duties other officers so employed. Officers similarly situated to Memorialist, at the Cape, Mauritius, and Ceylon, received one hundred pounds per annum; an allowance which this Colony did not make, from its not being previously arranged, and it was stated, as too poor; and it was thought by the Colonial Council that Memorialist would receive such allowance from the Home Government. Memorialist was arduously employed every night, and from his communications with the Quarantine Department, where thirteen medical officers had to be furnished with separate and distinct returns at a time when six of his own children were at the point of death, most possibly by inhaling the poison of my pressing and unfumigated letters. Your Royal Highness' Memorialist would here beg permission to state that upon the reduction of the Convict Establishment of New South Wales, the first clerk, Mr. Thomas Ryan, in consideration of his thirty-four years service, received a pension of two hundred and twenty-two pounds ten shillings per annum; two other clerks in the same office, Mr. Glaister and Mr. Rogers, after fourteen years service, received gratuities of four hundred pounds each; Captain (now Colonel) Barney, commanding the Royal Engineer Department, was placed on Colonial pay; Deputy Commissary General Laidley, after four years Colonial service, received an allowance of ten shillings per diem,—equivalent to three thousand four hundred acres of land, which was granted. Under these circumstances, Memorialist respectfully submits his claim for the allowance of three thousand acres in consequence of the reduction of the Convict Department, and for Memorialist's sixteen years service, and his consequent loss of office.

(6.) The Imperial Government having authorized the payment of their passage Home of the wife and family of your Memorialist according to a scale at Van Diemen's Land, amounting in all to two hundred and fifty-six pounds thirteen shillings and four-pence, but which arrangement, for the reasons already stated, was not able to be carried into effect. Memorialist therefore submits that the promise of such allowance may be commuted to two hundred and fifty-seven acres of land.

(7.) By a regulation established in Memorialist's department, it is ruled that subordinates eligible for commissions must have served three years abroad, or five years at Home. Memorialist and Deputy Purveyor Pratt were, in consideration of their length of service, allowed increase to their respective pays, which arrangement continued until the year eighteen hundred and forty-seven. Since that date Mr. Pratt, junior to Memorialist, and serving at Home, has been in the receipt of one hundred pounds per annum more than Memorialist, who, although serving abroad for four years of the above period of time, was performing the duties of three important and separate services, as already represented, has had no such increased pay. He therefore submits his claim for four hundred pounds, or a commutation of four hundred acres of waste land.

(8.) Memorialist was deemed eligible, and was offered full pay whilst lately at Home, but from the position in which he has been placed since the year one thousand eight hundred and fifty until the present date, he has lost the difference of four hundred pounds per annum during the seven years, commutation for which one thousand nine hundred acres of waste land he believes that he may justly claim. He has tried to extricate himself from these representations in order to be above making this appeal, but in vain; the expensive necessities of this Colony now requires it, and it has been found so publicly and officially; he is away from his connection and interest, and that against his will and of great deprivation of advantages to his family. The foregoing circumstances occurred before and while the land of the Colony was under the Imperial control.

(9.) The total quantity of land which is the amount of the foregoing commutations is seven thousand seven hundred and twenty-one acres.

Your Memorialist now earnestly begs the attention of your Royal Highness to the testimonials as to his character and long services, annexed herewith; he would particularly beg to refer to those bearing the signatures of Sir James M'Grigor; Surgeon General Keate; Robert Keate, Esq., Inspector General of Hospitals and Surgeon to the Queen; J. Gunning, Esq., Deputy Inspector General, P. M. O., and Surgeon to the late King; and Dr. Hemming, Deputy Inspector-General of Hospitals.

Your Royal Highness' Memorialist, having made this statement of the losses he has sustained in consequence of his appointment to mixed services in this Colony, and the misunderstanding which he has described in reference to the conflicting opinions entertained by the heads of the Imperial and Colonial Departments here,—

Humbly prays, that your Royal Highness will take the promises into consideration, and direct such steps, as your Royal Highness may deem meet, to be taken to discharge the claims which Memorialist now submits for your Royal Highness' consideration. And your Memorialist, as in duty bound, will ever pray, &c., &c.

JONATHAN CROFT.

SERVICES ABROAD—Lisbon, Gibraltar, Malta, Naples, Sicily, Maida (once prisoner of war at Scylla Castle), Egypt, Peninsula, Belgium, Waterloo, and New South Wales.

Sir, *No. I. (Copy.)*

Malta, 10 May, 1809.

Mr. Croft, who has been in the Medical Department for several years, under the patronage of Sir Richard Croft, M.D., has procured leave of absence to go to England on his private affairs. He has been five years in the Mediterranean, between three and four of which he has been attached to me; and, during the whole of that time, he gave me the most perfect satisfaction, by his punctual attention to his several duties, and by his extreme correct conduct as a private individual. In fact, he is a most respectable young man, and one for whose welfare I am much interested; I, therefore, beg leave to recommend him to you as being very deserving your protection and patronage.

J. Wier, Esq.,
Director General.

R. GREEN,
Deputy Inspector of Hospitals.

No. II. (Copy.)

Albany, 9 October, 1810.

Surgeon General Keate, in acknowledging the receipt of Mr. Croft's letter, has particular satisfaction in bearing testimony to his reported great attention, zeal, and abilities, during the whole period of his services, abroad and at home, in the Purveying Department; and, as a proof of his good opinion, he urged his being ordered from Malta to Spain, where his services would have been more conspicuously useful in 1809. Mr. Croft is at liberty to avail himself of the above testimonial in such manner as may lead to his promotion or otherwise.

No. III.

No. III. (Copy.)

Horse Guards, 7 September, 1814.

Sir,

The Commander-in-Chief having referred to the consideration of the Army Medical Department your note of the 31st ult., on behalf of Deputy Purveyor Croft, I have the honor to inclose a copy of a letter received from the Director General in reply, stating that at the present moment there are two Purveyors in England, fit for active service, unemployed, which prevents any new appointment being made.

G. Harrison, Esq.,
Secretary to the Treasury.

H. TORRENS,
Adjutant General.

No. IV. (Extract.)

"6 December, 1814.

"With the most sincere wishes to serve you, I really can do nothing unless your name comes to me for promotion, through the head of the Staff where you serve; if Dr. Grant sends it, I will not only approve, but give it all the support in my power.

"Deputy Purveyor Croft, at Brussels."

"J. McGRIGOR,
"Director General."

No. V. (Extract.)

"Brussels, 7 July, 1815.

"I feel the greatest pleasure in having this opportunity of bearing testimony to the indefatigable exertions made by that zealous officer, Deputy Purveyor Croft, in charge of this station, in the several duties of his department, in the entire care of the Waterloo wounded, full 35,000 men, to whom this station and the public service will be ever deeply indebted. Nothing from myself can add to the high approbation he has met with, in the heaviest and most arduous duty that ever fell to the lot of one individual, which he has performed in the most exemplary manner; he has been fourteen years in the service, and most actively employed, and is most worthy of recommendation.

"J. R. Grant, M.D.,
"Inspector General, Paris."

"J. GUNNING,
"Deputy Inspector General, P.M.O., and Surgeon to the King."

No. VI. (Copy.)

Brussels, 31 July, 1815.

Dear Croft,

Myself and Brother Officers, who had the pleasure of acting under you at Brussels, join in every wish for your welfare. I shall not fail to try and get the assistance for you of my uncle, the Lord Chancellor, in aid of your great services.

Yours, &c.,

CHARLES SURTEES,
Deputy Purveyor to the Forces.

No. VII. (Certificate.)

Edinburgh, 14 March, 1830.

I certify that Deputy Purveyor Croft was most actively employed as Deputy Purveyor of the General Hospitals at Brussels, at and subsequent to the Battle of Waterloo, and that he was in charge of the Purveying Department of the Hospitals there, and was left as Chief Purveying Officer. During his services under my superintendance, I found him to be a zealous and active officer, and he fulfilled to my perfect satisfaction the duties intrusted to his charge.

J. Croft, Esq.

J. R. GRANT, M.D.,
Late Inspector General, and
Principal Medical Officer on the Continent.

No. VIII. (Copy.)

Edinburgh, 21 March, 1830.

Dear Sir,

Finding that Sir James Grant, who is now here, is doing you the justice of bearing testimony to your extraordinary exertions at Brussels, in the arrangements for, and subsequent attention to the soldiers who were wounded at Waterloo, I cannot allow the opportunity to pass without offering my own sentiments upon the subject. I conceive myself authorized to do this, because you were under my own immediate eye during the whole of the hurried scene which took place for the first fortnight after the action, and having afterwards the charge of the Jesuits' Hospital and of the wounded officers. I do not hesitate in stating, that to your judicious and incessant exertions was due the most serious service which any man of your department could confer on the wounded soldiers, or the medical officers, and on the country which employed them; for, unparalleled as were the severities, your zeal and experience met and lessened them all. I can only add to this testimony of your services, my sincere hope that they will be taken into consideration, and my assurance that I am, &c.,

J. Croft, Esq.,
at F. Croft's, Esq., Solicitor, 57 Chancery Lane.

J. HENNEN, M.D.,
Deputy Inspector of Hospitals.

No. IX. (Copy.)

From the *Cork Reporter*, dated 20 October, 1835.

THE ARMY.—Several officers of the medical staff have been ordered to Australia, amongst whom is J. Croft, Esq., who has had the management of the Military General Hospital in this City for many years. Mr. Croft rendered essential services to the public here during the period the cholera was prevalent, having exerted himself actively in the organization of the temporary hospitals, for which many years experience had eminently qualified him. Mr. C. proceeds in the "Roslyn Castle," much respected by those who had the pleasure of his acquaintance, and amidst the regrets of the poor of his neighbourhood, to whom he has been a friend and benefactor.

No. X. (Copy.)

Albermarle-street, 14 February, 1838.

Dear Sir,

Your services have been long and meritorious, and your claims are in proportion very great; the duties that devolved on you after the Battle of Waterloo, I should have thought, would have been sufficient to one who has deserved so well of his country: But the race is not always to the swift! I will see Sir James M'Grigor, and if anything should occur where I could serve a public officer who has deserved so well of his country, I shall be most happy to aid you in any manner that would be gratifying to myself.

Yours, &c.,

ROBT. KEATE,

Inspector General of Hospitals, &c.

J. Croft, Esq.

No. XI. (Copy.)

*Sydney, New South Wales,
28 June, 1848.*

My Dear Croft,

Before leaving New South Wales, I have a duty to perform in thanking you for the able and zealous manner in which you have always performed the services required of you, while in charge of the Military and Convict Medical Depôts in this Colony. They have been very extensive, and the issues and receipts have been so frequent as to render necessary unceasing daily attendance and vigilance.

I have likewise to offer my best thanks for the assistance I have ever derived from you, and the benefit of the advice of an old and intelligent officer.

Believe me, &c.,

W. DAWSON, M.D.,

Deputy Inspector General of Hospitals.

J. Croft, Esq.

No. 2.

THE UNDER SECRETARY to MR. CROFT.

*Colonial Secretary's Office,
Sydney, 17 February, 1859.*

SIR,

I am directed by the Colonial Secretary to inform you, that your letter of the 15th instant, submitting Memorial for land for former services in New South Wales, has been transmitted to the Secretary for Lands and Public Works, to whose Department the business belongs; and that any communication which may be necessary, in reply, will be made to you from the Office of that Minister.

I have, &c.,

W. ELYARD.

No. 3.

MR. CROFT to COLONIAL SECRETARY.

*Pitt and Campbell Streets,
Sydney, 7 May, 1859.*

SIR,

With reference to your letter of the 17th February last, acknowledging mine of the 15th of the same month, submitting Memorial for land for former services in New South Wales, and which you stated has been transmitted to the Secretary for Lands and Public Works.

I beg, owing to the early departure of the 2nd Mail, that I may be informed of its process, and that you will submit to His Excellency the Governor the propriety of attaching to any communication being transmitted to the Home authorities this letter, latter part of which being the expression of one of the Members of the Legislative Assembly in Council, of the 1st April last, so fully applies to the subject therein referred to:—

“That he considered the Country bound by the Constitution Act, when they accepted “Responsible Government, to adopt the legal liabilities of the Colony at the time they “received that boon.”

I have, &c.,

JONATHAN CROFT,

Dy. Purveyor to the Forces, Half-pay, and
Late Apothecary on Special Service.

No. 4.

THE UNDER SECRETARY to MR. CROFT.

*Colonial Secretary's Office,
Sydney, 7 June, 1859.*

SIR,

I am directed to inform you, that His Excellency the Governor General has laid before the Executive Council your letter of the 7th ultimo, referring to a Memorial addressed by you to Her Majesty's Government, in which you set forth the particulars of certain

certain claims upon the Government of this Colony, amounting on the whole to the sum of £3,398 18s. 4d., for services rendered by you and your family, and for the loss of various advantages of which, from circumstances attending your prolonged employment in this Colony, you and your family were deprived, and stating your willingness to commute the claims in question for a grant of 7,721 acres of land.

2. Under the advice of the Council, the Colonial Secretary has directed me to apprise you that your claims are of a character which the Government are quite unable to entertain.

3. I am at the same time to state, that if you desire it, your Memorials will be forwarded by His Excellency to Her Majesty's Government, and that in this case it will be necessary that you transmit copies of them in duplicate, to accompany His Excellency's Despatch.

I have, &c.,

W. ELYARD.

No. 5.

MR. CROFT to COLONIAL SECRETARY.

*Pitt-street South,
Sydney, 13 June, 1859.*

SIR,

I beg with reference to paragraph 3 of your letter of the 7th instant, received on the 11th instant at noon, to state that it is my desire that my Memorial be forwarded to Her Majesty's Government, and will transmit duplicates thereof, if the original documents are returned to enable me to make exact copies.

I have, &c.,

JONATHAN CROFT,
Dy. Purveyor, H. P.,
Late Apothecary, Special Service.

No. 6.

THE UNDER SECRETARY to MR. CROFT.

*Colonial Secretary's Office,
Sydney, 17 June, 1859.*

SIR,

In compliance with the request preferred in your letter of the 13th instant, I am directed to forward herewith your Memorial, preferring claims to grants of land in this Colony, with a view to your causing copies thereof, in duplicate, to be prepared for transmission to the Secretary of State.

I have, &c.,

W. ELYARD.

No. 7.

MR. CROFT to COLONIAL SECRETARY.

*Pitt-street South,
Sydney, 8 July, 1859.*

SIR,

I have the honor to acknowledge the receipt of your letter of the 7th ultimo, M. 14,692.

2. With reference to part of paragraph 2, "That your claims are of a character which the Government are quite unable to entertain," I beg you will favour me with an explanation of the expression therein contained.

3. As no refutation of the accuracy, or justice of these claims (most of them authorized by Her Majesty's Regulations, and supported by the opinions of Members of Council, as to their justness; by Acts of Parliament, 17, 20 Vic.), has been made, and as I have not been favoured with any hearing with a view to explain or assist His Excellency the Governor, Executive Council, or Secretary for Lands and Public Works, is the reason for my wishing this, prior to the whole of the documents being placed in your hands, for transmission to the Home authorities for the consideration they have expressed.

I have, &c.,

JON. CROFT,
Deputy Purveyor, Half-pay,
Late Apothecary for Special Service.

DR. JONATHAN CROFT.

7

No. 8.

THE UNDER SECRETARY to MR. CROFT.

*Colonial Secretary's Office,
Sydney, 14 July, 1859.*

SIR,

In reply to your letter of the 5th instant, which has been laid before the Governor General, I am directed by the Colonial Secretary to inform you that it is not considered that the expression in my communication of the 7th ultimo, to which you refer, requires any explanation. This Government declines to admit the claim made by you, and leaves you to seek compensation from the Home Government, by whom you were employed.

I have, &c.,

W. ELYARD.

No. 9.

MR. CROFT to COLONIAL SECRETARY.

*Pitt-street South,
Sydney, 22 July, 1859.*

SIR,

I beg to acknowledge your letter of the 14th July, "448," and, in obedience to your letters of the 7th and 17th June, return my Memorial, as requested, in duplicate; and which was transmitted to you on the 15th February last, according to the direction of the Secretary of State.

I have, &c.,

JONATHAN CROFT,

Deputy Purveyor, Half-pay,
Late Apothecary for Special Service.

No. 10.

THE UNDER SECRETARY to MR. CROFT.

*Colonial Secretary's Office,
Sydney, 26 July, 1859.*

SIR,

With reference to your letter of the 22nd instant, which has been laid before the Governor General, I am directed to inform you, that if you desire to petition the Secretary of State relative to your alleged claims upon the Government, you should address yourself to that Minister and not memorialize the Commander-in-Chief.

I have, &c.,

W. ELYARD.

No. 11.

MR. CROFT to COLONIAL SECRETARY.

*Pitt-street South,
Sydney, 8 August, 1859.*

SIR,

I beg with reference to your letter of the 26th July, No. 468, to forward as directed therein, original and duplicate of my Petition* to the Secretary of State, the former will require the documents to be attached, as sent in in former Memorial.

I have, &c.,

JONATHAN CROFT.

No. 12.

THE UNDER SECRETARY to MR. CROFT.

*Colonial Secretary's Office,
Sydney, 17 August, 1859.*

SIR,

I am directed to inform you with reference to your letter of the 8th instant, that your Memorial, therein transmitted, has been forwarded to the Secretary of State by the Governor General's Despatch, No. 74, of the 11th of this month.

I have, &c.,

W. ELYARD.

No. 13.

* The original and duplicate of the Petition were forwarded to the Secretary of State, and no office copy furnished.

No. 13.

THE UNDER SECRETARY to MR. CROFT.

*Colonial Secretary's Office,
Sydney, 19 January, 1860.*

SIR,

Referring to my letter of the 17th August last, respecting your Petition, preferring claims for pay and allowances to which you consider yourself entitled, and which you wish to commute for land in the Colony, I am directed to enclose for your information; a copy of a Despatch that has been received from the Secretary of State, by which you will observe that His Grace, having considered your Petition, cannot find that you have any claim upon the Public which has not been satisfied; and that it is quite beyond the power of the Secretary of State to order a grant to be made to you of any lands of this Colony.

I have, &c.,

W. ELYARD.

1861.

Legislative Assembly.
NEW SOUTH WALES.

MR. WILLIAM MEADOWS BROWNRIGG.
(PETITION FROM.)

Ordered by the Legislative Assembly to be Printed, 6 May, 1861.

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

The Petition of William Meadows Brownrigg, of Sydney, Licensed Surveyor,—

RESPECTFULLY SHEWETH:—

That your Petitioner was appointed a licensed surveyor in the month of January, 1859, he having been, for a period of eighteen years, previously, extensively and successfully engaged, as a private surveyor, in surveying and sub-dividing some of the most valuable and the most extensive estates and properties in the Colony of New South Wales, and to the expressed satisfaction of one and all of his numerous employers.

2. That your Petitioner, on his appointment, was, for his guidance, furnished with copies of the Departmental Regulations which were in force, in respect to the payment of the accounts of licensed surveyors, which Regulations set forth, that all accounts were to be rendered monthly, and that, on their presentation, seventy-five per cent. of the amount ("the largest amount it was considered safe to pay") would be immediately paid—the residue of twenty-five per cent. being retained by the Department till such time as the work performed should have been examined and checked.

3. That, relying on the observance of good faith being kept in regard to these Regulations, and on the faith of the system on this head, as enunciated by the Acting Surveyor General (Mr. McLean), in his evidence, as given before the Select Committee of the Legislative Assembly, appointed to inquire into the management of the Survey Department, in the month of May, 1858, your Petitioner entered upon the duties of his office, and forthwith proceeded (as ordered) to the squatting district of Monaro.

4. That your Petitioner, by the total violation, on the part of the Acting Surveyor General (Mr. McLean), of the Regulations alluded to, combined with other acts of injustice and great wrong of the said Acting Surveyor General, your Petitioner has sustained much professional injury, suffered great pecuniary loss, and has been exposed for a period of two years to great privations and much mental suffering—the Acting Surveyor General, as your Petitioner has reason to believe, being actuated by personal feelings of ill-will towards your Petitioner.

5. That your Petitioner, on his appointment, nominated, with the sanction of the Survey Department, Mr. Adam Wilson, as his private agent in Sydney, to receive his moneys from the Survey Department.

6. That your Petitioner, shortly after his arrival in his district, finding that he could make more beneficial local arrangements for his pecuniary accommodation, intimated to the Survey Department the change he desired to make in his agency, and solicited that the moneys then due to your Petitioner might be paid to the parties named by him, and from which parties he had received, on the faith of his pay bills, the pecuniary assistance he required.

7. That your Petitioner was denied this just and reasonable request, and was informed that the Regulations of the Department alone would be complied with, and that no moneys would be paid to your Petitioner, save into some Bank in Sydney, to be named by him; your Petitioner's bills were, in consequence, dishonoured, and your Petitioner was thereby subjected to great obloquy.

8. That your Petitioner, not being aware of the existence of such imperative Regulations, and having been permitted, in the first instance, to appoint an agent (to whom your Petitioner's moneys had been paid for two months), respectfully appealed against such decision, and sustained his right to make such arrangement as he found most beneficial for the appropriation of his funds—more particularly so, when your Petitioner was employed at a distance of 400 miles from Sydney, with a limited postal communication.

9. That, nevertheless, your Petitioner's request was refused, although the arrangements, subsequently entered into with your Petitioner, shewed that the Regulations insisted upon were fallacious.

10.

10. That while a prolonged correspondence on this subject was carried on, an order issued from the Supreme Court, on the 17th August, 1859, at the instance of one Henry Weaver, attaching all moneys due or accruing to your Petitioner, in the hands of the Acting Surveyor General.

11. That this fact was intimated to your Petitioner by the Acting Surveyor General, on the 20th August, 1859, who informed your Petitioner that no moneys could be paid to him till such time as the attachment was satisfied.

12. That at the time of such attachment issuing, your Petitioner had to his credit at the Survey Office the sum of two hundred and seventy-eight pounds (£278), or thereabouts, the attachment being for only the sum of one hundred and thirty pounds (£130), and which sum of £130, save and except the sum of forty-two pounds (£42), your Petitioner, with much surprise, has recently learnt has never been paid by the Acting Surveyor General, and in consequence of which unexplained and unaccountable conduct your Petitioner is, at this moment, subjected to unlooked for annoyance, and involved in unmerited legal proceedings.

13. That your Petitioner, from the month of May, 1859, to the month of February, 1860, was subjected to great pecuniary injury, great privations, and much mental disquietude, owing to the fact that, during the period in question—nearly ten months—your Petitioner never received one shilling of his earnings, save and except the sum of £42 above alluded to, and, notwithstanding that, during the period in question, such earnings had amounted to the sum of seven hundred and forty pounds (£740), or thereabouts. And, notwithstanding, that during such period of ten months, your Petitioner had frequently made the most urgent appeals for the payment of some portion of the money due to him; that such appeals were unheeded, and that, in consequence, your Petitioner's property was twice sold under legal process, to satisfy debts that had been incurred in the district; a loss, hardship, and degradation, to which your Petitioner would not have been exposed had it not been for the cruel, unjust, and oppressive conduct pursued by the Acting Surveyor General (Mr. McLean) towards your Petitioner.

14. That, after a lapse of ten months, your Petitioner received, on or about the 8th February, 1860, the sum of two hundred pounds (£200), accompanied by a letter from the Acting Surveyor General stating, that the delay in payment was attributable to the imperfections and errors which appeared in some of your Petitioner's plans, forwarded to the Department. Such plea, or excuse, your Petitioner maintains, was not sufficiently justified by facts, nor sustainable under the Regulations of the Department, or the testimony of Mr. McLean himself in respect to these very Regulations already alluded to in the second paragraph of this Petition.

15. That in your Petitioner's case, it was not the sum of twenty-five per cent. (as provided for under the Regulations in question), that was withheld from your Petitioner, but that it was the whole of his earnings that were retained; thereby reducing your Petitioner to great pecuniary distress, and almost incapacitating him, mentally and physically, for the discharge of his duties.

16. That on the 2nd December, 1859, your Petitioner forwarded to the Acting Surveyor General, a series of plans of surveys made during the previous months; that on the 16th December, 1859, some of these plans were returned to your Petitioner for explanations, which explanations were immediately given, to wit, on the 24th December, 1859.

17. That on the 26th March, 1860, four months subsequently, the Acting Surveyor General transmitted to your Petitioner the remainder of the plans forwarded by him on the 2nd December, 1859. That, in returning these plans, the Acting Surveyor General, in his letter of the 26th March, 1860, just alluded to, expressed his regret and surprise that your Petitioner should have been guilty of so much error and neglect, and so unmindful of the warning conveyed in his letter of the 16th December, 1859, which would justify him, the Acting Surveyor General, in immediately ceasing to employ your Petitioner as a licensed surveyor.

18. That your Petitioner, in reply, brought under the notice of the Acting Surveyor General the inconsistency of his conduct, and the inapposite and unjust character of his censure.

19. That the Acting Surveyor General in his letter of the 26th March, 1860 (above referred to), directed that your Petitioner should not commence any new surveys until those returned should have been completed and corrected, and until your Petitioner should have received authority to proceed with his surveys.

20. That your Petitioner having complied with the instructions received, returned the plans to the Acting Surveyor General on the 18th April, 1860. That your Petitioner, conceiving that the Acting Surveyor General would have seen and acknowledged the error he had lapsed into in his letter of the 26th March, 1860, believed that, on the receipt of your Petitioner's letter of the 18th April, 1860, he would have been permitted to proceed with his surveys.

21. That up to the 1st July, 1860, your Petitioner being still left without any instructions, and being without means for the support of his family, having been previously, for a period of ten months, as already stated, left to maintain, as he best could, an establishment of men and horses for the discharge of his duties, to sustain his own position as a gentleman, and to support a large family of eight persons. Your Petitioner addressed the Acting Surveyor General, forwarding accounts of surveys not previously rendered, and solicited payment of the same.

22. That your Petitioner, at the same time, pointed out the great injury he was suffering, by reason of the practical suspension that had been, as he maintains, most unjustly in operation against him for a period of three months; as also the utter impossibility of procuring private employment in such a remote part of the Colony.

34. That under date the 10th July, 1860, the Acting Surveyor General informed your Petitioner that he would not pay him any more money. The District Surveyor (Mr. Gordon) having reported that some of your Petitioner's surveys were so imperfectly marked, and, in many cases, so erroneous, as to render them unavailable. That in the very face of this plea of Mr. M'Lean's, and long before he, Mr. M'Lean, had received any such report, it was within the knowledge of your Petitioner, and which he can prove by the most undeniable evidence, that it had been the avowed pre-determination of the Acting Surveyor General, as made known to others, that he would not pay your Petitioner any money.

25. That your Petitioner, not having that confidence, professionally, in the gentleman making the Report, nor for the acting head of that Department, to whom that Report was made, did, on the 21st July, 1860, demand that your Petitioner should be furnished with a detailed statement of the errors complained of, in order that they might be explained; and, if really existing (of which your Petitioner entertains the strongest doubts), that they might be forthwith corrected, and which your Petitioner expressed his readiness to do instantly, and at his own cost.

26. That your Petitioner, not receiving an answer to this letter just alluded to, made repeated subsequent applications to the Acting Surveyor General, to be furnished with the information he considered he had a most unquestionable right to demand, and with which, in common justice, he ought to have been furnished. That such repeated applications were totally disregarded, and that they remain (most improperly so) unnoticed to the date hereof.

27. That under date the 1st October, 1860, your Petitioner was furnished with the copy of a letter stated to have been addressed to him on the 8th August, 1860; the original of which never was received by your Petitioner.

28. That by this letter, your Petitioner is not only denied the payment of any portion of the large amount which he claims as being due to him—to wit, the sum of five hundred and eighty pounds (£580), or thereabouts—but he was then informed that the practical suspension, under which he had been so unfairly placed, and under which he had been held for a period of seven months, and without any means of employment, was to be considered permanent, so far as the District in which your Petitioner had been so long employed was concerned.

29. That your Petitioner did, in the month of October, 1860, repair to Sydney, with a view of obtaining redress; that having failed to obtain such redress at the hands of the Acting Surveyor General, that your Petitioner immediately (to wit, on the 22nd October, 1860) addressed and transmitted through the prescribed channel, the Honorable the Secretary for Lands, a Memorial addressed to His Excellency the Governor General and the Executive Council, setting forth your Petitioner's grievances, and praying for a Court of Inquiry to investigate the same.

30. That no notice having been taken of such Memorial (not even the official etiquette in acknowledgment of its receipt) up to 29th November, 1860, your Petitioner again addressed the Honorable Secretary for Lands on the subject; to which second letter no reply or notice having been made, your Petitioner sought for and obtained an interview with the Honorable the Colonial Secretary, who then assured your Petitioner that he had never heard nor seen anything of your Petitioner's Memorial, and therefore recommended your Petitioner to apply to the Lands Department for information.

31. That on applying at the Office of the Secretary for Lands, the only information or satisfaction your Petitioner could obtain from the Under Secretary was to the effect that your Petitioner's Memorial addressed to the Governor General and the Executive Council had been handed over to the Acting Surveyor General (Mr. M'Lean), and that nothing more was known on the subject, which circumstance your Petitioner made known to the Colonial Secretary.

32. That your Petitioner humbly conceives, that when he made such grave statements as were set forth in his Memorial, that his case would have entitled him to some immediate consideration; and furthermore, that when such a large amount of money is concerned, and that when your Petitioner expressed his readiness to rectify at his own cost any errors that could be fairly shewn to exist in his surveys, that he should not have been denied the opportunity to do so, much less that he should be deprived by the mere fiat of such a functionary as the temporary acting head of the Survey Department, of the money which your Petitioner claims; your Petitioner from time to time having duly rendered his accounts, not one single item of any account so rendered having ever been objected to, nor one single error or irregularity pointed out.

33. That a period of three months having elapsed since the last application was made for redress, and that no notice having been taken of your Petitioner, or the Memorial he had addressed to the Governor General and the Executive Council, your Petitioner is in consequence driven (most reluctantly) to appeal to your Honorable House, for such inquiry and redress as your Petitioner's case may appear to demand.

That, therefore, under all the circumstances of the case, your Petitioner earnestly and respectfully prays for inquiry before your Honorable House, before which tribunal your Petitioner will be prepared to substantiate all that he has set forth in this Petition, and in his Memorial to the Governor General and the Executive Council; and which Memorial he prays may be called for, and the subject matter of the same inquired into.

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

W. MEADOWS BROWNRIGG.

Sydney, 1 March, 1861.

1861.

Legislative Assembly.
NEW SOUTH WALES.

THE UNEMPLOYED.
(SYDNEY AND SUBURBS.)

Ordered by the Legislative Assembly to be Printed, 6 May, 1861.

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

The humble Petition of the undersigned Mechanics and Labourers of the City of Sydney and Suburbs,—

MOST RESPECTFULLY SHEWETH :—

That your Petitioners have been in a state of involuntary idleness for many months past, produced by causes over which your Petitioners had no control—the consequences have been and are, that many of your Petitioners are in a most deplorable state of destitution, which was forcibly shewn before a Committee of your Honorable House, and which has been gradually increasing; and as there is no reasonable hope of the building and shipping interests reviving, to which callings your Petitioners mostly belong, we respectfully request your Honorable House to urge upon the Government the absolute necessity of proceeding with the Public Works of the Colony now in abeyance, which, according to the statement of the Chief Secretary, amounts to some three hundred thousand pounds. Such an amount in active operation would almost entirely relieve the miseries your Petitioners are now so acutely suffering.

The cause of Public Works being in abeyance, according to the statement of the Chief Secretary, is that no eligible tenders can be obtained, which your Petitioners would therefore most respectfully submit may be obviated by setting to work those who are now starving, for your Petitioners contain within their ranks the requisite talent and practical skill for directing and executing any of the Public Works of the Colony.

Your Petitioners would further most respectfully submit that it seems a grievous wrong that a large number of men should be deprived of the opportunity of earning bread for themselves and families through the professional errors of architects and engineers, or the cupidity of contractors.

Your Petitioners, therefore, humbly pray that your Honorable House will take their case into your favourable consideration, and will take such steps in the premises as will grant the prayer of their Petition.

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

Dated at Sydney the 15th day of April, 1861.

[Here follow 187 Signatures.]

1861.

Legislative Assembly.
NEW SOUTH WALES.

WILSON'S SETTLEMENT INVESTMENT BILL.

REPORT

FROM

THE SELECT COMMITTEE

ON

WILSON'S SETTLEMENT INVESTMENT BILL;

TOGETHER WITH

THE PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
6 February, 1861.

SYDNEY:
THOMAS RICHARDS, GOVERNMENT PRINTER,
PHILLIP-STREET.

1861.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES, No. 11. TUESDAY, 29 JANUARY, 1861.

18. Wilson's Settlement Investment Bill :—Mr. Parkes moved, pursuant to notice,—
 (1.) That the Bill to enable the Trustees of a Settlement made by Mr. Joseph Wilson, of land at Balmain, to sell the said land, and to make provision for the investment of the proceeds of the sale thereof, be referred to a Select Committee.
 (2.) That such Committee consist of Mr. Walsh, Mr. Dickson, Mr. Shepherd, Mr. Leary, Mr. Windeyer, Mr. C. Cowper, junior, and the Mover.
 Question put and passed.
-

VOTES No. 16. WEDNESDAY, 6 FEBRUARY, 1861.

1. Wilson's Settlement Investment Bill :—Mr. Parkes, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report this Bill was referred on the 29th ultimo.
 Ordered to be printed.
-

CONTENTS.

	PAGE.
Extracts from the Votes and Proceedings	2
Report	3
Proceedings of the Committee.. .. .	4
Schedule of Amendments	4
List of Witnesses	4
Minutes of Evidence	5

1861.

WILSON'S SETTLEMENT INVESTMENT BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, to whom was referred on the 29th January "*Wilson's Settlement Investment Bill*," beg leave to Report to your Honorable House :—

That they have examined the Solicitor for the Bill,* and other Witnesses,† named in the margin (whose respective evidence will be found appended hereto), and that the Preamble having been satisfactorily proved by their evidence, they proceeded with the enacting part of the Bill, to which it was deemed expedient to add a *new Clause*.‡

* Mr. W. G. Pennington.

† Mr. J. Joubert.
Mr. R. P. Richardson.
Mrs. M. Wilson.

‡ Short Title. (See "Schedule of Amendments.")

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

HENRY PARKES,

Chairman.

Legislative Assembly Chamber,
Sydney, 5 February, 1861.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 5 FEBRUARY, 1861.

MEMBERS PRESENT :—

Mr. Dickson,	|	Mr. Parkes,
Mr. Leary,	|	Mr. Shepherd.

On motion of Mr. Shepherd, H. Parkes, Esquire, called to the Chair.
Solicitor for the Bill, Mr. W. G. Pennington.
 Mr. W. G. Pennington examined.
 Witness produced the original Indenture referred to in the Preamble of the Bill.
 Mr. J. Joubert examined.
 Witness withdrew.
 Mr. R. P. Richardson examined.
 Witness withdrew.
 Mrs. M. Wilson examined.
 Room cleared.
 Committee deliberated upon the allegations contained in the Preamble.
 Motion made (*Chairman*) and *Question*,—That this Preamble stand part of the Bill,—*agreed to*.
 Solicitor called in and informed accordingly.
 Committee then considered the several Clauses, *seriatim*.
Same agreed to.
 Motion made (*Chairman*) and *Question*,—That the Bill be amended after Clause 3, by the addition of the following Clause:—
 4. [Short Title.] "This Act shall be styled and may be cited as 'Wilson's Estate Act,'"—*agreed to*.
 Chairman requested to report the Bill, as amended, to the House.

SCHEDULE OF AMENDMENTS.

After Clause 3, insert the following:—
 Short Title. (Clause) "4. This Act shall be styled and may be cited as 'Wilson's Estate Act.'"

LIST OF WITNESSES.

	PAGE.
W. G. Pennington, Esq., Solicitor	5
J. Joubert, Esq.	6
R. P. Richardson, Esq.	6
Mrs. M. Wilson	7

1861.

Legislative Assembly.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

WILSON'S SETTLEMENT INVESTMENT BILL.

TUESDAY, 5 FEBRUARY, 1861.

Present:—

MR. DICKSON,
MR. LEARY,MR. PARKES,
MR. SHEPHERD.

HENRY PARKES, ESQ., IN THE CHAIR.

William George Pennington, Esquire, called in and examined:—

1. *By the Chairman*: You are Solicitor for this Bill? I am.
2. Have you got the deed referred to in the commencement of the preamble? I produce the deed. (*Witness produced the same.*)
3. Is that the deed which appoints Mr. John Campbell as trustee for Mrs. Mary Wilson? Yes.
4. *By Mr. Shepherd*: Does that deed contain any power to sell and invest the proceeds? Perhaps I had better explain the nature of the deed. Captain Wilson purchased, in the year 1852, the land in question, for the sum of £550, and in lieu of taking a conveyance to himself he took a conveyance to Mr. John Campbell, as a trustee for his wife and children. This deed merely contains authority for the trustee to pay the income of the land, arising from letting it, for the benefit of his wife during her life, and the children after her death, and upon the children attaining their majority the land belongs to them absolutely. The deed contains no power to the trustee to grant any lease, or to create any tenancy otherwise than of the narrowest description.
5. *By the Chairman*: The deed contains no power to sell? No.
6. Have you ever seen the buildings alluded to in the preamble? I have not, but I am prepared with two witnesses who have seen and inspected them.
7. Have you any knowledge as to whether this property could be sold advantageously? No personal knowledge.

W. G.
Pennington
Esq.
5 Feb., 1861.

Jules Joubert, Esquire, called in and examined:—

- J. Joubert,
Esq.
5 Feb., 1861.
8. *By the Chairman*: You are aware that this Committee has been appointed to consider a Bill to enable Mr. Campbell to sell certain land of which he is trustee? I am.
9. Do you know where the property is situated? Yes, at Balmain, at Waterview Bay.
10. You know the property? Perfectly well.
11. Will you be kind enough to state to the Committee in what condition it is? The house was one of the first that was built on the Balmain estate; it was built between thirty-eight and forty years ago, of weatherboards on a stone foundation; the shell of it is in passable condition, and the frame is good, but the roof and floors and all the internal parts are only fit to be pulled down.
12. The building is in a dilapidated state? Yes, fearfully so.
13. Is it untenantable? Nearly so; it was only by dint of some repairs a few days ago that the present tenant was able to keep it a little longer.
14. Would the property find purchasers in the market? As it is now it would only find purchasers for the land.
15. The land is a valuable site, I suppose? The land is a valuable site decidedly.
16. Do you know Mrs. Mary Wilson? I have known Mrs. Wilson for some years.
17. Are you aware whether she is anxious to have this property sold? I believe it has become a necessity at present.
18. *By Mr. Shepherd*: Do you imagine that the property will go on deteriorating or increasing in value in course of time? If no repairs are made to the house it will tumble down; of course the land cannot deteriorate.
19. Will the land increase in value if a sale does not take place immediately? The land itself will increase in value decidedly; any land in that neighbourhood is sure to increase in value.
20. Do you imagine it is a matter of necessity that Mrs. Wilson should have the property sold? If it is not sold now it will fetch less in a few months hence, because the house will be no more; whereas if it be repaired now it may be worth something.

Robert Pemberton Richardson, Esquire, called in and examined:—

- R. P.
Richardson,
Esq.
5 Feb., 1861.
21. *By the Chairman*: This Committee is appointed to consider a Bill to enable the trustee of some property at Balmain, held in trust for the benefit of Mrs. Mary Wilson and her children, to sell, and invest the proceeds—do you know the property? Yes.
22. Can you state in what condition it is at present? Knowing that my evidence would be required here, I went over, yesterday, to examine the property. I found the house dilapidated, and in a perfectly untenantable state.
23. How many buildings are there upon the property? One large cottage; it is a very old cottage—one of the first that was built at Balmain—called Waterview House; it wants re-roofing, and is otherwise in a very bad state of repair.
24. Is it a saleable property as to site—is it an eligible site? Yes; it is rather a pretty situation.
25. Do you think the property in its present state could be let? I do not think it could. The present tenant, Mr. Steynhouse, has threatened to go out of it, because they cannot repair it.
26. Do you know Mrs. Wilson? I only know her from her having, at one time, put the property in my hands for sale.
27. Should you consider it desirable for her to sell this property? I think so, if she is not in a position to repair it; that is, if the proceeds are properly invested for her.
28. What would it cost to put the premises in repair? I am scarcely in a position to give that information.
29. *By Mr. Leary*: What would it let for if in ordinary repair? From £110 to £120 a year.
30. What would it sell for? I should think about £800.
31. What requires to be done to the house besides roofing? It is generally in a decayed state; the roofing and the flagging require repair; and I think the outside timbers are decayed—in some parts they appear as if they were just kept together by the paint.
32. *By Mr. Shepherd*: Do you think this is a good time to sell? No, I do not; but it depends upon whether there is any probability of getting better prices for real property.
33. Do think it is likely to increase or deteriorate in value? I consider it is a falling market, and likely to fall lower.

Mrs. Mary Wilson called in and examined :—

34. *By the Chairman* : This Committee is appointed to consider a Bill which has been introduced into the Assembly for giving Mr. John Campbell, who is, I believe, a trustee on your behalf, power to sell certain property at Balmain? Yes, I am aware of that.
35. This is the trust deed, I believe (*referring to deed produced by Mr Pennington*)—Is that your signature? It is.
36. That deed gives the trustee no power to sell the property? I believe not.
37. The property is at present in a very dilapidated and untenable state? It is.
38. Do you think it desirable that it should be sold? Decidedly, or else I shall have no means of educating my children at all.
39. Are you desirous that the land should be sold and the proceeds invested for the benefit of yourself and family? Yes, I am.
40. You are convinced that it would be for your benefit that the property should be sold? Yes; quite so.
41. You desire, in fact, that Mr. Campbell, as your trustee, should have greater powers over the land, to sell it, or let it, or deal with it according to the best of his judgment? Yes; for my benefit and my children's benefit.
42. I will just read to you that part of the preamble which recites the facts in which you are more particularly concerned :—“ And whereas the said indenture contains no power for the trustee or trustees therein named or thereby to be appointed to sell the said land to grant leases thereof or to create any tenancy upon the security of which a tenant or occupier would be induced to expend money in repairs And whereas the buildings on the said land are in such a dilapidated condition that they will soon become wholly untenable and thereby cease to yield an income and there are no funds belonging to the said trust estate available for the repair of the said buildings And whereas it is considered that if authority can be obtained for the sale of such land the proceeds of the sale thereof may from time to time be advantageously invested in the purchase of other lands in New South Wales or upon real or Government security therein And whereas the said Mary Wilson is desirous that the said lands should be sold and the proceeds thereof invested as aforesaid”—You concur in all this? Quite.
43. Are there no funds belonging to the estate available for the repair of the buildings? No.

Mrs. Mary
Wilson.

5 Feb., 1861.

1861.

Legislative Assembly.

NEW SOUTH WALES.

MACKENZIE'S MARRIAGE SETTLEMENT TRUSTEES BILL.

REPORT FROM THE SELECT COMMITTEE

ON THE

MACKENZIE'S MARRIAGE SETTLEMENT
TRUSTEES BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

3 April, 1861.

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER,
PHILLIP-STREET.

1861.

1861.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES, No. 23. TUESDAY, 19 FEBRUARY, 1861.

23. Mackenzie's Marriage Settlement Trustees Bill:—Mr. Parkes moved, pursuant to amended notice standing in the name of Mr. Windeyer, and on his behalf,—
- (1.) That the Mackenzie's Marriage Settlement Trustees Bill be referred to a Select Committee.
- (2.) That such Committee consist of Mr. Dick, Mr. Driver, Mr. Mate, Mr. Wilson, Mr. Piddington, and Mr. Windeyer.
- Question put and passed.
-

VOTES, No. 46. WEDNESDAY, 3 APRIL, 1861, A.M.

11. Mackenzie's Marriage Settlement Trustees Bill:—Mr. Windeyer, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report this Bill was referred on the 19th February last.
- Ordered to be printed.
-

CONTENTS.

	PAGE.
Extracts from the Votes and Proceedings	2
Report	3
Proceedings of the Committee	4
Schedule of Amendments	4
List of Witnesses	4
Minutes of Evidence	5

1861.

MACKENZIE'S MARRIAGE SETTLEMENT TRUSTEES BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, to whom was referred, on the 19th February last, the "*Mackenzie's Marriage Settlement Trustees Bill*," beg leave to report to your Honorable House :—

That they have examined the Solicitor for the Bill,* and other witnesses,† named in the margin, whose evidence is appended hereto, and that the Preamble, as *formally* amended,‡ having been satisfactorily proved by their evidence, your Committee proceeded with the enacting part of the Bill, to which it was deemed expedient to add a new Clause§ in place of one originally proposed.

* Mr. W. G. M^cCarthy.
† Mr. J. P. Mackenzie,
Mr. T. W. Bowden.
‡ *Vide* Schedule of Amendments, page 4.

§ New Clause 4—
"Title of Act."
Vide Schedule of Amendments.

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

W. C. WINDEYER,
Chairman.

Legislative Assembly Chamber,
Sydney, 28 March, 1861.

PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 14 MARCH, 1861.

MEMBERS PRESENT:—

None.

In the absence of a Quorum of Members within *one hour* of the time appointed, the meeting called for this day *lapsed*.

THURSDAY, 21 MARCH, 1861.

MEMBERS PRESENT:—

Mr. Dick, | Mr. Mate,
Mr. Windeyer.

Committee met pursuant to summons.

W. C. Windeyer, Esq., called to the Chair.

Copies of the "Mackenzie's Marriage Settlement Trustees Bill" before the Committee.

Solicitor for the Bill, Mr. W. G. McCarthy.Mr. W. G. McCarthy, *Solicitor*, examined.Witness *produced* Original Indenture referred to in the Preamble.

Examination concluded.

J. P. Mackenzie, Esq., *Official Assignee of Insolvent Estates*, called in and examined.

Witness withdrew.

And Mr. Bowden, a witness for the Bill, not being in attendance,—

[Adjourned till Thursday, 28th instant, at *Twelve o'clock*.]

THURSDAY, 28 MARCH, 1861.

MEMBERS PRESENT:—

Mr. Mate, | Mr. Piddington,
Mr. Wilson.

Solicitor for the Bill, Mr. W. G. McCarthy, present.

T. W. Bowden, Esq., called in and examined.

Witness withdrew.

Solicitor for Bill produced certain letters from Mr W. H. Mackenzie, named in the Bill, expressing a desire that the same may be passed.

Committee considered the Preamble of the Bill.

And the style of the latter part thereof having been amended (*vide Schedule of Amendments*),—

Motion made (*Chairman*), and *Question*,—That the Preamble, as amended, stand part of the Bill,—*agreed to*.

Committee deliberated in reference to the several Clauses in succession.

Clauses 1 and 2 respectively read and agreed to without amendment.

Clause 3 read.

Committee further deliberated.

Clause, as read, agreed to.

Clause 4 read and *negatived*. (*Vide Schedule of Amendments*.)

(4) New Clause, on motion of Mr. Wilson, read and agreed to (*vide Schedule*), and ordered to stand Clause 4 of the Bill.

On motion of Mr. Wilson, the Draft Report submitted by the Chairman *agreed to*.

To report.

SCHEDULE OF AMENDMENTS.

Page 2, Preamble, line 22.—*After* "assembled," *insert* "and by the authority of the same."
Page 4, Clause 4, lines 27 and 28.—*Omit* the said Clause; *insert* new Clause as follows,

viz.:—"In citing this Act in any instrument document or legal proceeding it shall be sufficient to use the expression 'Mackenzie's Trust Act.'"

LIST OF WITNESSES.

Thursday, 21 March, 1861.

	PAGE.
W. G. McCarthy, Esq., <i>Solicitor</i>	5
J. P. Mackenzie, Esq., <i>Official Assignee of Insolvent Estates (Supreme Court)</i> ..	5

Thursday, 28 March, 1861.

T. W. Bowden, Esq.	6
----------------------------	---

John Piper
Mackenzie,
Esq.

21 Mar., 1861.

16. *By Mr. Dick:* What was the rental at the time of the settlement? At the time of the settlement I can hardly recollect; I think perhaps the two cottages together would produce £300.
17. What are the rentals now? I think £90 the two. The rent has been reduced in consequence of what I have stated.
18. Do I understand you to say that one is uninhabitable? They are both in a state that no one could go into them unless something were done to them; and one part has been pulled down by the occupant to repair another.
19. You say it would be an advantage to all parties if the powers sought by this Bill were granted—has Mrs. Mackenzie expressed a wish to that effect? She is pressing it strenuously.
20. Is she in the Colony? She resides at Melbourne.
21. You know that to be her wish from letters? Both from letters and from conversations I had with her when she was in Sydney twelve or fifteen months ago.
22. She told you that she desired it? Yes, I had a conversation with her at Mr. Norton's respecting it.
23. Have you made any efforts to lease it, or have you any power to lease it? I made many attempts, but found the time too short; I devised a plan under the Building Societies Act.
24. Do you know whether any instructions were given to insert such a power in the settlement? No; I believe it was the usual practice in Mr. Norton's office at that time to draw all deeds in that way where no instructions were given—where he was left to himself.
25. *By Mr. M^r Carthy:* Are you prepared to speak to the probable proceeds of the sale if this land were sold? I think it would realize upwards of £4,000; I value the front at £10 a foot, and there are 250 or 252 feet. The two cottages at the back would I think sell, one for £550, and the other for £450, and the new front leading from Denham-street would bring about £400. One of the cottages is entered from that street now. I may state that I have in writing Mr. George Cox's consent to this application.

THURSDAY, 28 MARCH, 1861.

Present:—

MR. MATE,

MR. WILSON.

MR. PIDDINGTON,

WILLIAM CHARLES WINDEYER, ESQ., IN THE CHAIR.

Thomas W. Bowden, Esq., called in and examined:—

Thomas W.
Bowden, Esq.

28 Mar., 1861.

25. *By the Chairman:* You have had considerable experience in valuing property in the neighbourhood of Sydney? Yes.
26. Do you know certain property situate in Crown-street belonging to Mr. W. H. Mackenzie? Yes.
27. What is the character of the property? It is partially improved—there are two old houses upon it; it is a large extent of land—perhaps an acre, or a little more—may be an acre and a half. At the eastern extreme of it are two houses in bad condition, tenanted at present.
28. Only a small portion of the land is occupied by these buildings? Yes.
29. They are old? Yes.
30. And dilapidated? They are in bad repair.
31. Yielding, I presume, a small rental? I think so.
32. What is the value of the land as a building site? The total value of it would depend upon the extent of frontage, which is not quite clear.
33. Is it valuable or not as a building site? Yes; the frontage now improved is valuable.
34. Then it would be advantageous probably for parties to have the power to sell this land? Yes, or to build upon it.
35. Do you think it would be for the interest of the parties who are the owners of the land to have power to grant building leases of the land, or to sell it? To sell it; I do not think it would be desirable to make it leasehold, it would not be so beneficial to the owners.
36. *By Mr. Wilson:* Are you aware what is the rental at the present time? Not of my own knowledge, I should presume it would not exceed £120 a year for the whole.
37. *By the Chairman:* What would it realize if it were sold? I think if subdivided and sold it would realize something like £3,000.
38. *By Mr. Piddington:* Does that valuation refer to the vacant land? To the whole.
39. Both land and houses? Yes, if properly subdivided. The old houses I should sell with a certain portion of land as they are.
40. *By the Chairman:* Some years since would not the property have brought much more? No doubt; another thousand at least.
41. Probably the parties have lost by having the property so tied up? No doubt, if they wished to sell three years ago, and could not from some impediment, they have sustained a loss. To make out the sum of £3,000, I consider that the two cottages, with the portion of land I should attach to them, would realize from £800 to £1,000, and the frontage sold, say at £8 a foot, would make up a total of about £3,000.
42. *By Mr. Piddington:* Do you know the extent of land not built upon—the frontage? 264 feet less seven inches.
43. Is there frontage to more than one street? No; there is an entrance which might be converted into a street; at present it is merely an approach from Denham-street.
44. What is the street to which there is a frontage? Crown-street. In fixing this value I speak of the probable result in the present market.
- (*Mr. M^r Carthy produced letters from Mr. W. H. Mackenzie referring to the Bill, and expressing a desire that it should be passed.*)

1861.

Legislative Assembly.

NEW SOUTH WALES.

HOSKING'S TRUST BILL.

REPORT FROM THE SELECT COMMITTEE

ON THE

HOSKING'S TRUST BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

11 April, 1861.

SYDNEY :

THOMAS RICHARDS, GOVERNMENT PRINTER,
PHILLIP-STREET.

1861.

1861.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES, No. 23. TUESDAY, 19 FEBRUARY, 1861.

22. Hosking's Trust Bill :—Mr. Parkes moved, pursuant to *amended* notice standing in the name of Mr. Windeyer, and on his behalf,—
- (1.) That the Hosking's Trust Bill be referred to a Select Committee.
- (2.) That such Committee consist of Mr. Dick, Mr. Driver, Mr. Mate, Mr. Wilson, Mr. Piddington, and Mr. Windeyer.
- Question put and passed.

VOTES, No. 52. THURSDAY, 11 APRIL, 1861.

21. Hosking's Trust Bill :—Mr. Windeyer, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report this Bill was referred on the 19th February last.
- Ordered to be printed.

* * * * *

CONTENTS.

	PAGE.
Extracts from the Votes and Proceedings	2
Report	3
Proceedings of the Committee	4
Schedule of Amendments	5
List of Witnesses	5
List of Appendix	5
Minutes of Evidence	7

1861.

HOSKING'S TRUST BILL.

R E P O R T .

THE SELECT COMMITTEE of the Legislative Assembly, to whom was referred, on the 19th February last, the "*Hosking's Trust Bill*,"— beg leave to report to your Honorable House:—

That they have examined the Solicitor for the Bill,* and other witnesses† named in the margin (whose evidence is appended hereto), and that the Preamble, as amended, having been satisfactorily proved by their evidence, your Committee proceeded with the enacting part of the Bill, in which it was deemed expedient to make a *verbal* amendment.‡

* Mr. W. G. McCarthy.

† Mr. J. Hosking,
Mr. F. Mitchell,
Mr. T. Weaver.‡ See Schedule of
Amendments, page 5.

And your Committee now beg to lay before your Honorable House the amended Bill, with two amendments‡ in the *Preamble*; the one an *insertion* of the words "now deceased," referring to Mrs. Rosetta Terry, the same being necessary to supply their accidental omission in the Bill as originally drawn,—and the other, of a *formal* nature.

WILLM. C. WINDEYER,

Chairman.

*Legislative Assembly Chamber,**Sydney, 5 April, 1861.*

PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 14 MARCH, 1861.

MEMBERS PRESENT:—

None.

In the absence of a Quorum of Members, within *one hour* of the time appointed, the meeting called for this day *lapsed*.

THURSDAY, 21 MARCH, 1861.

MEMBERS PRESENT:—

Mr. Dick, | Mr. Mate,
Mr. Windeyer.

Committee met pursuant to summons.

W. C. Windeyer, Esq., called to the Chair.

Copies of the Hosking's Trust Bill,—before the Committee.

Solicitor for the Bill, Mr. W. G. M'Carthy.Mr. W. G. M'Carthy, *Solicitor*, examined.Witness *produced* original Indenture referred to in the Preamble.

Examination concluded.

And Committee requiring certain witnesses, who had been unable to attend this day in consequence of the shortness of notice, *Solicitor for the Bill* undertook to be prepared with such parties at the next sitting.

[Adjourned till Thursday, 28th instant, at *Eleven o'clock*.]

THURSDAY, 28 MARCH, 1861.

MEMBERS PRESENT:—

W. C. Windeyer, Esq., in the Chair.

Mr. Mate, | Mr. Piddington,
Mr. Wilson.

Solicitor for the Bill, Mr. W. G. M'Carthy, present.

J. Hosking, Esq., called in and examined.

Witness withdrew.

F. Mitchell, Esq., called in and examined.

Witness withdrew.

T. Weaver, Esq., *Licensed Surveyor*, called in and examined.

During which, Mr. Windeyer desiring to vacate the Chair for a short interval,—

J. B. Wilson, Esq., called thereto, *pro tempore*.

Mr. Windeyer having returned, resumed the Chair.

Witness *handed* in a Statement of the relative value of the property referred to in the Bill belonging to Mrs. M. F. Hosking—separately from, and in conjunction with certain property of J. Hosking, Esq.

Ordered to be appended to the Evidence. (*Vide Appendix A.*)

Witness having withdrawn,—

Committee deliberated upon the Preamble.

And the same having been *formally* amended (*Vide Schedule of Amendments*),—

Motion made (*Chairman*) and Question,—That the Preamble, as amended, stand part of the Bill,—*agreed to*.

Committee then proceeding,—

Clause 1 read and agreed to without amendment.

Clause 2 read, amended (*Vide Schedule of Amendments*), and agreed to.

Clauses 3, 4, and 5 severally read and agreed to without Amendment.

The Chairman produced and read a Draft Report.

On motion of Mr. Wilson, same agreed to.

Chairman requested to report.

[Adjourned.]

FRIDAY,

FRIDAY, 5 APRIL, 1861.

MEMBERS PRESENT:—

W. C. Windeyer, Esq., in the Chair.

Mr. Mate,

|

Mr. Wilson.

Committee met pursuant to summons.

Solicitor for the Bill, Mr. W. G. M'Carthy, present.

The Chairman stated that, having discovered an important, but apparently accidental omission in the Preamble, and also that the evidence taken before the Committee afforded no grounds for the requisite insertion at a subsequent stage, the meeting had been convened to take evidence upon the Preamble *as amended* at the previous sitting, with a view to the same being further considered.

Mr. W. G. M'Carthy, *Solicitor*, further examined.

Committee reconsidering the Preamble, as previously amended,—

Motion made (*Mr. Wilson*) and *Question*,—That the Preamble be further amended in line 4, after "widow," by inserting the words "now deceased,"—*agreed to*.

Motion made (*Mr. Wilson*) and *Question*,—That the Preamble, as further amended, stand part of the Bill,—*agreed to*.

Motion made (*Mr. Wilson*) and *Question*,—That the Chairman be requested to report the amended Bill, with the Preamble as *further* amended, to the House,—*agreed to*.

Request accordingly.

SCHEDULE OF AMENDMENTS.

Page 1, Preamble, line 4.—*After "Widow," insert "now deceased."*Page 5, Preamble, line 7.—*Omit "and with."*Page 6, Clause 2 line 18.—*After "and," insert "with."*

LIST OF WITNESSES.

	PAGE.
<i>Tuesday, 21 March, 1861.</i>	
W. G. M'Carthy, <i>Solicitor</i>	7
<i>Thursday, 28 March, 1861.</i>	
J. Hosking, Esq.	7
F. Mitchell, Esq.	8
T. Weaver, Esq., <i>Licensed Surveyor</i>	9
<i>Friday, 5 April, 1861.</i>	
W. G. M'Carthy, Esq., <i>Solicitor</i> (further)	9

LIST OF APPENDIX.

(To Evidence given by T. Weaver, Esq., 28 March, 1861.)

A.	PAGE.
Statement of the relative value of certain property, referred to in the Bill, belonging to Mrs. M. F. Hosking,—separately from, and in conjunction with certain property of J. Hosking, Esq.	9

1861.

Legislative Assembly.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

HOSKING'S TRUST BILL.

THURSDAY, 21 MARCH, 1861.

Present:—

Mr. DICK, | Mr. MATE,
Mr. WINDEYER.

WILLIAM CHARLES WINDEYER, ESQ., IN THE CHAIR.

W. G. M'Carthy, Esq., appeared as Solicitor on behalf of the Promoters of the Bill, and was examined:—

1. *By the Chairman:* You are Solicitor for this Bill? I am.
2. Do you produce the deed referred to in the preamble? I produce the original settlement of the 26th May, 1845, between Rosetta Terry of the first part, John Hosking, and Martha Foxlowe, his wife, of the second part, and Francis Clarke and Henry Terry Sheldon of the third part. (*The witness produced the same.*)
3. Messrs. Clarke and Sheldon are the trustees appointed by the deed? They are.
4. Does that deed give any power of sale or substitution or exchange? No, it does not—these powers are omitted in the deed altogether.
5. Will you briefly state what are the powers given by the deed and shew where it is deficient? The recitals are as stated in the Bill. (*The witness recapitulated the recitals and provisions of the settlement.*)
6. Does the deed contain any power of sale or of investing the proceeds of such sale? It does not, it contains a power of appointing new trustees which has been exercised by a subsequent deed recited in the Bill.
7. The object of the Bill is to give trustees this power? Yes.
8. Do all the parties who are interested under this deed approve of these powers being given? Yes, they are parties to the petition.
9. Is it considered that it would be desirable for the advantage of persons interested under this settlement? It is; and the evidence I shall bring forward will shew, what I think is almost self-evident, that unimproved land of this sort intermixed with other land which prevents access to Crown Lands, and water, and so on, is not a very available property for sale by itself. What we seek is, that, Mr. Hosking having other property purchased from the Crown which he is about to sell, we may be enabled to sell ours at the same time, as if his land should pass into other hands our chance would be gone entirely.
10. Do you produce the deed appointing new trustees? I do.

W. G.
M'Carthy,
Esq.
20 Mar., 1861.

THURSDAY, 28 MARCH, 1861.

Present:—

Mr. MATE, | Mr. PIDDINGTON,
Mr. WILSON.

WILLIAM CHARLES WINDEYER, ESQ., IN THE CHAIR.

W. G. M'Carthy, Esq., appeared as Solicitor for the promoters of the Bill.

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

11. *By the Chairman:* Do you know the property that is the subject of the Bill before the Committee? I do.
12. Is it your opinion that it would be for the benefit of the parties interested that additional powers should be given to the trustees of purchasing, exchanging, and selling? It is, inasmuch as a sale has actually been made, and it went off in consequence of the entail. If you will allow me, I will briefly state the circumstances connected with the settlement of this property. The greater part of this property, called Foxlowe, was mine in 1834. In or about 1838 or 1839 I gave a mortgage to Mrs. Terry, Mrs. Hosking's mother, for £4,000, upon it. Somewhere

J. Hosking,
Esq.
20 Mar., 1861.

J. Hosking, Esq.
23 Mar., 1861. Somewhere about 1843 I required some money, and went to her for assistance, she then offered me this deed to do as I chose with it. Upon this occasion I did not make use of it; but in 1845 she obtained the equity of redemption, and redeemed, and then expressed a wish that it should be settled in any way that might be thought prudent for Mrs. Hosking. I accordingly instructed Mr. Want, and the deed was drawn. I took the draft and read the greater part of to Mrs. Terry. She said, "What is the use of reading it further to me, you can give instructions to Mr. Want about the deed." I mention this to shew that she had no particular object in the entail. Having given instructions generally to Mr. Want, I did not go on with the reading of the deed, and it did not attract my attention till a sale was made of that property, and of what I subsequently purchased. The deed lay in Mr. Want's hands from the time it was signed; and, not contemplating that it had been entailed, in 1859 I made a sale of my portion of the property to Mr. Routledge, and of Mrs. Hosking's, at one uniform price. It will be seen by reference to the plan, that these properties should be sold together. If my portion of the estate were sold by itself, it would materially injure Foxlowe proper; if that were sold alone it would not injure mine to the same extent.

13. *By Mr. Wilson:* I think Mr. Routledge left the Colony and went to England, thinking he was the purchaser? Yes; in fact we did not know of the entail, and Mr. Want did not seem to know of it until the deed was referred to, and we were then brought up all standing, and could not carry out the sale. This shews the necessity for this application. The surveyor will be able to explain this even better than I can. (*The witness referred to a plan, and pointed out the relative position of the two properties.*) 1,073 acres is Mrs. Hosking's property, and 2,701 is mine; and Mr. Routledge would not take one portion without the other.

14. Then I understand you, in reference to this, that it was left to you to have this trust deed drawn up as you liked, and by a mere oversight the property was entailed? Yes, by an oversight.

15. You are of opinion that Mrs. Terry had no intention to tie up the property? No; she would have given it to myself if I had liked; but I said as Mrs. Hosking had other trust property, it might be as well to have this also in trust.

16. Does Mrs. Hosking consent to this application? She signs the petition applying for this Bill, and must become a party in that way. I am quite certain, on the one hand, that I could make at least 40s. an acre of my portion, if it were sold by itself; and I do not think the other, if sold by itself, would make more than the upset price. Mr. Routledge was to have given 28s. an acre. If this amount could be obtained, it would realize a sum of money the interest of which would be more than double—three times—as much as the land would ever rent for, and thereby, of course, the parties interested—the children whose interest of course would be protected—would be benefited. If Mrs. Hosking were to die to-morrow, the children would be benefited by getting a large return of interest for their investment; we propose to have ample security for them.

17. Is it the fact that the profitable return from these lands depends upon personal management and supervision? Yes.

18. You are about to relinquish the management? Yes; I wish to give it up; the interests of all parties concerned are involved.

19. You have two children, I believe? Yes, daughters.

20. Under the age of 21? Yes.

21. Is Mr. Sheldon—one of the trustees—dead? He is, and Mr. Mitchell is appointed, as the deed provides, in the place of Mr. Sheldon.

22. In the first part of your evidence you referred to a deed—do you mean the settlement mentioned in the Bill? I do.

23. And Mrs. Terry is the settlor in that deed—the conveying party? She is.

24. These lands you have spoken of have been managed as one property? As one property.

25. *By Mr. Wilson:* And from their peculiar situation it is almost impossible to divide them—they are so interwoven with each other? Yes, because I have purchased entirely with reference to the protection of the run; and if the Committee could see the lay of the country, they would at once find that I had accomplished that. If I were to sell mine without the original property, the latter would be considerably damaged.

Francis Mitchell, Esq., called in and examined:—

F. Mitchell, Esq.
23 Mar., 1861. 26. *By the Chairman:* You are one of the trustees for Mrs. Martha Foxlowe Hosking, under a settlement made by Mrs. Rosetta Terry? Yes.

27. Mr. Francis Clarke is the other trustee? Yes.

28. Do you know the object of the Bill proposed to be introduced to the Legislature for giving additional powers to the trustees? Yes. The land would be unproductive in itself, and it would be very much to the advantage of the estate if it were sold to be with other land of Mr. Hosking's.

29. You approve of the proposed alteration? Yes.

30. You think it would be for the advantage of the children? Yes.

31. You know Mrs. Hosking? Yes, quite well.

32. Do you know whether she approves of having this change made? She has petitioned for it, and I know she is very anxious for it.

33. Do you know whether she is personally desirous of it? Yes.

34. Is she not well at present? No, she is not.

(*Mr. Windcyer vacated the Chair pro temp., and Mr. Wilson having taken the Chair,—*)

J.

SELECT COMMITTEE ON HOSKING'S TRUST BILL.

J. B. WILSON, Esq., IN THE CHAIR.

Thomas Weaver, Esq., called in and examined:—

35. *By the Chairman*: You are a licensed surveyor? Yes.
 36. Have you had considerable experience in valuing and surveying land? I have been at it many years. I have had great experience both at home and out here.
 37. How many years experience have you had in this Colony? Eight.
 38. Do you know the Foxlowe Estate? I know it perfectly well.
 39. Do you know the adjoining property purchased by Mr. Hosking? Yes, it was measured by myself for sale.
 40. In asking you the question, do you know the Foxlowe Estate, I am alluding more particularly to the original estate—the settled property? I know it perfectly well.
 41. And you also know the adjoining properties purchased by Mr. Hosking? I know them all. I measured them for the Government at the time of sale.
 42. Do you think it would be advisable to sell, or could a profitable sale be effected of, the Foxlowe Estate without the other? The property would not realize nearly so much separate as it would as a whole.
 43. *By Mr. Mate*: Why? The best part of the land is what is called Black Heath, clear open land, and there is no water to be had without going on to the other—that is the best land on the property. That portion of the trust property is hemmed in on both sides by the purchased property. (*The witness referred to a plan.*)
 44. *By the Chairman*: Is there not a considerable part of the run that would be naturally attached to the settled portion? It is a sheep station; the purchased portion is in the centre of the run, and without that the other would be of little value.

T. Weaver,
Esq.
28 Mar., 1861.

W. C. WINDEYER, Esq., IN THE CHAIR.

45. *By the Chairman*: In fact the purchased portion commands the chief water? It does; there is a sufficient supply of water through the leased land, but here is the only good open land for folding the sheep.
 46. *By Mr. Wilson*: The purchased portion commands the run? Yes; I had the selection of it, and of course I took the best portion of it to secure the run; the other is valueless without it. In taking that spot I consider that I took the cream out of the whole district.
 47. *By the Chairman*: What would be the value of the settled portion if it were sold separately? If sold separately 25s. per acre, amounting to £13,416 5s.
 48. If sold in conjunction with the purchased portion? £1,609 more, or £15,026 in the whole.
 49. Do you hand in a statement of the value of this property? Yes. (*The witness handed in the same. Vide Appendix A.*)

APPENDIX A.

	£	s.	d.		£
Foxlowe Estate (if sold together) containing 13,434½ acres, at 28s. per acre—37 sections of pre-lease	18,808	13	0	—Capable of carrying 5,000 sheep, wool	1,000
				2,000 ewes, increase	750
As valued separately—					1,750
Mr. John Hosking's portion of purchased lands, containing 2,701¼ acres, at 40s. per acre, amounts to the sum of	5,403	10	0		1,350
And Mrs. F. M. Hosking's settled portion, containing 10,733 acres, at 25s. per acre, amounts to the sum of 13,416 5 0				About	70
					330
	18,819	15	0	EXPENSES.	
				Interest on Capital	200
				Rent	500
				Shepherds and Watchmen	500
				Risk	150
					1,350
But as Mr. John Hosking is willing to throw his portion into a sale with Mrs. Hosking's settled portion, at an average price of 28s. per acre, the value of Mrs. Hosking's settled portion is increased to the sum of 15,026 4 0				Rent of pre-lease	70
Or £1,609 19s. by being sold together.				Improvements and a few straggling cattle only accommodation for the Station.	

FRIDAY, 5 APRIL, 1861.

Present:—

MR. MATE, | MR. WILSON.

WILLIAM CHARLES WINDEYER, Esq., IN THE CHAIR.

W. G. McCarthy, Esq., Solicitor for the promoters of the Bill, further examined:—

50. *By the Chairman*: Is it the fact that Mrs. Terry is dead? It is.

1861.

Legislative Assembly.

NEW SOUTH WALES.

 CLARENCE AND RICHMOND RIVERS STEAM NAVIGATION COMPANY'S BILL.

REPORT FROM THE SELECT COMMITTEE

ON THE

CLARENCE AND RICHMOND RIVERS STEAM
NAVIGATION COMPANY'S BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

 ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
3 April, 1861.

SYDNEY :

THOMAS RICHARDS, GOVERNMENT PRINTER,
PHILLIP-STREET.

1861.

1861.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 43. WEDNESDAY, 27 MARCH, 1861, A. M.

34. Clarence and Richmond Rivers Steam Navigation Company's Bill :—Mr. Parkes moved, pursuant to notice,—
- (1.) That the Bill to incorporate the Clarence and Richmond Rivers Steam Navigation Company be referred to a Select Committee for their consideration and report.
- (2.) That such Committee consist of Mr. Allen, Mr. Caldwell, Mr. Flett, Mr. Hannell, Mr. Lewis, Mr. Smart, Mr. Stewart, and the Mover.
- Question put and passed.

VOTES No. 46. WEDNESDAY, 3 APRIL, 1861, A. M.

12. Clarence and Richmond Rivers Steam Navigation Company's Bill :—Mr. Parkes, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report the Bill was referred on the 27th March last.
- Ordered to be printed.

* * * * *

CONTENTS.

	PAGE.
Extracts from the Votes and Proceedings	2
Report	3
Proceedings of the Committee.. .. .	4
Schedule of Amendments	4
List of Witnesses	4
Minutes of Evidence	5

1861.

CLARENCE AND RICHMOND RIVERS STEAM NAVIGATION
COMPANY'S BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 27th ultimo, the "*Clarence and Richmond Rivers Steam Navigation Company's Bill*," beg leave to report to your Honorable House :—

That they have examined the Solicitor for the Bill,* and • Mr. E. Daintrey the Manager to the Company,† (whose respective evidence will be found † Mr. T. F. Dye appended hereto), and that the Preamble having been satisfactorily proved by the evidence of those gentlemen, they proceeded with the enacting part of the Bill, in which it was deemed expedient to introduce a *new Clause*.‡

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

HENRY PARKES,
Chairman.

*Legislative Assembly Chamber,
Sydney, 2 April, 1861.*

‡ Clause 12. (Vide
Schedule of
Amendments,
page 4.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 2 APRIL, 1861.

MEMBERS PRESENT:—

Mr. Allen, | Mr. Parkes,
 | Mr. Stewart.

H. Parkes, Esq., called to the Chair.

Copies of the Clarence and Richmond Rivers Steam Navigation Company's Bill,—
before the Committee.

Parties called in:—

Solicitor for the Bill, Mr. E. Daintrey.*Manager to the Company*, Mr. Tilmouth Felix Dye.Mr. E. Daintrey, *Solicitor*, examined.Witness produced original Indenture referred to in the Preamble,—printed copy
handed in.Mr. T. F. Dye, *Manager*, examined.

Committee then considered the Preamble of the Bill.

Motion made (*Chairman*) and *Question*,—That this Preamble stand part of the Bill,
—agreed to.

Committee proceeded with the consideration of the several Clauses.

Clauses 1 to 11 read and agreed to, without amendment.

Motion made (*Mr. Allen*) and *Question*,—That the Bill be amended after Clause
11, by addition of the following Clause:—"12. This Act shall be deemed to be a Public
Act and shall be judicially taken notice of as such by the Judges of the Supreme Court
and all other Judges and Justices of the Peace within the Colony of New South Wales
without being specially pleaded and the same whenever cited shall be sufficiently described
as the 'Clarence and Richmond Rivers Steam Navigation Company's Act'"—agreed to.On motion of Mr. Allen, Chairman requested to report the Bill, as amended, to the
House.

SCHEDULE OF AMENDMENTS.

Page 4. After Clause 11, insert the following new Clause:—

"12. This Act shall be deemed to be a Public Act and shall be judicially taken
notice of as such by the Judges of the Supreme Court and all other Judges
and Justices of the Peace within the Colony of New South Wales without
being specially pleaded and the same whenever cited shall be sufficiently
described as the 'Clarence and Richmond Rivers Steam Navigation Com-
pany's Act.'"

LIST OF WITNESSES.

Tuesday, 2 April, 1861.

	PAGE.
Edwin Daintrey, Esq., <i>Solicitor for the Bill</i>	5
Tilmouth Felix Dye, <i>Manager to the Company</i>	6

1861.

Legislative Assembly.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

CLARENCE & RICHMOND RIVERS STEAM NAVIGATION
COMPANY'S BILL.

TUESDAY, 2 APRIL, 1861.

Present:—

MR. ALLEN,	|	MR. PARKES,
		MR. STEWART.

HENRY PARKES, Esq., IN THE CHAIR.

Edwin Daintrey, Esq., appeared as Solicitor for the promoters of the Bill, and was examined:—

1. *By the Chairman*: You are the Solicitor for the Clarence and Richmond Rivers Steam Navigation Company? I am. Edwin
Daintrey, Esq.
2. Have you been Solicitor for that Company from the time of its formation? I have. 2 April, 1861.
3. When was the Company formed? The present Company was formed on the 1st January, 1860.
4. Have you the Deed of Settlement? I have. (*The witness produced the Deed.*) It is signed by all the parties.
5. This is the Deed of Settlement referred to in the preamble of the Bill now before this Committee? It is.
6. Have you a printed copy of the same? I beg to hand in a printed copy. (*The witness handed in the same.*) I should mention that the printed copy does not contain the names of the parties signing.
7. Has the Company vessels trading to the Clarence and Richmond Rivers? It has trading to the Clarence; it has none that runs to the Richmond at present.
8. Have the Company any vessels of any kind trading to any other place? I am not aware that they have any.
9. What is the capital of the Company? £50,000, in shares of £10 each.
10. Has the whole of the capital been subscribed? All of it.
11. There has been no resolution arrived at to increase the capital? Not by the present Company.
12. The Directors of the Company have petitioned the Legislative Assembly for a Bill to incorporate the Company? They have.
13. This Bill, copies of which lie upon the table, is the Bill which they desire shall be passed into law? It is.

- Edwin Daintrey, Esq. 14. And if passed, it would give the same powers as are supposed to be given by the Deed of Settlement? Yes.
- 2 April, 1861. 15. Have you ever paid any dividend? Yes.
16. How often? I believe regularly.
17. At what time is the dividend paid? Half-yearly.
18. How many dividends have you paid since the Company was formed? I should mention that the Manager of the Company is present, and he can answer the question better than I. I am not a shareholder, and not cognizant of the time of paying dividends.

Tilmouth Felix Dye, Esq., examined:—

- T. F. Dye, Esq. 19. *By the Chairman:* You are the Manager of the Clarence and Richmond Rivers Steam Navigation Company? I am Secretary to it.
- 2 April, 1861. 20. Your duties are those of Manager? I have the general management of the Company.
21. How long have you held this office? Since April of last year.
22. The Company has one or more vessels trading to one or other of these rivers? Yes.
23. How many have they? Three.
24. Where do they run? To the Clarence.
25. All of them? All of them.
26. Have they no vessel running to Richmond River? Not at present.
27. Is it the intention of the Company to run one to the Richmond River? I cannot say at present.
28. Have they any vessels running to any other place than the Clarence? No.
29. The capital of £50,000—has the whole been subscribed? The whole of it.
30. The Company is in full trade? Yes.
31. Paying dividends? We have paid dividends.
32. What dividends have you paid? Two; one in June, and one in December last.
33. Are you aware that the Directors of the Company have petitioned for a Bill to incorporate the Company? I am.
34. Will you have the goodness to state the names of the Directors? Clarke Irving, Francis Mitchell, Michael Metcalfe, George King, John Donald McLean.
35. Have all these gentlemen signed the petition? The whole of them.
36. They constitute the whole Board of Directors? They do.
37. Have you seen the Bill which it is proposed to have passed into a law—a copy of which is before you? I have.
38. Have you read it? Yes.
39. This Bill gives to the Company the powers contemplated by the Deed of Settlement? It does.

1861.

Legislative Assembly.

NEW SOUTH WALES.

SEAMEN.

PROGRESS REPORT

FROM THE

SELECT COMMITTEE

ON

S E A M E N ;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
10 *May*, 1861.

SYDNEY :

THOMAS RICHARDS, GOVERNMENT PRINTER,
PHILLIP-STREET.—o—
1861.

[Price, 1s. 9d.]

70--A

1861.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 11. TUESDAY, 29 JANUARY, 1861.

20. Seamen:—Mr. Dalgleish moved, pursuant to *amended* notice,—
- (1.) That a Select Committee, with power to send for persons and papers, be appointed to inquire into and report upon the working of the various Acts which have special reference to the shipping, discharging, and lodging of Seamen in the Colony of New South Wales.
- (2.) And that such Committee consist of Captain Moriarty, Mr. Windeyer, Mr. Love, Mr. Walsh, Mr. Douglas, Mr. Stewart, Mr. Lucas, Mr. Lewis, Mr. Allen, and the Mover.
- Question put and passed.

VOTES No. 19. TUESDAY, 12 FEBRUARY, 1861.

7. Seamen:—Mr. Dalgleish moved, pursuant to notice, That it be an instruction to the Select Committee on Seamen, appointed on the 29th January last, to consider and report upon the general condition and treatment of Seamen in the Colony of New South Wales.
- Debate ensued.
- Question put and passed.

VOTES No. 69. FRIDAY, 30 MAY, 1861.

12. Seamen:—Mr. Dalgleish, as Chairman, brought up a Progress Report from, and laid upon the Table the Minutes of the Proceedings of, and Evidence taken before, the Select Committee, for whose consideration and report the working of the various Acts which have special reference to the shipping, discharging, and lodging of Seamen in the Colony of New South Wales, was referred on the 29th January, 1861.
- Ordered to be printed.

CONTENTS.

	PAGE.
Extracts from the Votes and Proceedings	2
Progress Report	3
Proceedings of the Committee	5
List of Witnesses	10
List of Appendix	11
Minutes of Evidence	1

1861.

SEAMEN.

 PROGRESS REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 29th January last, "to inquire into and report upon the working of the various Acts which have special reference to the shipping, discharging, and lodging of Seamen in the Colony of New South Wales," "with power to send for persons and papers;" and, on the 12th February, instructed "to consider and report upon the general condition and treatment of Seamen in the Colony of New South Wales," have agreed to the following Progress Report:—

Your Committee have given the inquiry intrusted to them by your Honorable House their earnest attention and consideration, and have examined seventeen witnesses, representing each grade in the calling of Seamen, including Shipowners and others, whose views for the most part, are in accordance with those of the Seamen, as will be seen by the evidence hereto appended.

Your Committee would direct the attention of your Honorable House to the main features of what appear to be the evils emanating from the Laws relating to Seamen.

The working of the Shipping Office is found to be vexatious, and, in many instances, oppressive to Seamen, whilst to owners it is doubly so, through the detentions to vessels caused by the forms imposed, and at present necessary to be complied with. Favourable opportunities of sailing are lost, and an amount of expenditure that otherwise would have no existence is entailed on the owner, who receives nothing whatever in return. The weight of evidence appears to favour the discontinuance of that establishment, at least, as far as Colonial Shipping is concerned.

Your Committee would call attention to that portion of the Act, 17 Vic., No. 36, which relates to Seamen's Lodging-houses. Whilst your Committee admit the desirability of providing, if possible, well regulated lodging-houses, for all classes of the community who may choose to resort to them, they cannot but think, the present system of compelling Seamen, as a class, to live in lodging-houses—is a restriction calculated to cause the discontent, apparently, now existing amongst Seamen with reference to this matter.

It

It also seems, that ships' articles are generally unequal in their action, binding the employed only, as to the time of leaving; whilst the employers are free, or liable only to a fine for any violation of contract,—for similar breaches of agreement, the employed being subject to imprisonment, as for criminal offences.

As the late period of the Session prevents any further inquiry, and as applications to be examined have been made to your Committee, on what are stated to be matters of importance, your Committee have determined to report progress to your Honorable House,—hoping to be enabled, at an early date, to resume an inquiry, the necessity of which is clearly apparent from the evidence.

D. C. DALGLEISH,
Chairman.

*Legislative Assembly Chamber,
Sydney, 10 May, 1861.*

PROCEEDINGS OF THE COMMITTEE.

FRIDAY, 1 FEBRUARY, 1861.

MEMBERS PRESENT :—

Mr. Dalgleish,	|	Mr. Love,
Mr. Douglas,		Capt. Moriarty,
	Mr. Stewart.	

On motion of Capt. Moriarty, D. C. Dalgleish, Esq., called to the Chair.
Order of the House, dated 29th January last, appointing Committee,—read.
Committee deliberated relative to the commencement of their inquiry.

It was Resolved :—

- (1.) That S. North, Esq., be summoned to give evidence on Tuesday next, at *half-past Eleven* o'clock; and, in the alternative of Mr. North's engagements not permitting, that Captain Shorter be called in place of the former gentleman.
- (2.) That copies of the several Acts in reference to the shipping, discharging, and lodging of seamen in New South Wales, be furnished at the next sitting, for prior consideration.

[Adjourned till Tuesday, 5th instant, at *Eleven* o'clock.]

TUESDAY, 5 FEBRUARY, 1861.

MEMBERS PRESENT :—

D. C. Dalgleish, Esq., in the Chair.		
Mr. Allen,	|	Mr. Love,
	Capt. Moriarty.	

Upon the Table,—pursuant to resolution agreed to at the former sitting, Copies of the undermentioned Acts relating to Merchant Seamen, viz. :—

Water Police—4 Vict., No. 17, 1840.
Water Police Amendment—7 Vict., No. 21, 1843.
Protection of Merchant Seamen—11 Vict., No. 23, 1847.
Colonial Seamen—13 Vict., No. 28, 1849.
Water Police Regulation (Seamen's Lodging-houses, &c.)—17 Vict., No. 36, 1853.
Merchant Seamen (Imperial)—17 and 18 Vict., cap. 104, 1854.
Seamen's Lodging-houses Extension—19 Vict., No. 8, 1855.
Seamen's Engagement Amendment—23 Vict., No. 11, 1860.
(Merchant Seamen's Act Amendment—Imperial Act, 18 and 19 Vict., cap. 91, 1855, not before Committee.)

Committee considered same, more particularly the Act, 17 Vict., No. 36.

S. North, Esq., *Water Police Magistrate and Shipping Master*, called in and examined.

Witness withdrew.

Committee deliberated generally as regards the extent of the inquiry authorised by the House.

[Adjourned.]

FRIDAY, 8 FEBRUARY, 1861.

MEMBERS PRESENT :—

D. C. Dalgleish, Esq., in the Chair.		
Mr. Lewis,	|	Capt. Moriarty.

Committee met pursuant to summons.

Mr. D. Gibb, *Engineer*, called in and examined.

Whilst giving certain evidence,—

Objection taken thereto by Capt. Moriarty, as being matter of supposition, and beyond the personal knowledge of the witness.

Witness, by request, retired.

Committee deliberated.

When the objection not being insisted upon,

Witness ordered to be re-called.

Examination of Mr. D. Gibb resumed and concluded.

Witness withdrew.

Two witnesses to be examined.

[Adjourned till Tuesday, the 12th instant, at *half-past Ten* o'clock.]

TUESDAY,

TUESDAY, 12 FEBRUARY, 1861.

MEMBERS PRESENT :—

D. C. Dalgleish, Esq., in the Chair.
 Mr. Lewis, | Mr. Lucas,
 Mr. Windeyer.

Letter (dated the 9th) accompanying the return of Evidence given by S. North, Esq., on the 5th instant, respecting unintentional errors therein, and forwarding the several Appendices—laid before Chairman.

Further letter (dated the 11th) from S. North, Esq., transmitting four forms of Ship's Articles, as requested in Chairman's letter of the 8th instant,—produced.

Forms laid before Committee.

Mr. Edward Debenham, *Stoker*, called in and examined.

Witness withdrew.

Mr. Donald Sinclair, *Stoker*, called in and examined.

Witness withdrew.

Mr. North's letter of the 9th, and Documents therewith, to be appended to his evidence, the necessary references being inserted in the M.S.

Chairman to furnish names of witnesses for Friday.

[Adjourned till Friday, 15th instant, at Eleven o'clock.]

FRIDAY, 15 FEBRUARY, 1861.

MEMBERS PRESENT :—

D. C. Dalgleish, Esq., in the Chair.
 Mr. Allen, | Mr. Lewis,
 Mr. Douglas, | Mr. Love.

Votes No. 19, 12th instant, entry 7, directing consideration and report upon the general condition and treatment of Colonial Seamen—before the Committee.

Mr. G. Robertson, *Captain and Owner*, called in and examined.

In the course of examination,

The Chairman ruled the inadmissibility of a certain question proposed by Mr. Allen (yet unanswered).

Deliberation ensuing,

Witness directed to retire.

Committee considered the objection stated to the inquiry—as being irrelevant, and calculated to elicit a reply irrespective of the general subject.

Motion of Mr. Douglas superseding same—withdrawn.

Witness recalled.

Examination of Mr. G. Robertson resumed.

The Chairman having further ruled in disallowance of the form in which Mr. Allen was conducting the evidence,

And witness retiring,

Committee deliberated.

Motion made (*Mr. Douglas*) and *Question*,—That Mr. Allen's questions are in order, and that the Chairman's interruptions are uncalled for,—

Put and considered;—by leave, withdrawn.

Motion made (*Mr. Douglas*) and *Question*,—That the witness be recalled and his examination resumed at the point where interrupted,—*agreed to*.

Examination of Mr. G. Robertson resumed and concluded.

Witness withdrew.

Mr. J. Dunn, *Boarding-house Keeper*, called in and examined.

Witness withdrew.

Mr. W. Rowbotham, *Seaman*, called in and examined.

Witness produced several certificates of discharge from vessels in the United Kingdom, with certificates of character V(ery) G(ood) in each case annexed thereto, respectively dated 10 May 1854, 14 November 1857, and 2 August 1858,—the latter being handed in. (*Vide Appendix—after page 69.*)

Witness withdrew.

Names of witnesses (3) for Tuesday, furnished.

[Adjourned till Tuesday, 19th instant.]

TUESDAY,

TUESDAY, 19 FEBRUARY, 1861.

MEMBER PRESENT :—

Mr. Dalgleish.

In the absence of a quorum of the Committee, the meeting called this day, lapsed.
Notes received from two witnesses excusing their non-attendance.

TUESDAY, 5 MARCH, 1861.

MEMBERS PRESENT :—

D. C. Dalgleish, Esq., in the Chair.

Mr. Allen,	|	Capt. Moriarty,
Mr. Lewis,	|	Mr. Stewart.

Committee met pursuant to summons.

C. Smith, Esq., *Merchant and Shipowner*, called in and examined.

Witness withdrew.

Committee deliberated in regard to taking evidence on the circumstances recently occurring on board the "Norna."

It was Resolved :—

That the Committee are willing to inquire into the case of certain Seamen belonging to the barque "Norna," as connected with the general condition and treatment of Seamen, but without reference to the conduct of the investigation at the Water Police Court.

[Adjourned till Friday, 8th instant, at *half-past Ten o'clock.*]

FRIDAY, 8 MARCH, 1860.

MEMBERS PRESENT :—

Mr. Dalgleish,	|	Capt. Moriarty.
----------------	--	-----------------

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

Mr. P. Byrne, summoned as a witness, absent from town.

R. D. Merrill, Esq., attended.

THURSDAY, 14 MARCH, 1861.

MEMBERS PRESENT :—

D. C. Dalgleish, Esq., in the Chair.

Mr. Lewis,	|	Capt. Moriarty,
Mr. Love,	|	Mr. Walsh.

Committee met pursuant to summons.

W. E. Shorter, Esq., *Deputy Shipping Master*, called in and examined.

Witness withdrew.

[Adjourned till Tuesday, 19th March, at *Eleven o'clock.*]

TUESDAY, 19 MARCH, 1861.

MEMBERS PRESENT :—

D. C. Dalgleish, Esq., in the Chair.

Mr. Lewis,	|	Capt. Moriarty,
	|	Mr. Stewart.

Mr. J. E. Manning, junr., *Merchant and Shipowner*, called in and examined.

Witness withdrew.

J. Munro, Esq., *Marine Superintendent, A. S. N. Co.*, called in and examined.

Witness withdrew.

[Adjourned till Friday, 22nd instant, at *Eleven o'clock.*]

FRIDAY 22 MARCH, 1861.

MEMBER PRESENT :—

Mr. Dalgleish.

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

WEDNESDAY,

WEDNESDAY, 27 MARCH, 1861.

MEMBERS PRESENT:—

D. C. Dalgleish, Esq., in the Chair.
Mr. Lewis, | Capt. Moriarty,
Mr. Stewart.

Committee met pursuant to summons.

Letter (dated the 21st) accompanying the return of Evidence given by W. E. Shorter, Esq., on the 14th instant, having reference to certain answers—one as depending upon a double interrogatory, the former being omitted—laid before Committee.

Extract therefrom ordered to appear as a note to the Evidence. (*Vide Answer No. 806.*)

In respect of question indicated by witness, the Shorthand-writer, explaining its omission, authorised to supply same. (*Vide Question No. 917.*)

C. Smith, Esq., examined on the 5th instant, requesting the correction of certain answers in the evidence then given, called in and re-examined.

Certain alterations made,—and witness' note explaining the grounds of re-examination and the value of particular evidence, authorised to appear. (*Vide Answer No. 656.*)

Witness withdrew.

The Chairman stated that Mr. Merrill, the American Consul, had expressed his willingness to be examined before the Committee, submitting for consideration the desirableness of taking the evidence of that gentleman.

Committee deliberated.

It was Resolved:—

That R. D. Merrill, Esq., be examined at the next meeting.

Mr. A. Milne, *formerly Seaman*, called in and examined.

Witness withdrew.

Mr. T. Stewart, *Captain and Owner*, called in and examined.

Witness withdrew.

Mr. J. Merriman, *Captain and Owner*, called in and examined.

Witness withdrew.

Mr. J. Rayner, *Captain and Owner*, called in and examined.

Witness withdrew.

Certain witnesses not examined; others not attending.

[Adjourned till Tuesday, 2nd April, at *Eleven o'clock.*]

TUESDAY, 2 APRIL, 1861.

MEMBERS PRESENT:—

Mr. Dalgleish, | Mr. Stewart.

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

Witnesses in attendance—R. D. Merrill, Esq., and Capt. M'Clements.

[To be convened to-morrow, 3rd instant, at *Eleven o'clock.*]

WEDNESDAY, 3 APRIL, 1861.

MEMBER PRESENT:—

Mr. Dalgleish.

No other Members proceeding to the Committee Room, the meeting called this day, lapsed.

Witnesses attending—Mr. P. F. Little, R. D. Merrill, Esq., and Mr. Thomas.

TUESDAY, 9 APRIL, 1861.

MEMBERS PRESENT:—

Mr. Dalgleish, | Mr. Lewis.

A quorum of the Committee not being present at *half-past Eleven o'clock*, the meeting, called this day, lapsed.

Capt. M'Clements and Mr. P. F. Little, pursuant to summons,—also Mr. Thomas, in attendance.

[To be convened for Thursday, 11th instant, at *Eleven o'clock.*]

THURSDAY,

THURSDAY, 11 APRIL, 1861.

MEMBERS PRESENT:—

Mr. Dalgleish, | Mr. Love.

In the absence of a quorum of the Committee at *half-past Eleven o'clock*, the meeting called this day, lapsed.

Messrs. Merrill, M'Clements, and Little attended as witnesses.

THURSDAY, 18 APRIL, 1861.

By reason of the adjournment of the House until to-morrow, the meeting called this day, lapsed.

TUESDAY, 23 APRIL, 1861.

The meeting called this day, postponed, by direction of the Chairman, until Thursday, 25th instant, at *Eleven o'clock*.

THURSDAY, 25 APRIL, 1861.

D. C. Dalgleish, Esq., in the Chair.

Mr. Douglas, | Mr. Lewis.

Committee met, pursuant to summons.

The Chairman referred to certain documents, which he desired to lay upon the Table, furnished by a Mr. Thomas, who having attended two sittings for the purpose of being examined, when the Committee had not formed a quorum, was not now in a position to come forward as a witness.

Mr. P. F. Little, *Constable, Water Police*, called in and examined.

Witness withdrew.

Mr. N. Wilson, *Messenger, ("Runner"), Shipping Office*, called in and examined.

Witness withdrew.

Committee deliberated in reference to the delay in obtaining printed copies of the evidence, and generally upon the expediency of closing the proceedings by reporting progress.

Other witnesses not in attendance.

[Adjourned till Wednesday, 1st May, at *Eleven o'clock*.]

WEDNESDAY, 1 MAY, 1861.

MEMBERS PRESENT:—

Mr. Dalgleish, | Mr. Lewis.

A quorum of the Committee not being present at *half-past Eleven o'clock*, the meeting called this day, lapsed.

[To be convened for Friday, 3rd instant, at *Eleven o'clock*.]

FRIDAY, 3 MAY, 1861.

MEMBERS PRESENT:—

D. C. Dalgleish, Esq., in the Chair.

Mr. Love, | Mr. Windeyer.

Committee met pursuant to summons.

The Chairman submitted a Draft of certain Resolutions, as the basis of a Progress Report.

Same read and considered.

Committee requested the Chairman to frame Report thereon.

[Adjourned.]

THURSDAY, 9 MAY, 1861.

MEMBERS PRESENT:—

Mr. Dalgleish, | Mr. Lewis.

A quorum of the Committee not being present at *half-past Eleven o'clock*, the meeting called this day, lapsed.

FRIDAY, 10 MAY, 1861.

MEMBERS PRESENT:—

D. C. Dalgleish, Esq., in the Chair.

Mr. Lewis, | Mr. Love,

Mr. Windeyer.

Committee met pursuant to summons.

The Chairman produced a draft Progress Report, as desired by Committee on the 3rd instant.

Introductory paragraphs of proposed Report read, verbally amended, and agreed to.

Paragraph 2 read, viz. :—

“ Your Committee would call attention to that portion of the Act, 17 Vic., No. 36, which relates to seamen's lodging-houses. It is found to be very objectionable, restraining the proper liberty of the subject in reference to seamen, by preventing them from choosing their abode in any other place than in a house specially licensed for that purpose, a provision which does not apply to any other class.

“ Whilst your Committee admit the desirability of providing, if possible, well regulated lodging-houses for all classes of the community, where ventilation and cleanliness would be maintained under proper inspection, they would deprecate any attempt to make residence compulsory by fine or otherwise.”

Amendment proposed (*Mr. Windeyer*) to omit “ It is found,” (line 2) &c., to the end, and insert, as follows :—

“ Whilst your Committee admit the desirability of providing, if possible, well regulated lodging-houses, for all classes of the community who may choose to resort to them, they cannot but think, the present system of compelling seamen, as a class, to live in lodging-houses, is a restriction calculated to cause the discontent, apparently now existing amongst seamen, with reference to this matter.”

Committee deliberated.

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

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

Amendment (further) proposed (*Mr. Love*) to substitute the following :—

“ Whilst your Committee think it desirable that lodging-houses, under proper inspection, should still continue to be licensed for the comfort and accommodation of seamen, your Committee would recommend that the same liberty be granted to them as all other classes enjoy, in the choice of their residence, and that they should not be compelled to resort to licensed lodging-houses, should they prefer lodging elsewhere.”

Committee deliberated.

Question put,—That the words first proposed stand part of the Question.

Committee divided.

Ayes, 2.

Mr. Lewis,

Mr. Windeyer.

No, 1.

Mr. Love.

Amendment (*Mr. Love's*) *negated.*

Paragraph, as amended, agreed to.

Paragraph 3 read and agreed to.

It was Resolved :—

That the Draft Report, as amended, be the Progress Report of this Committee. Chairman requested to report.

LIST OF WITNESSES.

<i>Tuesday, 5 February, 1861.</i>		PAGE.
S. North, Esq., <i>Water Police Magistrate and Shipping Master</i>	.. .. .	1
<i>Friday, 8 February, 1861.</i>		
Mr. D. Gibb, <i>Engineer</i>	.. .. .	12
<i>Tuesday, 12 February, 1861.</i>		
Mr. E. Debenham, <i>Stoker</i>	.. .. .	17
Mr. D. Sinclair, <i>Stoker</i>	.. .. .	18
<i>Friday, 15 February, 1861.</i>		
Mr. G. Robertson, <i>Captain and Owner</i>	.. .. .	20
Mr. J. Dunn, <i>Boarding-house Keeper</i>	.. .. .	24
Mr. W. Rowbotham, <i>Seaman</i>	.. .. .	26
<i>Tuesday, 5 March, 1861.</i>		
C. Smith, Esq., <i>Merchant and Shipowner</i>	.. .. .	30
<i>Thursday, 14 March, 1861.</i>		
W. E. Shorter, Esq., <i>Deputy Shipping Master</i>	.. .. .	36
<i>Tuesday, 19 March, 1861.</i>		
J. E. Manning, junr., Esq., <i>Merchant and Shipowner</i>	.. .. .	46
J. Munro, Esq., <i>Marine Superintendent, A. S. N. Co.</i>	.. .. .	50
<i>Wednesday, 27 March, 1861.</i>		
(C. Smith, Esq., re-examined.)		
Mr. A. Milne, <i>formerly Seaman</i>	.. .. .	57
Mr. T. Stewart, <i>Captain and Owner</i>	.. .. .	58
Mr. J. Merriman, <i>Captain and Owner</i>	.. .. .	59
Mr. J. Rayner, <i>Captain and Owner</i>	.. .. .	60
<i>Thursday, 25 April, 1861.</i>		
Mr. P. F. Little, <i>Constable, Water Police</i>	.. .. .	62
Mr. M. Wilson, <i>Messenger ("Runner"), Shipping Office</i>	.. .. .	64

LIST

LIST OF APPENDIX.

(To Evidence given by S. North, Esq., 5 February, 1861.)

(A 1.)

S. North to Clerk of the Legislative Assembly, 9 February, 1861	6
A.	
(1.) Information by Captain R. Mailler, of the steamship "Kiama," against R. Fuller and other seamen for disobedience of lawful commands, 7 December, 1859	7
(2.) Warrant for apprehension of said seamen, 7 December, 1861	7
(3.) Depositions (5) in the case of R. Mailler v. six seamen, 8 December, 1859 ..	7
B.	
Scale of fees for matters transacted at Shipping Office	9
C.	
Scale of fees for printed forms, &c., at Shipping Office	9
D.	
Return of licensed lodging-houses, 1854 to 1860	9
E.	
Penalties respecting lodging-houses (for seamen)	9
F.	
Return of revenue and expenditure of the Shipping Office, 1854 to 1860	10
G.	
Return shewing expense of the Water Police Department (Sydney), together with amount of revenue collected, 1854 to 1860	10
H.	
Return shewing number of seamen shipped and discharged, passed through the Shipping Office, with the annual and daily average, 1854 to 1860	10
I.	
Return of arrivals and departures (foreign-going vessels), 1854 to 1860	11
J.	
Return of advance notes issued to seamen, 1854 to 1860	11
K.	
Return of number of seamen brought before Water Police Court, 1854 to 1860 ..	11
L.	
Staff of the Shipping Office, 1854, 1855, and 1860	12
M.	
Imperial and Colonial Acts relating to merchant seamen	12

(To Evidence given by Mr. D. Gibb, 8 February, 1861.)

(A.)

Memorandum—Dates shewing periods of service in certain steamships	16
---	----

(To Evidence given by Mr. J. Dunn, 15 February, 1861.)

A.—Addendum to Answer No. 494	26
B.— Do. do. 507	26
C.— Do. do. 522	26
D.— Do. do. 523	26
E.— Do. do. 525	26
F.— Do. do. 527	26
G.— Do. do. 550	26
H.— Do. do. 560	26

(To Evidence given by Mr. W. Rowbotham, 15 February, 1861.)

(A.)

Form of Certificate of character and discharge,	follows 69
---	------------

(To Evidence given by C. Smith, Esq., 15 March, 1861.)

A.

General Addendum.. .. .	36
-------------------------	----

1861.

Legislative Assembly.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON

SEAMEN.

TUESDAY, 5 FEBRUARY, 1861.

Present:—

Mr. ALLEN, Mr. DALGLEISH,	Mr. LOVE, CAPTAIN MORIARTY.
------------------------------	--------------------------------

DANIEL C. DALGLEISH, ESQ., IN THE CHAIR.

Samuel North, Esq., called in and examined:—

1. *By the Chairman:* We are met to inquire into the working of the various Acts which relate to the shipping, discharging, and general management of seamen in the port of Sydney, and for that purpose desire to obtain information from you? I shall be happy to furnish you with any information in my power.
2. You are Shipping Master of the port of Sydney? I am at present.
3. How long have you held that situation? Two years.
4. I presume you are thoroughly conversant with the Merchant Seamen's Act? Yes.
5. You have to adjudicate under that Act? I ship and discharge seamen under that Act.
6. Are you well informed yourself with regard to the duties of seamen? I think I know pretty well what their duties are, having had seven years' experience as Water Police Magistrate.
7. Are you acquainted with the practical duties of seamen on board their vessels? As Shipping Master I have nothing to do with that.
8. You are not acquainted then with the practice obtaining as to the hours of labour on board ship? I am, so far as these matters come under my notice, acting judicially as Water Police Magistrate.
9. Have you a deputy? I have in the Shipping Master's department.
10. What part of the duty devolves upon him? The shipping and discharging of seamen. It is impossible that, with my duties as Water Police Magistrate, both executive and judicial, I could be always in the Shipping Office; and as it is necessary that men should be shipped in the presence of the Shipping Master or his deputy, a deputy was appointed to act when I could not be present.
11. Have you any other assistants in the shipping department? I have.
12. What are their duties? One is the accountant and the other the clerk.
13. Then there are three in the department altogether? There are three, and two runners.
14. If the captain of a vessel brings any case before you, or requires a warrant for any breach of discipline, does the practice obtain in your Court of advising the party so complaining to be strict in his supervision over his crew—to carry out in its strictness the letter of the law? He comes before me as Water Police Magistrate, not as Shipping Master.
15. As Shipping Master do you feel yourself bound to protect the interests of the seamen equally with those of the captain or owner? Most assuredly.
16. Do you consider that the laws, as they at present exist, tend to protect seamen in these Colonies, or owners? I think the law is stringent, and gives great power of punishment, but

S. North,
Esq.
5 Feb., 1861.

S. North,
Esq.
5 Feb., 1861.

it was passed at a time when it was absolutely necessary it should be strict—the time of the gold diggings.

17. You consider that that necessity has now passed away? I would not say that altogether.

18. But you admit that this law was passed when a far greater necessity for strictness existed? At that time it was impossible for a captain to keep his crew when a vessel entered port.

19. Consequently extreme measures were adopted? I presume so; it was before I was Water Police Magistrate.

20. You must admit that the necessity for these strict laws does not now exist? I would not say that; but I would say that the law is not carried out with the strictness it was in these times, because it is discretionary with the Magistrate to commit to hard labour for twelve weeks, or twelve hours, or one hour.

21. But if you sentenced a person for more than one month he would have the power to appeal to the ordinary Courts of Justice? I am not aware of that.

22. I believe you will find in the Imperial Act that any person sentenced for more than a month has the power, upon giving notice, of appealing to the Quarter Sessions? I am not aware—I never knew an instance of the kind. The Imperial Act has, I think, 560 clauses, but you will remember that there is a Colonial Seamen's Act.

23. The Imperial Act also obtains here? With British vessels, but not with Colonial; the latter come under the Colonial Act.

24. Does it not imply that the necessity for the strictness of this enactment does not now exist, when, in your discretion, you do not carry out the penalties which it is competent to you to inflict? The Magistrates do sometimes carry them out in bad cases, and I think it is a wise discretion to allow the Magistrates.

25. In extreme cases—but should not the law be made for the rule and not for the exception? I think the Magistrate ought to have the discretion given by the present Act, and I hope that discretion will always be exercised properly.

26. Can you tell me whether, if any person be suspected by a policeman of being a runaway seaman, the policeman can apprehend him without any warrant? It has been constantly done.

27. Is it your opinion that this is in accordance with the rights of British subjects? I think a person who was not a deserter would have a cause of action, but that is a question for a lawyer.

28. You say he would have ground of action? I may be wrong in that; I am not a lawyer.

29. It is merely your own opinion—but what would be the value of this action against a water policeman—what compensation could he get? When you say water policeman I must tell you that the greater number of those who are apprehended are apprehended, not by the water, but by the city police.

30. I must amend my question, and I would ask what compensation would he be likely to get from a city policeman? I have no hesitation in saying he would not get much from a constable.

31. So that an action would only result in a farther expenditure of money? Yes.

32. Have any particular cases of this description come to your knowledge which have been attended with great hardships? I cannot recollect any particular instances just now, but there have been some I believe.

33. Will you be kind enough to inquire in your office whether there have been such cases, and let the Committee know the result? I will endeavor to do so, but it is a difficult matter to find cases of that description now; it would be necessary to search over the records of years.

34. I do not allude to the records of years, I confine myself to the time during which you have held this office of Shipping Master? The questions put to me refer more to my duties as Water Police Magistrate than as Shipping Master.

35. The duties of Shipping Master are supposed to be identical with those of one placed for the protection of seamen—and I ground my question upon the protection the seamen ought to be warranted in expecting from the Water Police Magistrate? If I found any case of oppression, as Shipping Master I would bring it into the other Court, under the notice of the Water Police Magistrate. As it is, the Deputy Shipping Master constantly attends before me to prosecute men whose ships have left the port, and whose captains have left authority with him.

36. Do many complaints of the working of the shipping laws reach you from owners and seamen? No.

37. *By Captain Moriarty*: I think probably the idea of protection which, as Shipping Master, you would wish to afford to seamen, would be confined to the fact that in any one of the acts connected with their shipping, you would see absolute justice done to them? Yes; and I would see that the seaman's accounts were correct. If a man is not satisfied with his accounts, it is my duty, as Shipping Master, if the captain will not agree to pay, to advise the man to get a summons against him.

38. That would be what you would consider one of these simple acts of justice to be performed by you, as Shipping Master, as between the man and the master of the vessel? Yes; that would be one of my duties.

39. *By the Chairman*: In your capacity of Shipping Master, do any cases of ships' or steamers' articles being thrown up before the completion of the time come under your notice; and if so, do you know the cause of their abandonment? I know that old articles are cancelled.

40. I refer to cases where old articles are cancelled, and new ones are immediately entered into? I am not aware of such cases except where there is some change in the voyage that would render the old articles incomplete, or where the whole of the crew has been discharged.

41. Have any cases come under your notice where, after the crew of a steamboat or other vessel has, under the Colonial Act, engaged a crew for a period of three months, during that period wages in the port have fallen, and in order that the owner or employer might get the advantage of the reduction in the price of labor, he has, without any fault on the part of the men, exercised the power universally held by the shipowner, by reason of the one-sided manner in which the shipping articles are drawn up, discharged his men at the end of the voyage, and before the expiration of the term for which they were bound? I am not aware that complaints of that kind have been made.
42. Have such cases come under your notice in any way? I cannot say that they have.
43. As Shipping Master you have not observed such cases? If a man is discharged improperly before the term of his articles he is entitled to a month's wages.
44. *By Mr. Love:* In addition to what he has received? Yes.
45. *By the Chairman:* Do you recognize this as a correct copy of the usual articles signed by seamen in this port. (*Handing witness a copy of ship's articles.*) If so, you will observe that there the owner considers himself justified in discharging his seamen at any time within three months without compensation? That is a correct copy of ship's articles—all articles made here bear the signature of the Deputy Shipping Master, Captain Shorter.
46. You perceive that the men in those articles agree "for any period not exceeding six calendar months"—are you aware that in this case the owner considered himself justified in holding the parties signing for the full period of six months? He can do so no doubt.
47. But that he claims a right to discharge any, or all of the crew at any time during the six months, at his own pleasure? There is no condition of the kind in the articles.
48. Have not cases come under your notice where you have held that the owner was justified in so discharging? I am not aware of any.
49. Do you consider that a seaman who had signed these articles would be justified in leaving prior to the end of the six months? I do not think he would.
50. And you do not consider that the owner would be justified in discharging one of these men before that time? I think he would be liable to the payment of a month's wages, provided the man sued him for it.
51. You are not aware then that Steam Navigation and other Companies are in the habit of discharging their hands without paying them a month's wages, and without giving them a month's notice? No, I am not.
52. No such cases have come under your notice? No, but I would beg to observe that in matters of that kind the Deputy Shipping Master, who does the work, would be better able to give you information than I, because my employment is on the other side of the building, and I only go to the Shipping Office if a particular case requires my attention.
53. Do many cases of wilful disobedience of orders come before you, either as Shipping Master or as Water Police Magistrate? In my capacity as Water Police Magistrate they do frequently.
54. Have you observed instances of hardship to seamen in such cases? Sometimes there is hardship, and the cases are disposed of on that ground if the masters are unreasonable in their demands.
55. Will you be kind enough to look at that case (*referring the witness to the proceedings at the Water Police Office, reported in the Sydney Morning Herald of Friday, December 9th, 1858*)—do you recognize that case? I do.
56. Do you recognize the penalty inflicted? I do.
57. Was that a case of hardship? These men were bound by their articles to discharge the vessel at whatever time it came in.
58. Is that stated in the articles? It is—at least it was proved in evidence, and I presume was on their articles. I remember this from having read the depositions at the Water Police Office very recently.
59. Will you have the kindness to forward the depositions taken in that case? I will. (*Vide Appendix A.*)
60. Having read the depositions you consider there was no hardship in that case? I think not; the men were sentenced to six hours' imprisonment, which shews the feeling of the Magistrates was in their favor.
61. But do you not know that they were in the lock-up all night? I do not know that.
62. Or if they were not, that they were bailed out? They were found guilty of disobedience of orders, but under the circumstances they were sentenced to only six hours' imprisonment, and they recovered their wages from the master; he wanted their wages to be forfeited, because they were not in proper time to go with him, but the Bench would not hear of that.
63. Do you know whether the practice of requiring seamen to discharge cargo upon the arrival of a vessel at a port, at whatever hour of the night she may arrive, obtains among any other owners than the owners of the Kiama? No.
64. Do you think after these men had been at sea all night, and had arrived at a port, they should be called upon to discharge cargo, and then immediately to proceed to sea again—do you not think it too much to impose upon humanity? I think it is not what I should have done had I been owner; I would not have exacted the "pound of flesh."
65. *By Captain Moriarty:* This was within the bond entered into by all the parties? I think so; because the crew are bound by the articles to do whatever the master lawfully orders, and therefore, at whatever hour a vessel arrives in port, if he orders the men to discharge cargo they are bound to do so, or are guilty of disobedience of orders if they do not. They were punished for a breach of the law, but the penalty was very light indeed. It is an assault for you to raise your hand to another gentleman, even though you are not within a foot or two of him, and if you were charged with it, it must be treated as an assault, and punished; but in such a case the punishment would be very light indeed.

S. North,
Esq.
Feb., 1861.

- S. North,
Esq.
5 Feb., 1861.
66. *By the Chairman*: Does it obtain under the Colonial Act that a less price is charged to the owner for shipping a crew than is proportionally paid by a single individual? I can shew the Committee the scale of fees. (*Vide Appendices B. and C.*)
67. There is a scale of fees in the Imperial Act—is that scale similar? The Imperial Act authorizes the seaman to be charged 1s. when he ships, and 1s. when he is discharged; but here the captain pays 2s. each for shipping, and the seaman pays 2s. when he is discharged; so that the expense to the seaman is exactly the same as in England.
68. *By Captain Moriarty*: Only collected in a different way? Yes.
69. *By the Chairman*: Except that coasters in England do not sign articles at the Shipping Office; they are charged nothing, either for shipping or discharging? I believe not.
70. According to this scale, as the riches of the party increase the tax diminishes? The amount proportionally decreases as the tonnage increases.
71. Have any complaints reached you as Shipping Master, with regard to the changing of a crew from one ship to another? There were complaints of that nature, but that has been settled by Act of Parliament.
72. In what way has that been settled? A new Act has been passed to enable the owners to compel crews to serve in any vessel belonging to the owner to whom they have signed articles (23 Victoria, No. 11). That was passed at the solicitation of owners of steamers.
73. Have you had any complaints from seamen with regard to this Act? I have not.
74. *By Captain Moriarty*: I understood you to say that the articles were mutual only so far as to entitle the seaman to one month's pay, in the event of his owner discharging him prior to the expiration of his term? Yes.
75. By what clause of the Act has the master the right to discharge a seaman by payment of one month's wages, although the articles may have been signed for six months? You will find the clause in the Imperial Act, which gives power to the Magistrate to impose a penalty in cases of breach of agreement of not more than one month's wages.
76. *By the Chairman*: I think you did not understand my former question, which was this—Whether you would consider it just, that in consequence of the fall of wages subsequently to the signing of articles, and for no fault on the part of the men, the master should cancel the first articles before their expiration, and re-engage the men at a lower rate? He could not substitute new articles without the men were willing.
77. Might they not be compelled by circumstances? I am not aware of any complaint of that nature having come before me.
78. You are not aware that no later than last week the articles of the "Collaroy" steamer were broken and new engagements entered into for the purpose of reducing wages? I am not.
79. *By Mr. Allen*: Did I understand you to say that if this agreement were broken before the six months expired that the men would be entitled to a month's pay? Yes.
80. The ship's articles before me say—"The M'Leay River or any port or ports on the coast, backwards and forwards, forwards and backwards, for any period not exceeding six calendar months." Suppose this vessel made two trips in four months, and the owners then required to discharge the men, could they not do so? On payment of a month's wages. The Police Magistrate could not give more, but the men might sue in the District Court for damages.
81. *By Captain Moriarty*: I wish to elicit your view of the matter, if you will be kind enough to favor me with it—I understand you to say that these articles are binding on the crew for six months, and that they are only operative upon the owner to the extent of one month's wages? I think that is all the men can sue for in the Police Court.
82. So that if wages rise the men already shipped can derive no benefit? Suppose a man to have shipped for three months at £3 a month, and at the end of the first month, wages rise to £6 a month, the captain can keep him; but, on the other hand, if he ships at £6 a month, and wages fall to £3, the captain can discharge him, so that in fact there is no mutuality whatever, and the articles, so far as justice to the seamen is concerned, are a farce.
83. *By Mr. Love*: (*Referring to the ship's articles produced.*) Is this the usual form of drawing up ship's articles? Sometimes there is an addition made.
84. I speak with reference to the words "not exceeding six months?" If it is intended that they are to be discharged at any other port it is stated.
85. *By Mr. Allen*: That is not the point—suppose the ship comes here four months after the articles are signed, and the voyage is terminated, is the captain at liberty to discharge the men without giving them a month's wages? He ought to give a month's wages, and the men can sue him for it if he did not.
86. *By Mr. Love*: Would it not be better, in drawing out documents of this kind in future, to bind both parties for an equal length of time? I do not see that, for the seaman knows if he is discharged before his time, and has his remedy.
87. *By the Chairman*: Has it ever come to your knowledge that a seaman has obtained this month's wages? I cannot recollect a particular instance, but I have no doubt there have been cases.
88. Will you have the goodness to send to the Committee such evidence on this point as you can lay your hand upon? I will endeavour to do so. (*Vide Appendix—Letter, par. 2 and 3.*)
89. Do you consider this a breach of the shipping regulations (*referring to the ship's articles, and pointing out the words "sufficient without waste," under the head of "Scale of Provisions"*)? It is the custom on board Colonial vessels, and if the captain does not satisfy his men he has to suffer for it.
90. Are you aware that great dissatisfaction exists in many employments and many vessels from the want of a regular scale of provisions? No, I am not, and I do not think it does, for this reason, that that part of the article is always particularly explained to the men; if any dissatisfaction were expressed the regular quantity of bread, beef, pork, &c., would be put in. I believe the men in Colonial vessels generally prefer to have those words in the articles, and they have as much as they can eat.

91. Does it not prevent any inquiries being made into the stores of a vessel proceeding to sea;—does it not tend to defeat any such inquiry? I do not know anything about inquiries into such matters, but I believe such inquiries are never made of Colonial vessels.

92. Vessels going to the cedar rivers are often blocked in for a long time and the crews are almost starved—is not that so? We have no means of remedying that.

93. If an examination were made of these vessels prior to their proceeding to sea, as to the supply of stores on board, would not that lessen this evil? No doubt it would if power were given to make such an examination.

94. If this (*the ship's articles*) were to leave your office without such a condition the power would not exist? If they had a short allowance on board they could not give the men sufficient.

95. *By Captain Moriarty*: I understand you to say that these articles are binding on one party and not on another? They are binding on both; they are binding on one to give six months' service if employed so long, and if not the other party has to pay a month's wages.

96. That is the law? And the practice.

97. The men are bound absolutely for six months—the master is not? Yes.

98. Are you not of opinion that all articles should be equally binding on all the parties who sign them? Yes.

99. *By Mr. Allen*: Have you any information to tender to the Committee respecting the seamen's lodgings? I have a return of all the lodging-houses, shewing their number from the date of their first establishment in 1854. (*Vide Appendices D, E.*)

100. Do you find the establishment of seamen's lodging-houses, apart from common lodging-houses, works well—do you think it tends to improve the comfort and morality of seamen? I think it does; it prevents their being plundered in common dens and public-houses. We hope to have a Sailor's Home before long. When the new Governor arrives we hope to have the foundation stone laid.

101. In lodging-houses for sailors the charges are regulated by law, I suppose? No.

102. There is no law as to the amount the owners of these houses may charge? No; the number of licenses issued last year was 28, the smallest number ever issued.

103. Have they the opportunity of charging any price they like? Yes.

104. And the sailor must go to them and nowhere else? Yes, but there is great competition among lodging-house keepers, and some receive sailors at very low rates.

105. *By the Chairman*: Do you conceive that this system tends to increase the morality or improve the social position of the seaman, or that it is a mere adjunct to the police department to enable the police more readily to lay their hands on seamen? I think the sailors are more comfortable in these houses.

106. Will you tell the Committee why? Because these houses are inspected by the police, and I never grant a license until I see that the house is fit for the purpose; that there is proper accommodation; that the house is kept in a clean and proper state. I always visit these houses in the months of December or January, before the licenses are issued.

107. At stated periods? At uncertain times. I visit them before issuing the licenses, but my Inspector visits them monthly.

108. Generally at stated periods? Not exactly at a stated period.

109. Within three or four days of licensing? When I visit them I go as late in December as I can.

110. So that the lodging-houses can be prepared in every way for your inspection? But my Inspector visits them monthly; he has to make a report of the state of the houses during the year.

111. His visits insure the cleansing of these houses once a month? I suppose they are cleansed more frequently, for he does not go at any stated period, either at the first or at the last of the month, but when he feels inclined, or when I order him.

112. Have you any knowledge of the system of licensing lodging-houses in Great Britain? I have been so long in this Colony that I have no knowledge of these matters.

113. *By Mr. Allen*: I understood you to say that the competition between the lodging-houses was a sufficient guarantee that the seamen's wants and comforts were provided for? I would not say that it was sufficient protection, but that it tends greatly to his comfort. It is far to be preferred to the old system, when the sailor went to disorderly houses and fell into the hands of prostitutes.

114. *By Captain Moriarty*: Are you of opinion that all the keepers of lodging-houses are persons of good character? They are so certified to me; they have to obtain the certificate of five persons.

115. Has it come to your knowledge that some certificates have been given to disreputable persons? When it has come to my knowledge I have refused to give the parties a license again.

116. Have there been such cases? There have.

117. Have there been many? No.

118. *By the Chairman*: Do you inquire into the respectability of the persons recommending? I see who they are, they are residents in the neighbourhood, and their occupations are put down.

119. *By Mr. Love*: Are there any lodging-houses for seamen licensed on the place called "The Rocks?" Yes, the greatest number of these lodging-houses.

120. Formerly Gallows Hill? I do not know Gallows Hill; but along Gloucester, Cumberland, and Harrington streets, these, with Lower George-street, are the principal streets where these lodging-houses are found.

121. *By Captain Moriarty*: You have stated that the number of persons engaged in keeping lodging-houses for seamen affords a guarantee that their comfort shall be attended to; do you

S. North,
Esq.

5 Feb., 1861.

S. North, Esq.
5 Feb., 1861.

you not think if every person keeping a boarding-house might accommodate them their comfort would be still further provided for? If there were a General Lodging-house Act, there would be no occasion for a separate Seamen's Lodging-house Act; but so long as we are without such an Act, I think the present Act is necessary. Before the passing of this Act seamen were crowded together in a most uncomfortable and unhealthy manner. Now every house is licensed for a particular number. If a house has accommodation but for ten, it is licensed for ten only; if for twenty, it is licensed for twenty.

122. Is there any valid reason why a seaman should not go and live where he pleases? I can see no reason except to promote his own comfort.

123. Would you not allow every man to judge for himself as to what would contribute to his comfort—?

124. *By the Chairman:* I believe what Captain Moriarty wishes to express is, whether there is any reason why a seaman shall not lodge where he thinks proper, irrespective of this license? The law is against it, that is all I know. Even now the Attorney General is of opinion that it is unlawful for a publican to take in a seaman* without he takes out a license for that purpose.

125. *By Captain Moriarty:* The propriety of the Act is what we are considering—its advisability or necessity? I think it is a wise Act. There are no instances of hardship arising. No person has ever been prosecuted for taking in a single seaman, a friend, or a relative. The Act is not carried out in a severe manner.

126. *By the Chairman:* "A friend" is a very wide term, and if a person were never prosecuted for lodging a friend, I imagine that it might always be pleaded by a person who had a seaman in his house that he was a friend? I would not conceive that in such a case the house could be called a "common" lodging-house. If you or I took in a cousin, a nephew, or son, to lodge with us, it is not likely we would be prosecuted for it.

127. But at the same time, according to your own shewing, it is the Attorney General's opinion that should a publican allow a seaman to board and lodge in his house he would be liable to conviction under the Act, as keeping a common lodging-house? The giving accommodation to a solitary seaman would not constitute the house a common lodging-house.

128. The Act does not make such a distinction, this is a distinction made in your discretion? I make a distinction between a common lodging-house for seamen, and a house which gives accommodation to one seaman.

129. Do you consider the protection afforded by that law is equal to the inconvenience caused by it? Do you mean inconvenience to the seamen?

130. Yes? I think seamen are pleased with it, and would rather have it.

131. With regard to the shipping charges, have you any schedule that would show the profit, if any, resulting to the Government from this direct tax upon the labor of seamen? Yes.

132. Shewing the amount of profit over the working expenses? Yes.

133. Will you be kind enough to append that? Yes. (*Vide Appendices E and G.*)

134. Have any cases come under your notice where Magistrates have adjudicated in their own causes? I am not aware of any; if such cases had come to my knowledge, I should have objected to the parties sitting.

135. Can you remember whether, in the case of the "Kiama," to which I have referred, the Magistrates sitting with you on the Bench were unanimous in their decision? I believe so. Captain McLean and Mr. Graham, I think, were the Magistrates, and were unanimous. I cannot charge my memory with that. I may be wrong.

136. With respect to the discharge of cargo at any hour of the night you think he is bound by the Act to do so, quite irrespective of any fatigue he may feel? I think if it is in his agreement; particularly when a great loss might arise to the owner if it were not done.

137. Without any regard to his fatigue, he must work as though he were a cast-iron man or machine? I have nothing to do with the making of the laws; I simply administer them.

138. I think I understood you to say that this short Act meets your approbation in all respects? I do not say that. There was an amendment made at the very last moment, at my particular wish, in favor of the man—"Provided also that any seaman who has a claim for wages may sue either the owner or master of the vessel in which he has last sailed notwithstanding that the said master has not signed the agreement." That was put in at my suggestion by Mr. Wise, who was then Attorney General. (*Vide Appendix—Letter, par. 4.*)

APPENDIX.

Water Police Office,
Sydney, 9 February, 1861.

Sir,

As requested in your letter of the 7th instant, I have the honor to return herewith the copy of my evidence before the Select Committee of the Legislative Assembly on the Merchant Seamen's Acts.

2. I regret to find that, in the part of the evidence touching the engagements of seamen, as set forth in a copy of ship's articles placed in my hands by the Chairman, I have committed an unintentional error in stating that under that agreement a seaman could recover a month's wages if discharged before the end of the six months for which he had engaged. On referring to the Imperial Act, the Colonial Seamen's Act, and the Water Police Act, 17th Vict., No. 36, section 10, I find that the clause only authorizes compensation when the seaman is discharged before the commencement of the voyage, or before a month's wages is earned.

3. A crew engaged for a voyage "from the port of Sydney to any port or ports on the coast backwards and forwards and forwards and backwards for any period not exceeding six calendar months" may, after going two voyages, be discharged in Sydney on payment of the wages then due, without further compensation.

4.

* NOTE (by witness on revision):—Take in seamen, not a seaman.

SELECT COMMITTEE ON SEAMEN.

4. I wish also to remark, with respect to my last answer, in which it is stated that the Act of Parliament, 23rd Vict., No. 11, was passed whilst Mr. Wise was Attorney General, on consideration I now think that although the Bill originated with him he had ceased to be Attorney General before it became law.

5. I beg you will lay this letter before the Select Committee, with my request that the explanation may be added to my evidence before it is printed.

I forward the undermentioned Appendices (*thirteen, vide A to M*).

To Charles Tompson, Esq.,
Clerk of the Legislative Assembly.

I have, &c.,
S. NORTH.

S. North,
Esq.

5 Feb., 1861.

A.

DEPOSITIONS taken at the Water Police Court, Sydney, Thursday, 8th December, 1859, in the Case of Richard Fuller and five other Seamen of the Steamer "Kiama," charged with disobedience of lawful Commands.

NEW SOUTH WALES, }
City of Sydney, to Wit. }

THE information and complaint of Robert Mailler, master and commander of the Colonial registered steamship "Kiama," of the burthen of 104 tons, now lying in the harbour of Port Jackson, in the Colony of New South Wales, taken on oath before me, the undersigned, one of Her Majesty's Justices assigned to keep the Peace, in and for said Colony, where the said ship now is, to wit, at the City of Sydney, in the said Colony, this seventh day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and the said Robert Mailler, on his oath, informeth me, and saith, that Richard Fuller, James Lattimer, James Fuller, Peter Byrne, William Jones, and Thomas Nielson, six seamen of the said ship, did, at Sydney, in that part of Her Majesty's possessions called New South Wales, sign a certain Agreement with this Deponent, to serve on board the said ship, as seamen, on a coasting voyage not to exceed six calendar months, which voyage is still in progress. And Deponent saith that the said six seamen did, on the fifth day of December, in the year of our Lord one thousand eight hundred and fifty-nine, at Port Jackson aforesaid, in the Colony aforesaid, unlawfully refuse to obey lawful commands on board said steamship, contrary to the form of the Statute in such case made and provided. And the said Robert Mailler prays that the said six seamen may be apprehended by my Warrant, and that I, the said Justice, will proceed in the premises according to law.

ROBERT MAILLER.

Sworn before me, at Sydney, this }
7th day of December, A.D. 1859. }
S. NORTH, J.P.

(C. 11 & 12 VIC., CAP. 43.)

Warrant in the First Instance.

To the Sub-Inspectors and Constables of the Water Police Force, Sydney, in the Colony of New South Wales, and to all other Police Officers in the said Colony.

WHEREAS information hath this day been laid before the undersigned, one of Her Majesty's Justices of the Peace in and for the said Colony of New South Wales, for that Richard Fuller, James Lattimer, James Fuller, Peter Byrne, William Jones, and Thomas Nielson, six seamen of the Colonial steamer "Kiama," did, on the fifth day of December instant, unlawfully refuse to obey lawful commands on board said ship; and oath being now made before me by Robert Mailler, master of said ship, substantiating the matter of the said information; These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said six seamen, and to bring them before some one or more of Her Majesty's Justices of the Peace in and for the said Colony, to answer to the said information, and to be further dealt with according to law.

Given under my Hand and Seal this seventh day of December, in the Year of Our Lord one thousand eight hundred and sixty-one, at Sydney, in the Colony aforesaid.

S. NORTH, J.P.

Water Police Court, Sydney,
Thursday, 8 December, 1859.

Before Samuel North, Esq., W.P.M.; Captain M'Lean, J.P.; and James E. Graham, Esq., J.P.

Mr. Robert Ellis, Solicitor, appears for prisoners.

Robert Mailler v. Richard Fuller, James Lattimer, James Fuller, William Jones, and Thomas Nielson.
Disobedience on Board Steamer.

Prince F. Little, on oath, states: I am a Constable in the Water Police; about a quarter past eleven o'clock yesterday forenoon I apprehended the five prisoners in Phillip-street, by virtue of the warrant I produce, charged with disobeying lawful commands on board the steamer "Kiama," on the 5th of this month.

Sworn at the Water Police Court, Sydney, }
this 8th December, 1859, before— }

S. NORTH, J.P.

J. M'LEAN, J.P.

PRINCE F. LITTLE.

Prisoners plead not guilty.

Robert Mailler, on oath, states: I am the master of the Colonial registered steamer "Kiama," now in this harbour; the five prisoners are seamen belonging to that vessel; they signed the articles produced for the voyage, which commenced on the 16th of October last, and is for six months; I charge those five men with disobeying lawful commands on Monday evening; at half-past five on Monday morning the steamer left Shoalhaven, but we did not arrive here till midnight, through stress of weather; we were advertised to leave here again the same night, at eleven o'clock; when I told the five prisoners to discharge the vessel they refused, and afterwards when they were on the wharf I ordered them again to do so, in the presence of Mr. Manning, and they still refused; with great difficulty I found men to take their place to work out the cargo, and Mr. Manning insisted on my having other men to go the voyage; I then told the mate to inform the men, but the five prisoners were not then on board, having left the vessel without notice; I engaged six other seamen, in place of prisoners, for the run, and on the following morning (Tuesday), at daylight, when the vessel was ready to sail, the prisoners came on board, when they were told that men had been engaged in their places; I hold an account for £8 8s., which I had to pay the men employed in place of the prisoners.

By the Bench: It has always been customary for the crew to discharge the deck cargo if called upon to do so in the middle of the night; the prisoners refused to do any more work on board before a third of the deck cargo was discharged on this occasion; the deck cargo consisted of pigs, and kegs of butter.

butter, and bags; the crew take the watches on board in their turn; I wanted all hands to assist in discharging; there is a special clause in the articles produced which states that "all stock and cargo to be landed on arrival at the wharves."

Cross-examined by Mr. Ellis: We commenced at five o'clock on Monday morning to take in the cargo, owing to the men having refused to do it on Saturday evening; the crew discharged about one-tenth of the cargo; I wanted them to pull or carry the pigs on shore, as it is dangerous to drive them on shore in the dark; we were 15 hours on the passage; the crew were not twenty-one hours continuously on duty on Monday; they did duty watch and watch alternately at sea.

By the Bench: Occasionally, when there is no other boat to take our place, we have had to discharge cargo and leave again the same night; we are due in about seven, and out at eleven, but on this night were late, as stated.

Cross-examined by Mr. Ellis: It was in the middle of the night that I wanted the men to discharge the cargo; I have discharged the cargo with the crew in the middle of the night on numerous occasions before this.

Sworn at the Water Police Court, Sydney, }
this 5th December, 1859, before— }

ROBT. MAILLER.

S. NORTH, J.P.
J. McLEAN, J.P.
JAS. E. GRAHAM, J.P.

Thomas Pringle, on oath, states: I am the chief officer of the steamer "Kiama"; on Monday night when we arrived here the crew commenced to discharge the deck cargo, and had removed a quantity of butter and some hen coops, but when they heard that orders were given for them to discharge all the cargo, and load the other cargo, they stopped work; when they stopped I told them it was Mr. Manning's request that they should discharge the old cargo and take in the new one that night; they said they could not do it, they were not able; one or two of them said that: they were all present; they did not do any more work, but went and cleaned themselves, and went on shore I believe; with the assistance that we had, it would have taken three hours for the men to have discharged the cargo, and other two hours to load the other cargo; at daylight, when we were ready to start, prisoners came on board, but we did not take them, as we had men employed in their room.

Cross-examined by Mr. Ellis: We left Shoalhaven at 9 o'clock, after taking in cargo there; called at Kiama and Wollongong, where we also took in cargo; prisoners did not refuse work until they arrived here; the prisoners were offered yesterday their discharges if they would take them without wages.

By the Bench: I have been three years in steamers; it has been customary at the Phoenix Wharf to discharge cargo and take in the new cargo late at night; the pigs would average about one hundredweight each; when the prisoners refused I did not hear the captain say he did not want them.

T. PRINGLE.

Sworn at the Water Police Court, Sydney, }
this 8th December, 1859, before— }

S. NORTH, J.P.
J. McLEAN, J.P.
JAS. E. GRAHAM, J.P.

FOR THE DEFENCE.

Peter Byrne, on oath, states: I am a seaman belonging to the steamer "Kiama"; on Monday last on our arrival here we discharged all the deck cargo, with the exception of the pigs and calves, and bags of maize and potatoes; the watch in which I and two of the prisoners were, was below three hours on the passage from Shoalhaven; the crew consists of six hands; before we knocked off work we went to Mr. Edye Manning, who was on the wharf at the time, and asked him if he wanted us to discharge all the cargo; he said he did not expect us to do anything unreasonable; we then went below, as we expected the pigs were not to be unloaded till daylight; the Captain afterwards sent the Mate forward to order us to unload all the cargo; we came on deck, when the Captain told us we were to carry the pigs on shore; we told him we were not able to do it, that we had been so long at work we were too fatigued to do it.

Cross-examined by Mr. Ellis: Yesterday morning the Mate told us on the wharf that we could have our discharges, but we should have no wages; I went home, and one of the other prisoners left the vessel with me.

By the Bench: We offered to drive the pigs off the deck, but we were told we must carry them, also the calves; he said we were to carry the stock; he did not mention either pigs or calves.

Sworn at the Water Police Court, Sydney, }
this 8th December, 1859, before— }

PETER BYRNE.

S. NORTH, J.P.
J. McLEAN, J.P.
JAS. E. GRAHAM, J.P.

To be imprisoned six (6) hours.

S. NORTH, J.P.
J. McLEAN, J.P.
JAS. E. GRAHAM, J.P.

Water Police Court, Sydney,
Thursday, 8 December, 1859.

Before Samuel North, Esq., W.P.M.; Captain McLean, J.P.; and James E. Graham, Esq., J.P.

Robert Mailler }
c. } Disobedience, 5th instant.
Peter Byrne. }

Prince F. Little, on oath, states: I am a constable in the Water Police; about half-past ten o'clock this morning I apprehended the prisoner in this Court, by virtue of the Warrant I produce, charging him with disobedience on board the steamer "Kiama," on the 5th of this month.

Sworn at the Water Police Court, Sydney, }
this 8th December, 1859, before— }

PRINCE F. LITTLE.

S. NORTH, J.P.
JAS. E. GRAHAM, J.P.
Prisoner pleads guilty.

To be imprisoned six (6) hours.

S. NORTH, J.P.
JAS. E. GRAHAM, J.P.

APPENDIX TO THE FOREGOING EVIDENCE.

9

B.

SCALE OF FEES for matters transacted at Shipping Office, under the Act of Council, 17 Vict., No. 36, Section 40.

1. Engagement of Crews:—

	£	s.	d.		£	s.	d.
Vessels under 60 tons	0	5	0	500 to 600	1	15	0
60 to 100	0	10	0	600 to 700	2	0	0
100 to 200	0	15	0	700 to 800	2	2	6
200 to 300	1	0	0	800 to 900	2	3	0
300 to 400	1	5	0	900 to 1,000	2	7	6
400 to 500	1	10	0	Above 1,000	2	10	0

2. Engagement of Seamen separately—two shillings for each.

3. Discharge of Crews:—

	£	s.	d.		£	s.	d.
Vessels under 60 tons	0	5	0	500 to 600	1	15	0
60 to 100	0	10	0	600 to 700	2	0	0
100 to 200	0	15	0	700 to 800	2	2	6
200 to 300	1	0	0	800 to 900	2	5	0
300 to 400	1	5	0	900 to 1,000	2	7	6
400 to 500	1	10	0	Above 1,000	2	10	0

4. Discharge of Seamen separately—two shillings for each.

5. Register Tickets and Certificates of permission to be employed—two shillings for each.

6. Advertisement of Deserters—one shilling each deserter.

7. On Registering Lodging-house Licenses—five pounds.

C.

SCALE OF FEES or Charges for Printed Forms and Documents supplied at the Shipping Office, under the Act of Council, 17 Vict., No. 36, sec. 42, fixed by the Shipping Master, and approved by the Government.

	£	s.	d.	
1. Foreign-going Ships' Articles	0	2	0	Each.
2. Whaling Ships' ditto	0	2	0	"
3. Colonial ditto ditto	0	1	0	"
4. Advance Notes	0	0	3	"
5. Inward Lists	0	0	3	"
6. Outward ditto	0	0	3	"
7. Special Clearances for Seamen	0	0	3	"
8. Accounts of Wages	0	0	3	"

N.B.—All Ships' Articles are prepared and filled up in duplicate. The Advance Notes and Special Clearances for Seamen are also filled up and prepared, and all free of any charge whatever for such preparation and filling up, the above charges being merely to cover the cost of paper and printing. In every instance they are paid for by the Masters of Vessels and not by the Seamen.

The only fees payable by the Seamen are those for a Certificate of Permission to Employ, or for a Discharge—2s. in either case, under sections 5 and 40, and distinctly set forth in the Schedule to the Act.

S. NORTH.

D.

REVIEW of the Number of Licensed Lodging-houses for Seamen in Sydney, during the Seven Years ended 31st December, 1860.

Period.	Number of Licensed Lodging-houses.	Number of Seamen Licensed for.	Average Number of Seamen for each House.	Fees Received for Lodging-house Licences.
				£ s. d.
1854	44	517	11	220 0 0
1855	49	623	12	245 0 0
1856	42	516	12	210 0 0
1857	40	506	12	200 0 0
1858	29	431	15	145 0 0
1859	33	538	16	165 0 0
1860	28	448	16	140 0 0
	265	3,579	94	1,325 0 0
Annual Average ...	38	511	13	189 5 8

S. NORTH.

E.

PENALTIES respecting Lodging-houses for Seamen, under the Act of Council, 17 Vict., No. 36.

	£	s.	d.
Sec. 31.—Penalty for every day on which a Lodging-house for Seamen shall be kept without License, any sum not exceeding	10	0	0
Sec. 33.—Penalty for keeping Licensed Lodging-house for Seamen without the keeper's name being painted at length, legibly, with the words "Licensed Lodgings for Seamen" over the door, any sum not exceeding	5	0	0
Sec. 34.—Penalty on any person not holding a License, for keeping any sign, writing, painting, or other mark, on, or near, his premises, implying that the same are those of a Lodging-house for Seamen, any sum not exceeding	10	0	0
Sec. 36.—Penalty on any person soliciting any Seaman to become a Lodger in any house not Licensed, a sum not exceeding	5	0	0

S. NORTH.

F.

RETURNS of the Revenue and Expenditure of the Shipping Office, Sydney, for Seven Years, ended 31st December, 1860.

Period.	Revenue of the Office.			Expenditure for the Officers.			Excess of Revenue over Expenditure.			Average Annual Revenue.			Average Annual Expenditure.			Average Annual Excess of Revenue over Expenditure.			Remarks.
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	
1854	3,107	9	3	1,875	18	8	1,225	10	7	2,621	11	2	1,451	3	4	1,170	7	10	The cost of Printed Forms, Books, &c., Stationery, Incidental Expenses, and Repairs of Buildings, are not included in the column of expenditure.
1855	3,172	1	6	1,965	0	8	1,207	3	10										
1856	2,674	12	6	1,458	18	6	1,215	14	0										
1857	2,519	16	3	1,396	5	9	1,123	10	6										
1858	2,289	4	0	1,443	0	0	846	1	0										
1859	2,348	19	9	1,008	0	0	1,340	19	9										
1860	2,238	12	3	1,008	0	0	1,230	12	3										
Totals.	18,350	18	6	10,158	3	7	8,192	14	11	2,621	11	2	1,451	3	4	1,170	7	10	

S. NORTH.

G.

A RETURN showing the Expense of the Water Police Department, at Sydney, together with the amount of Revenue collected and paid into the Treasury, from 1st January, 1854, to 31st December, 1860.

Period.	REVENUE.			EXPENDITURE.														
	Amount of Fees paid into Treasury.	Amount of Fines paid into Treasury.	Total Amount paid into Treasury.	Salaries, Judicial Branch.	Salaries, Executive Branch.	Total Expenditure.												
	£	s.	d.	£	s.	d.	£	s.	d.									
1854	461	2	10	84	8	6	545	11	4	1,313	15	10	4,555	6	6	5,869	2	4
1855	441	14	2	257	17	3	699	11	5	1,302	14	6	3,264	5	4	4,566	19	10
1856	486	16	7	206	3	10	693	0	5	1,481	18	8	3,114	18	11	4,596	17	7
1857	434	3	4	156	4	2	590	7	6	1,170	0	0	2,473	3	2	3,643	3	2
1858	406	1	8	195	3	0	601	4	8	1,170	0	0	2,376	16	11	3,546	16	11
1859	367	2	0	170	11	0	537	13	0	1,147	0	11	2,385	17	3	3,532	18	2
1860	428	14	4	305	9	6	734	3	10	1,162	10	0	2,401	5	2	3,563	15	2

Fines payable to Charitable Institutions and Moieties to Informers not included in amount of Collections.

This Return does not include Printing, Stationery, Buildings, Boats, Incidental Expenses, or Salaries of the Inspectors and Constables.

Revenue of Water Police Department for the year 1860	..	..	..	734	3	10		
Revenue of Shipping Department for 1860	..	..	..	2,238	12	3		
Expenditure of Judicial Branch Water Police for 1860	..	..	..	1,162	10	0		
Expenditure of Shipping Department for 1860	..	..	..	1,005	0	0		
						2,972	16	1			
						2,170	10	0			
						SAVING	£802	6	1

S. NORTH.

H.

RETURNS showing the Number of Seamen who have been Shipped and Discharged, and passed through the Shipping Office, Sydney, during the Seven Years ended 31st December, 1860, and the Annual and Daily Average Number thereof.

Period.	Engaged.	Discharged.	Permissions to Employ.	Register Tickets.	TOTAL.	Daily Average Number.
1854	12,647	10,075	3,760	1,900	27,782	90
1855	13,326	11,077	3,759	.....	28,662	93
1856	11,875	9,203	3,118	.....	24,196	79
1857	11,015	8,258	2,560	.....	21,833	71
1858	9,561	7,482	2,736	.....	19,779	64
1859	10,428	8,322	2,257	.....	21,007	68
1860	9,912	8,410	2,028	.....	20,350	66
	79,264	62,827	20,218	1,300	163,609	....
Annual average	11,323	8,975	2,858	185	23,372	....

S. NORTH.

I.

APPENDIX TO THE FOREGOING EVIDENCE.

11

I.

RETURN of the Arrivals and Departures of Foreign-going Vessels at and from Sydney, for Seven years, ended 31st December, 1860.

ARRIVALS.

Period.	No. of Vessels.	Tonnage.	No. of Seamen.	No. of Passengers.
1854	978	382,062	19,726	24,668
1855	948	299,327	17,114	29,661
1856	811	286,225	14,612	21,372
1857	814	290,929	16,495	22,248
1858	797	294,254	16,142	32,502
1859	799	272,495	16,094	17,187
1860	864	292,664	18,263	23,194
TOTALS ..	6,011	2,126,956	118,386	170,822

DEPARTURES.

Period.	No. of Vessels.	Tonnage.	No. of Seamen.	No. of Passengers.
1854	988	390,205	18,314	11,745
1855	984	307,150	17,133	10,426
1856	823	288,202	13,956	8,698
1857	787	301,782	15,617	6,747
1858	772	282,851	14,942	6,679
1859	777	276,769	15,784	6,017
1860	824	288,080	17,593	5,429
TOTALS ..	5,955	2,138,039	118,339	55,741

S. NORTH.

J.

ADVANCE NOTES prepared and filled up for, and issued to, Seamen, during Seven Years, ended 31st December, 1860, free of any charge to them.

Period.	Number.	Sev at an average of £5 each.	Annual average amount of money transactions in the shape of Advance Notes prepared and filled up, and thus properly secured for the Seamen, free of charge to them.
1854	1,985	£ 9,925	} £ s. d. 14,437 17 1
1855	3,494	17,470	
1856	3,294	16,470	
1857	3,569	17,845	
1858	3,092	15,460	
1859	2,621	13,105	
1860	2,138	10,790	
TOTALS	20,213	101,065	14,437 17 1

S. NORTH.

K.

RETURN of the Number of Seamen brought before the Bench of Magistrates at the Water Police Court Sydney, from the 1st January, 1854, to the 31st December, 1860.

Year.	Number Apprehended.	Committed for Trial.	Summarily Convicted.	Discharged.
1854	1,865	9	829	967
1855	1,066	1	434	631
1856	892	1	443	448
1857	1,085	..	632	453
1858	974	1	476	497
1859	711	1	394	316
1860	969	1	512	426
TOTALS	7,502	14	3,750	3,738

Drunkards taken up in the streets are not included in this return.

S. NORTH.

L.

S. North,
Esq.

L.

STAFF of the Shipping Office in 1854, 1855, and 1860.

5 Feb., 1861.

Period.	Paid Officials.	Messengers and Officekeeper.	
1854	6	2	8
1855	6	3	9
1860	3	2	5

S. NORTH.

M.

Acts of the Imperial Parliament and the Legislature of New South Wales, relating to Merchant Seamen.

IMPERIAL ACTS.

Title of the Act.	Subject.
17 and 18 Vict., cap. 104.....	Merchant Seamen's Act of 1854.
18 and 19 Vict., cap. 91	Do. Amendment Act of 1855.

COLONIAL ACTS.

No. and Date of Act.	Subject.
4 Vict., No. 17—1840.....	Water Police Act.
7 Vict., No. 21—1843.....	Do. Amendment Act.
13 Vict., No. 23—1849.....	Colonial Seamen's Act.
16 Vict., No. 25—1852.....	Foreign Seamen's Act.
17 Vict., No. 36—1853.....	Water Police Act.
23 Vict., No. 11—1860.....	Seamen's Engagement Amendment Act of 1860.

FRIDAY, 8 FEBRUARY, 1861.

Present:—

MR. LEWIS, | CAPTAIN MORIARTY.

DANIEL C. DALGLEISH, ESQ., IN THE CHAIR.

Mr. David Gibb called in and examined:—

- Mr. D. Gibb. 139. *By the Chairman:* What is your profession? Engineer.
 140. Are you accustomed to the sea service? Yes.
 8 Feb., 1861. 141. Out of this port? Yes.
 142. And subject to the regulations of the Merchant Seamen's Act? Yes.
 143. How long have you been sailing out of this port? Four years and nine months.
 144. In one employment or in several? In one employment all the while.
 145. During that time have you been continuously at sea or alternately at sea and ashore? Never ashore except when the ship I was in at the time was laid up undergoing repairs.
 146. Have you any grievances to complain of in respect to the manner in which you have been treated under the operation of the shipping law? In what respect?
 147. In any one respect. Does the action of the Merchant Seamen's law affect you to your detriment in the pursuance of your usual avocation as a sea-going engineer? I consider it puts us to a great deal of inconvenience in regard to going backwards and forwards so often to the Shipping Office, where there is not the slightest occasion for it in my opinion.
 148. Have you anything to complain of besides the inconvenience? Yes, I do not see that there is any justice in it at all; I consider it unjust.
 149. In what respect? In having to go through the form of being discharged and signing fresh articles, when you belong to the same ship and are not leaving the ship, every month or every two months or three months, as may be. I do not see any use in signing articles and paying two shillings for a discharge when you are going on in the same vessel you are getting the discharge from.

150.

150. I have here a return, which I have obtained by favor of the Water Police Magistrate, *Mr. D. Gibb.* from the Deputy Shipping Master of the port, with regard to the number of times that you have been discharged and shipped during a period of four years and nine months. I see by *8 Feb., 1861.* this that your first engagement in this port was on the 10th May, 1856? Yes.
151. And you were discharged on the 1st of July—that was not a period of two months. I find you were shipped again on the 1st of July; were the usual shipping articles run out on that occasion? That was when I joined the vessel first; I did not join at the commencement of the articles, I only got my name put on the articles.
152. *By Captain Moriarty:* Have you yourself accurate knowledge of the days when you were discharged and shipped; can you furnish us with that information yourself? I have the days that I joined a certain ship and left a certain ship, but I could not tell how often I signed articles within that period. I can say how often I have signed articles during the last twelve months. I have been in the one ship for fifteen months; I signed articles when I joined first, and then perhaps every two or three months during that fifteen I have had to go to the Shipping Office and pay two shillings and sign articles again, still in the same vessel. I have the different dates here—the dates on which I joined and left particular ships, and, during the last twelve months, the dates on which I have been discharged and again signed articles.
153. *By the Chairman:* Will you put in that document as an Appendix to your evidence? Yes. (*Witness handed in the same. Vide Appendix.*)
154. It was by the effluxion of time that you were discharged on the 1st July, and your not having joined at the commencement of the articles accounts for the shortness of that engagement? Yes.
155. I find that your next date of discharge is the 16th September; your engagements are usually for three months? For any period not exceeding three months; that is how the articles are worded, if I recollect rightly. The ship was laid up in that September.
156. I find that in the "Eagle," in 1859, you joined that vessel on the 1st of August, and were discharged on the 19th August? Yes.
157. Can you account for that discharge in that short period of time? She was only intended to make one trip a month—to sail on the first of every month.
158. Did you sign articles for one month? Yes.
159. Your articles were drawn up on that occasion not to exceed a month? I could not exactly remember if those were the words.
160. Were they the usual articles that you signed on that occasion? They were the usual articles, I believe; the space for the period is left blank and filled up as the case may be.
161. I find also that on the 1st September and 22nd September, 1859, you were discharged had you to pay two shillings on each of those occasions? Yes.*
162. So that at this rate it was two shillings a month that you were paying to the Shipping Office? Yes.
163. And what you complain of is, that whilst still in the same employ you were constantly required, under the provisions of the Act, to go to the Shipping Office and be retaxed for employing yourself? It is not being in the same employ—I was hiring still in the same ship. I would not consider it so bad, even in the same employ, if I was going to another ship; but in the same ship to go every month, or every three months, and pay two shillings, I think it is not just.
164. In this case it was every month? Yes; still in the same ship, and it was the same in the "Waratah"; you will see by the dates there how often I paid it.
165. January 5th, April 10th, May 22nd, June 25th, all in 1860—these are the respective periods of your discharge? Yes.†
166. So that on these occasions you had again to pay at the rate of two shillings a month for re-shipping in the same vessel? Yes.
167. Is that the vessel you are in at present? That is the vessel I left last week.
168. Do you know anything of the lodging of seamen? No.
169. Are you a married man? No.
170. Do you lodge in a licensed lodging-house? No, I stopped on board the ship; I had no lodgings at all.
171. Would you consider it just that you, a seafaring man, should be compelled to lodge in a seamen's lodging-house? No, very unfair; I have discussed that with two or three.
172. Do you consider that it is in any respect a benefit to seamen to be compelled to lodge in these licensed lodging-houses? No.
173. What are the evils you apprehend to result from the system of compelling seamen to lodge in a particular place? A man might have a brother or friend of any description where he might go to lodge, where he might think he would be more comfortable, and where I have not the slightest doubt he would be more comfortable than in a seamen's lodging-house.
174. But supposing that the law does not extend to relatives—it is a disputed point, I believe—would you consider it just to be compelled to lodge in common lodging-houses under any circumstances—Is there any reason why seamen should not be compelled to resort to licensed lodging-houses? I do not think they should be compelled to go to licensed lodging-houses, because they might make themselves more comfortable elsewhere, even though they might have no near friends to go to.
175. I find that in one part of your evidence you complain that the articles are drawn up for a period not exceeding three months—is that arrangement equal on the part of the seaman so signing and on the part of the Company or shipowner to whom he signs? No, from far from it.

176.

* *Note (by witness on revision):*—Only on the 22nd.† *Note (by witness on revision):*—January 5, April 10, May 22, July 9, October 29, all in 1860.

Mr. D. Gibb. 176. What is the inequality? Well, a seaman or anybody belonging to the ship cannot leave, without the captain's option at all events, until these three months are up, or if he does he must either forfeit his money or he can be punished for it at Court.

8 Feb., 1861.

177. *By Captain Moriarty*: Three months, or whatever the time may be? Yes; but he can be put away or discharged before the time without anything being said.

178. Have you known any case of this description? No, I cannot say I have personally.

179. Were you chief engineer in the Company's employment? Yes. I have discharged many a man, but it was when he came and told me he was going to try and better himself, and if any man could better himself of course I let him go.

180. *By the Chairman*: But that was optional on your part? Yes.

181. Do you remember the case, in your own vessel, under your own supervision, of a subordinate wishing to leave before the expiry of his articles, and not being allowed? That is not exactly it, because we were signing articles, and he asked then whether if he wanted to leave when the ship came into port next, he would be allowed.

182. Of whom did he ask this—the Shipping Master, the Captain, the Water Police Magistrate, or whom? I could not be positively certain, but I think he asked both the Shipping Master and the captain.

183. You are sure he asked either the one or the other? Yes.

184. You were present on the occasion? Yes.

185. Do you remember the answer? I think he said "Y s."

186. That he could leave? Yes; it is long since, a good many months ago, and I forget.

[*Captain Moriarty objected to the reception of a statement of this kind, unless the witness could speak positively as to his personal knowledge of the facts. Witness ordered to withdraw. Committee deliberated. Captain Moriarty withdrew his objection. Witness recalled, and examination continued.*]

187. *By the Chairman*: Will you be good enough to connect your ideas, as far as possible, with the preceding evidence, and go on as you were going before in your own way? As I said before, we were signing articles, and the man asked whether he would be allowed to leave when the ship came again into port. I could not be positive as to the exact words of the answer; and what I meant by his saying "Yes" was, that I do not remember whether he said anything more than the word "Yes"; but that the answer signified as much as that he could leave.

188. So that, although you sign articles, a man can leave whenever he has a mind? Not without the captain or engineer's permission.

189. *By Captain Moriarty*: Do you discharge your own crew—give us a little information on that point? I have always got to be there to ship my crew, although I have not got to sign my name to the discharge; the captain always asks me if I have all my crew there; the captain has nothing to do with looking out for firemen or trimmers for a ship.

190. *By the Chairman*: There is more than that—can the captain discharge your crew without your permission, or against your wishes? Well, I was never tried; but I believe not.

191. Does the captain, during any part of the voyage, take any command of your crew—has he any power to order them, except in cases of extraordinary emergency, with regard to any part of their duties, or are they wholly under your superintendence? I do not know whether the captain has power to order them or not; but I never saw him do it.

192. On the occasion you have just been alluding to, when you were signing articles you say the second engineer inquired of the captain or the Deputy Shipping Master, as to whether he could leave in the event of some probability or other—in the event of something which was probable occurring? Yes.

193. And the answer was "Yes"—that he could? Yes.

194. Did that person, your subordinate, wish to leave afterwards? No; he did not leave.

195. Did he express a desire to leave? Not after the ship returned in.

196. Prior to the ship going to sea—immediately after signing the articles—did he express a wish to leave? No.

197. Nor when the ship came back?—

198. Then you have no evidence to offer with regard to this question, as to whether a subordinate of yours wished to leave at any time and was prevented? No.

199. Of your own knowledge you know of no case of that description? No.

200. You have frequently, you say, taken firemen and trimmers to the Shipping Office, to discharge them, prior to the articles being expired? Yes.

201. Do you know the reason why you so caused them to go the Shipping Office; was there any particular reason? If the articles are not up I am not required to go; the captain can do then.

202. Can you tell us the reason why these men have been discharged prior to the time for which they engaged themselves, and been re-shipped in the same vessel and almost on the same day—in fact I see by the list that they have been shipped on the same day? The articles were up; we were discharged and shipped in the same vessel, but not before the last articles were up.

203. *By Captain Moriarty*: One set of articles expired, and in order to render your conduct on board the ship correct, you had to sign fresh articles, previous to going to sea? Yes, and the grievance is that we have to pay two shillings each time, although still in the same ship.

204. It is a simple question of money? It is not exactly a simple question of money to me, but I believe to others it is.

205. *By the Chairman*: Do you consider the money or the injustice of the case to be the grievance—the evident injustice of compelling you to pay two shillings to engage your services or to be discharged—or is it the amount of money? With me personally the money has nothing to do with it; it is the injustice of the thing altogether.

206. And you also complain of the unfairness of the articles in binding you, and allowing the Company or the captain of the ship, to which you are bound, to retain or dispense with your services as he thinks fit? Yes. Mr. D. Gibb.
8 Feb., 1861
207. Have cases come within your own knowledge of the articles being broken for the express purpose of re-engaging the crew of a ship at a less rate of remuneration? Well, I did not get it from a reliable source; I only overheard it, that such a thing was the case.
208. It has never occurred with yourself—your crew have never been discharged that they might be re-engaged at a lower rate? Not before the articles were up.
209. *By Captain Moriarty:* I understood you to complain of being obliged to go backwards and forwards to the Shipping Office, when, in fact, you are always in the same employment? I said always in the same ship.
210. Is it your opinion that if you were enabled to enter into an agreement as an engineer, with the proprietors of the vessels generally, for a certain period, it ought to be sufficient to enable you to be transferred from one ship to another? It is now.
211. You are obliged to go to the Shipping Office on each occasion? Not now; there has been an amendment lately.
212. Then you are not obliged to pay now when transferred from one ship to another? Not until the articles are up.
213. In signing the articles you enter into a certain contract with somebody—who is it? Well, really, I have read the articles over, but I forget how they are worded.
214. *By the Chairman:* I think you sign articles to the ship's husband, Captain Munro? Yes; we sign articles under Captain Munro now, in the Northern going boats.
215. *By Captain Moriarty:* When your name is entered on the ship's articles, you enter into a contract with some one—who is that person—is your name on the ship's articles now? My name is not on any ship's articles now.
216. Supposing you went to sea to-morrow, would your name be on the ship's articles? Yes.
217. That would be entering into a contract with some one? Yes.
218. Who is that person? I forget how they are worded, but I know the captain's name is mentioned on the articles.
219. Then you in point of fact enter into a contract with the captain? What I was going to say was, that I cannot remember whether the owners of the ship are mentioned in the articles.
220. *By the Chairman:* Here is a copy which you can suppose to be a copy of your own articles, in order that you may explain to Captain Moriarty the question he wishes to have answered? I see the articles are signed to the captain, or whoever may be the master of the steamer.
221. *By Captain Moriarty:* You sign as one of the crew? Yes.
222. And you with the rest of the crew enter into a compact with the captain to perform certain services for a certain period for a specific remuneration? Yes.
223. *By the Chairman:* This used to be the form of articles you signed—but is not the name of Captain Munro, who is ship's husband to all the Company's vessels, now inserted in the place where the name of "Alexander Collins," as master of the steamer, is inserted in these articles? I was going to say so.
224. As master of the vessel, of course? I never had a copy of the articles since they were altered in that way, but I believe Captain Munro's name is there; I know we sign under Captain Munro.
225. Captain Munro, at the present time, has to go to the Shipping Office to ship and discharge the men, and to perform the same functions as the captain of the vessel formerly did? The captain has to put his name on the discharge.
226. But Captain Munro has to be there? Yes.
227. *By Captain Moriarty:* Why? We sign under Captain Munro, although the captain of the vessel signs the discharge.
228. Could you suggest any remedy to do away with the evils you have alluded to, in unnecessarily going down to the Shipping Office and paying a sum of money for frequent discharges? If a man is not going to leave the ship he has no use for a discharge; you never get the discharge in your hand; it is just left on the table and passed from the Deputy Shipping Master to the clerk, and he just puts it on the file.
229. It is an unnecessary demand for money upon you? It is quite unnecessary to sign fresh articles, and quite unnecessary to pay two shillings. If you were going to leave the employment, or going to another ship, there might be some reason in it, but to be compelled to pay two shillings for a discharge when you again sign articles in the same ship is quite unjust.
230. *By the Chairman:* Are you aware of the English method of conducting this department in the coasting service? No; I never went to sea in England.
231. *By Captain Moriarty:* You stated that you discharged a man when he wanted to better himself—I do not see anything in the articles giving you or any person but the captain the power of discharging men? Of course I spoke to the captain.
232. Then it was his legal act? Yes.
233. *By the Chairman:* If a man in your department commits an indiscretion can you not insist on the captain discharging that man, not as his whim, but as your right to have him discharged? Yes.
234. *By Captain Moriarty:* By what law? I do not know if it is law.
235. *By the Chairman:* You can refuse to carry any man to sea that you consider would be a hindrance to you? Yes, I can go to the captain and complain.
236. You can refuse to take him? Yes, I believe so.
237. It is the custom? It is.

Mr. D. Gibb. 238. *By Mr. Lewis*: I understood that you said you could go to the captain and complain of any man under you—but could you go to the captain and compel him to discharge the man?
8 Feb., 1861. Not compel him.

239. *By the Chairman*: You could refuse to carry that individual? I cannot compel the captain to discharge him of course, but I could put the man off duty.

240. Were the captain to insist upon your engaging a certain number of men of whom you had no knowledge, would you consider it wilful disobedience of lawful commands, or that it would subject you to an action in Court if you were to refuse to proceed to sea with those men? Whether it is justice or not I could not say, but, of course, if I refused to put to sea there would be another man put in my place.

241. Have you any other evidence to offer in this case? There is many a time that you want to discharge a man and ship another when you have not got the man that is going to ship ready at the Shipping Office at the same time as the man that is going to be discharged; it is done, but Captain Shorter has told me himself that it is not according to law. When the man goes to ship the captain has to be there along with him; a line from the captain will not do.

242. His personal attendance is necessary? Yes; that is another very inconvenient thing. I think the party who is going to ship ought to be able to go to the Shipping Office by himself, with a line from the captain, stating that he is the party that is going to ship.

243. You consider it a grievance to have to waste time in this manner? Yes.

244. You complain also of being compelled to sign articles twice within one month for the same vessel, while in the same employment, simply because the owners might save your board in the vessel whilst she lay at the wharf—what object do you imagine the Company had? Not twice in one month.

245. You will find that though not twice in one month, it was twice in a month with regard to time—not twice in the same calendar month? What their object for it was I really do not know.

246. Were you while thus unemployed receiving the same amount of wages, and the same amount of advantage as you would have been if your name had been on the ship's articles? Yes, I was receiving the same amount of advantage.

247. You were kept on board the ship? No, I was not kept on board the ship, but I got equivalent to it.

248. You got board wages in addition? Yes.

249. Did the firemen get board wages? No.

250. Were the crew kept on? No.

251. They got no board wages? No.

252. They were discharged? Yes.

253. So that there was an advantage in the crew being discharged? Yes.

254. They were discharged immediately the cargo was landed, and engaged when the vessel was ready for sea? Yes.

255. *By Captain Moriarty*: What length of time elapsed between their discharge and re-shipment? You can tell there (*referring to document previously handed in.*) I do not remember the dates.

256. *By the Chairman*: You joined the ship on the 1st of August, the date of discharge is not given, but you joined again on the 19th August in the same year—or, is that the time occupied in the run? Yes; I joined on the 1st and was discharged on the 19th.

257. When did you re-ship? On the 1st September, in the same ship.

258. Then your grievance is, or rather the grievance of the men forming the crew would be, that it was a saving to the Company that they should be discharged from the 19th August to the 1st of September—they had to go to board and lodge, and were thrown out of employment for that time? No, they were working.

259. They were thrown out of employment as seamen? Yes.

260. *By Captain Moriarty*: Was the ship lying idle all the time? Yes.

261. *By the Chairman*: They were taking in cargo, were they not? Not in that ship; in the "Waratah" they were.

APPENDIX.

CITY OF SYDNEY.

From 10th May, 1856, to 30th November, 1856.

TELEGRAPH.

From 2nd December, 1856, to 4th February, 1857.

CITY OF SYDNEY.

From 7th February, 1857, to 15th September, 1858.

CITY OF SYDNEY.

From 14th December, 1858, to 2nd April, 1859.

EAGLE.

From 1st August, 1859, to 19th August, 1859.

EAGLE.

From 1st September, 1859, to 22nd September, 1859.

WARATAH.

From 27th September, 1859, to 22nd May, 1860.

January 5th, April 10th, May 22nd.

WARATAH.

From 25th June, 1860, to 4th February, 1861.

July 9th, October 29th, February 4th.

TUESDAY, 12 FEBRUARY, 1861.

Present:—

MR. LEWIS, | MR. LUCAS,
MR. WINDEYER.

DANIEL C. DALGLEISH, ESQ., IN THE CHAIR.

Mr. Edmund Debenham called in and examined:—

262. *By the Chairman:* What are you? A fireman.
263. Have you been a fireman for any length of time in this Colony? Yes, nearly three years. I was eighteen months in the last boat.
264. Are you acquainted with the Shipping laws in this Colony? Yes.
265. Are you acquainted with the manner of shipping in England or Scotland? In England I am.
266. Is the same method adopted here as there? No.
267. What is the difference? In signing articles in the West India boats we sign for three months, and not to exceed three months.
268. Can you be discharged before you have completed the term? We were always discharged when the ship returned to port; that generally was from six weeks to two months.
269. The reason for that—are you aware of it? When the ship is in port the hands belonging to the engine-room are kept to work on port wages; that is even more beneficial than sea wages.
270. The port wages at Southampton are higher than sea wages, so that the advantage is in favour of the seamen? Yes.
271. Would not another reason be that the seamen could not proceed to sea a second time under the same articles, as there would not be sufficient time remaining to enable them to complete the voyage? Yes, that is the reason.
272. That is the true reason why the men are discharged at the end of the voyage? Yes; sometimes the voyage last three months, as we always sign for any port in the West Indies and the American coast between New York and Rio de Janeiro.
273. If you do not like the employment you are at liberty to leave when you come back? Yes.
274. They cannot detain you after the voyage if you think proper to leave? No. We always look to be discharged three days after the ship's arrival in port.
275. Does it not appear on the ship's articles that you can, on your own request, be discharged three days after the ship's arrival in port? Yes.
276. What is the difference between the practice in England and the practice in this Colony? We sign to serve for three months here.
277. That is the same as at Home—for any period not to exceed three months? Yes.
278. What is the difference then? At Home the articles are equally binding upon the master and men, here they are all on the one side; the captain can compel us to stay the full time, or discharge us at a minute's notice.
279. This agreement is not equal? Not at all, it is all on one side.
280. Have you yourself in any instance, or have you known any other person who wished to leave before the expiration of the three months, who has been prevented? Yes; I know one man in particular who lost a good situation in that way. He was a man who conducted himself in a proper manner, and he asked to leave and was refused.* It was about nine months ago, and he was kept two trips longer than he wished, and could not get away; but had the captain wished to discharge him he could have done so, and the man could not have said nay.
281. Have you anything else to complain of? The provisions are very indifferent at times.
282. Are there any charges which are unusual, or which bear heavily upon seamen at the shipping office? Yes. At Home there are no fees paid by seamen on being discharged; I never paid any myself; but whether it is included in the wages I do not know. Here it is 2s.
283. Have you ever been in the coasting trade in England? No.
284. You find this 2s. a heavy tax upon your earnings? It is generally felt so, especially in the way the discharges are made. The men are discharged at any time the owners or captains think fit; perhaps they are discharged one trip, and they have to pay 2s.; then they go another trip, are discharged again, and have to pay another 2s.
285. Do the owners discharge men, and replace the same men during the currency of an engagement. Suppose a man had signed articles for three months, during the currency of that period might an owner, for some cause, discharge his seamen, and re-engage them the same day? It has never come under my notice, but it has happened to many others, to my knowledge.
286. Are you a married man? No.
287. Do you live in lodgings? Yes.
288. Is it a licensed lodging-house you reside in? I cannot say; I did not ask that.
289. It is a general boarding-house for seamen? Yes, or any one.
290. Or mechanics? Yes.
291. Are you aware that there are houses specially licensed for the boarding and lodging of seamen in the Colony? Yes.
292. Are you aware of any such system existing in any other place? No, I am not.

Mr. E.
Debenham.
12 Feb., 1861.

293.

* NOTE (by witness on revision):—About one month of the articles had expired.

- Mr. E. Debenham.
12 Feb., 1861.
293. What was the cause of your leaving the ship you were last in? I left on account of the provisions.
294. Look at those articles—they are the articles of the "Illalong," the "Collaroy," and the "Sampson," boats belonging to the A. S. N. Company, the same Company in which you say you were employed? (*The Chairman handed the articles to witness.*) This is the same as we signed. We always sign to the same effect—"sufficient without waste."
295. You say you had to complain of the quantity of your provisions? Not of the quantity—we always had sufficient, but the provisions were of such a quality that it was impossible for any one to eat them.
296. *By Mr. Lucas:* In what respect? The meat was stinking for two days. At the Shipping Office we complained to Captain O'Reilly about the provisions; we were all told to go about our business. *One of the men said, "If I sign under those articles for three months, and have the same sort of provisions, I shall be starved before the time is out."**
297. Who discharged you and sent you about your business? The captain of the ship.
298. *By the Chairman:* It appears strange that a respectable company like the A. S. N. Company should give bad provisions to their men? The captain supplies the provisions.
299. The captain provides the ship at his own cost? No; he is allowed so much a man from the Company.
300. Is he then supposed to find you in provisions as if the Company provided you according to these articles? Yes, that is what Captain Shorter explained to us—that he was supposed to find us "sufficient provisions without waste."
301. You complained at the Shipping Office? Yes, and this was the cause of our leaving.
302. You were at the Shipping Office for what purpose? To re-sign.
303. You have no fault to find with the ship? No other fault than the provisions.
304. In what department were you? I was a fireman.
305. Who was the engineer of that vessel? Mr. Harper.
306. Was he satisfied with your services? Quite so. I have a note to that effect. We all left contrary to his wishes; he went to Mr. Macarthur and tried to get us back again, but while he did so Captain Reilly got other men at the Shipping Office. (*The witness produced a certificate of character for eighteen months from the Chief Engineer.*)
307. Since that you have been unemployed? Yes.
308. When did you leave? On the 27th December last. Captain Reilly said none of us were to go in the ship again. Mr. Harper would have taken us back again the next trip if there had been room for us, but he was not allowed.
309. So the captain refuses to employ you himself and does what he can to prevent your being employed? I do not know any further than his refusing to employ us in his own ship.
310. *By Mr. Lewis:* You say you complained to Captain Shorter of the quality of your food? Yes.
311. And your captain discharged you then and there? Yes.
312. Do you think he discharged you because you complained of your food, or because the term of your articles had expired? The term of our articles was up, but we were all at the Shipping Office to sign again, and when Captain Shorter spoke about the provisions we said they had been of bad quality.
313. *By Mr. Lucas:* Do you know of any other grievance seamen are labouring under in this port which they are not subject to in any other? I believe they principally complain of their usage in the Shipping Office by having to pay 2s.
314. That is all? Yes.
315. And you know nothing about seamen's lodging-houses, because you do not stop at one? No.
316. As to the power of the police to interfere with seamen, have you anything to complain of in that matter? I think not.
317. *By the Chairman:* That is as far as you are personally concerned? Yes.
318. Are you aware that you can be apprehended without warrant, summons, or any other legal document, simply on suspicion of being a runaway seaman? Yes.
319. Are you liable to the same thing in any port in Great Britain? Not that I am aware of.
320. Have you any other statement to make to the Committee? In the steamers at Home oatmeal is always allowed to the firemen to be mixed with the water to drink, *and in some ships here it is used, but we have often asked for it and been refused. It is a great boon.* †

Mr. Donald Sinclair called in and examined:—

- Mr. D. Sinclair.
12 Feb., 1861.
321. *By the Chairman:* What are you? I was coal trimmer on board the "Collaroy" last.
322. When was that? I left on the 31st of last month.
323. Were your articles up, on board? No; they had a month more to go.
324. You were discharged for bad conduct, I suppose? No; we were took up and reduced a pound.
325. That is to say, you were taken to the Shipping Office, discharged, and re-engaged at a reduction in your wages of one pound? Yes.
326. Is that the usual proceeding? No, I never was used that way before; we were shipped for "not exceeding three months," but suppose wages had risen a pound, we would not get the

* Witness, upon revision, wished to omit the passage between the asterisks.

† NOTE.—For the passage between the asterisks witness wished to substitute the following upon revision:—Here it is not allowed, although it is of the greatest importance to firemen.

the advantage, but they thought of reducing us, and they took us to go to the Shipping Office and reduced a pound, and they made us pay 2s. for our discharge; I was the only one who left.

Mr. D.
Sinclair.

327. What was the reason that the others did not leave? I expect the reason was that they were afraid of losing their situations. 12 Feb., 1861.

328. In consequence of the redundancy of labour—the great number of men out of employ in the seafaring line? Yes; they thought if they said anything against it they would be discharged altogether.

329. How long have you been in the Colony? About three years and nine or ten months.

330. *By Mr. Windeyer:* Have you had any employment since? No; I have not been very well since; I was not very well at the time, still I would have stopped till my time was up.

331. *By the Chairman:* There was no fault or any other reason for cancelling the original articles than a desire to reduce wages? No, not that I am aware of.

332. You say you complain of having to pay 2s.? Yes.

333. Do you complain more of having had to pay 2s. in that case than of the general practice? Yes; because if they had let us remain till our articles were up, we would not be served so.

334. During the period you have been in the Colony, how often have you been in the habit of shipping within the year? I used to ship four times in the year. This was the first time we were took up and discharged before our articles were up.

335. Are you a married man? No.

336. Do you live in lodgings? Yes.

337. At a seaman's lodging-house? No.

338. Not a seaman's lodging-house? No; there are no seamen there.

339. The house in which you lodge is not a house licensed for seamen? No.

340. Do many seamen live there? No; there are no sailors there.

341. Remember that you are a sailor yourself, every individual who signs ship's articles is a sailor? I do not think the people of the house pay license, but I am not sure.

342. How many lodgers are there in the house you reside? Five.

343. What accommodation is there in that house? Very good accommodation, we have very good usage; I have stopped with those people when there has been nobody there but myself; any time I have been ashore these three years I get my washing done there, and at any time I am ashore I stop there.

344. Have you ever known lodging-houses licensed for seamen especially in any country where you have been? I have not.

345. Have you been employed in the capacity of seaman or fireman in England? In the capacity of fireman; never was a sailor. I have been a fireman ever since I was at sea.

346. Out of what port? Out of Hull, in Yorkshire.

347. That is one of the principal ports in England? Yes.

348. What was the usage there in reference to shipping? There we used to sign for a length of time; and any time that any of us wanted to leave, we got leave by giving a week's notice. We were never discharged at any time, except for bad behaviour, or anything of that kind.

349. *By the Chairman (handing the witness a copy of ship's articles):* Do you recognize that as a copy of the articles you used to sign? *(The witness examined the copy.)* Did you never read the articles? No.

350. Have you never had them read to you? I have heard them read.

351. Have any objections been made to the articles when the seamen heard them read? No, I do not think there have.

352. When seamen hear the articles read, they are not in the habit of listening? Yes; they just hear the thing read over; they are not in the habit of making objections to anything, for there are too many too glad to get situations at any wages—for the sailors were taken up and reduced 10s. at the time we were reduced a pound—and I dare say they were more afraid of losing their situations than anything else.

353. Have you any complaints to make in reference to the scale of provisions? No, not in the "Collaroy"—we were pretty well found by Captain only there was no use in our making complaints. Sometimes we used to grumble among ourselves; but there was no use in any one making a complaint, for we knew we should be discharged if we did.

354. If you wished to leave the "Collaroy" before the ship's articles were up, would you have been allowed to do so? I do not expect I should—I never tried that, and I do not know whether I should have been allowed or not; but I know that if the wages were to be raised, and we went in any of the vessels, we should not get them till the time our articles were up.

355. Have you known any cases of this description on board your vessel? Have you known any of your mates try to leave before the time? No.

356. You say this 2s. is an unusual tax on the labour of seamen? It is; it is a thing I never paid in England. We paid once a year this 2s.

357. What did you pay once a year? Two shillings. We should have paid it once in six months; but in the boat I was in we were not discharged, and we had not to pay it for the last twelve months; for when the ship was laid up in winter, we were kept on—our wages went on the same.

358. You have sailed on a foreign voyage out of that port? Yes; we used to go to Christiana, in Norway.

359. Were you ever in a coasting vessel? No.

360. You do not know the custom of coasters in England? No; but I do not think in coasting vessels they go to any Shipping Offices at all—it is only the ship's articles they sign. It was only in foreign-going vessels they have to go and sign articles in the Shipping Office.

Mr. D.
Sinclair.
12 Feb., 1861.

361. *By Mr. Windeyer*: Were you under articles at the time you were discharged in this port? Yes; we signed for a time not exceeding three months, and two months of the articles were gone, and we were discharged a month before our articles were up.
362. Was any reason given? No; we heard such a thing was to be when we came into port, and knew no more about it till the captain said we were to go up to the Shipping Office and get our discharges—and then we were reduced a pound, and had to pay 2s. All went back but me—and I think the cook's boy left.
363. Have you heard anything of the kind before in any steamer? No.
364. *By the Chairman*: Do you know that such a thing has not happened? No; but it has not happened in any of our ships.
365. You are perfectly aware that seamen could not leave prior to the expiry of their articles—and, if the wages had risen, that the owners would not have allowed them to leave? Yes.
366. *By Mr. Lewis*: By this you mean to say that your masters can make any change or alteration in your wages, or rations, when they think proper, without any notice at all—but you can't get your liberty unless the term of your articles is served? Yes.
367. You are altogether in their hands, in that respect? Yes.
368. *By Mr. Windeyer*: You say the articles you were under were such as these (*pointing to the ship's articles on the table*), and the agreement to serve was for any period not exceeding three months? Yes.
369. *By Mr. Lucas*: Do you know of any grievances that seamen are labouring under in this Colony, which they are not subject to elsewhere? No, I cannot say I do.
370. With reference to the police apprehending them—their having the right of taking them up as runaway sailors—do you know whether that is the same in any other port? I never heard anything of the kind till I came out here.
371. You have already stated that you did not know that lodging-houses were licensed in any other port but Sydney? Yes.
372. Do you think that it is beneficial to seamen to have only these licensed lodging-houses, or that they should have a right, like other persons, to lodge where they please? I do not think it right that they should have to pay a license for them any more than others; for a seaman might lodge in a house, and might be a pound or more short, and the lodging-house keeper might trust him till such time as he got a ship, whereas in any other house not acquainted with him he would not get that; but the owners of the place which he has made his home when he is on shore may be willing to receive him and allow him to remain, until he can obtain a ship and is able to pay his arrears.
373. *By Mr. Lewis*: Do you think it right for the authorities to compel a seaman to make his home where they please, and not to allow him to select his home where he thinks proper? I think it is not. I think a man ought to have liberty to go where he likes.
374. *By the Chairman*: You carry this out practically by going to a house which is not a lodging-house for seamen? Yes. I do not see why persons should pay a license for seamen to lodge in their houses any more than for other persons.
375. *By Mr. Lucas*: With reference to this 2s., you complain that you have had to pay 2s. for your discharge on all occasions, whether you have served the full time or not? Every time we leave we have to pay 2s. for our discharge; but in England, if the owners discharge the man they pay the 2s. themselves, if a man leaves on his own accord he has to pay.
376. *By Mr. Windeyer*: Do the men complain of the working of the Water Police Court at all? No.
377. You know nothing as to how it works? No, for I never was pulled up for anything of the sort in my life.
378. Have you never been there as a witness? No.
379. *By the Chairman*: Have you any further statement to make to the Committee? No.

FRIDAY, 15 FEBRUARY, 1861.

Present:—

MR. ALLEN,	|	MR. LEWIS,
MR. DOUGLAS,	|	MR. LOVE.

DANIEL C. DALGLEISH, ESQ., IN THE CHAIR.

Mr. George Robertson called in and examined:—

Mr. G.
Robertson.
15 Feb., 1861.

380. *By the Chairman*: What profession do you follow? I have been master of a vessel for the last five years.
381. Out of this port? Yes.
382. Are you thoroughly acquainted with the usages of the port? Yes.
383. And the requirements of the Merchant Seamen's law? Yes.
384. Is there anything in that law that you complain against? There is one thing in regard to the Shipping Office, the shipping and unshipping of seamen.
385. What is the complaint? There is 2s. for each man that you have got to pay at the Shipping Office before you can ship a hand.
386. Is that a usual charge in other ports? Not that I am aware of.
387. Have you sailed out of other ports? Yes.

388. In England? In England and Scotland too.

389. In the coasting trade there, do they charge for shipping and discharging seamen? Not when I was at Home.

390. Is there anything else you have to complain of in regard to the working of the Merchant Seamen's Act? There is another thing, the licensing of seamen's boarding houses.

391. Do you consider that objectionable? Yes.

392. Are there any advantages to the seamen that you are aware of, from the system of licensing? Not that I am aware of.

393. You consider that it is a total disadvantage to the seaman? It is a disadvantage altogether. There is many a man I know in this port that has got sisters keeping boarding-houses, and they cannot go and lodge with their own sisters, for fear of their being fined.

394. Have you known any person in that position fined? No, I have not, only what I saw in the papers some time ago about licensed houses; but I know the Water Police make a practice of coming to boarding houses that are not licensed for seamen, and overhauling them.

* 395. Have you any other grievance to complain of, or any other statement to make with regard to the working of the Act? No. I have been trading to the Manning River for the last five years; and sometimes when I have had a passenger I have gone down to clear him out a little too late, and in order that I may not lose a wind I have sailed without clearing him; well, the Water Police would then come on board, take the passenger out of the ship, and lock him up from Saturday night to Monday morning, and threaten to take me away out of the vessel too for taking a passenger without a clearance. Many a poor man has not got the means to give 2s. for to get a vessel, and must go wanting employment.

396. Provided a man were to lose his discharge I suppose he would get another from the proper officer at the Shipping Office, without any further payment? He would have to go and make an affidavit before the Magistrate, and still have to pay the 2s.

397. Make an affidavit—to what effect? That he had lost his discharge.

398. How much would he be charged in that case? 2s.

399. For the affidavit? No; for the discharge.

400. Would he pay anything for the affidavit? No. The man has to pay 2s. for a discharge, and the master of the vessel has to pay 2s. for shipping the hands.

401. When a man has lost his discharge he pays 2s. for the affidavit and renewal of the discharge? It is for the renewal of the discharge.

402. Are you aware of the habit of transshipping seamen from one vessel to another, belonging to the same owner? I think it is a very wrong thing.

403. You are aware that that is part of the shipping law? Yes.

404. What is your reason for objecting to it? I think it is a hardship for a man who signs under a certain master for a limited time—three or six months—to be transhipped to another vessel, and go away at an hour's notice, perhaps.

405. And if he refused to go from one vessel to another? He would be punished and forfeit his wages.

406. In what way would he be punished? He would be fetched up before the Magistrates and they would give him two or three months in gaol.

407. For wilful disobedience of lawful commands, I suppose? Yes.

408. I suppose the objection a seaman would have to such an exchange might be something of this character:—Suppose there were two vessels belonging to the same owner, for one of which—a good, comfortable, seaworthy vessel—the seaman might have shipped; the other, a vessel of indifferent character, in which there might be a great deal of trouble and a deal of work, owing to her inefficiency as a sea-going vessel. I suppose a sailor would consider it a great hardship to be transhipped from one vessel to another under such circumstances? Yes.

409. But he is obliged to submit? Yes.

410. I think you say you are master of a vessel? Yes.

411. In case you want to ship a whole crew at one time, do you not get a discount allowed, so to speak, you can ship a crew all together cheaper than one by one? No.

412. I think there is such a provision in the Act? I have never seen it since I have been shipping hands.

413. *By Mr. Lewis*: When a man goes to the Shipping Office to ship, does he ship in a particular vessel, or under the Company at large? In a particular vessel.

414. Are the employers at liberty to take him from that ship, and place him in what vessel they think proper? Not if he ships for the same master and the same ship.

415. They have no liberty then to take him out of that vessel, and put him in another, against his will? Not unless it is so specified in the articles.

416. *By Mr. Allen*: Then it would not be correct for any person to say that a seaman, shipped in one vessel to one master, can be transferred, by the owner of the ship, from that vessel to another, against his will? No.

417. *By the Chairman*: Are these (*handing to witness a set of ship's articles*), the usual articles a seaman signs in this port? Yes.

418. In these articles the services of the men seem to be limited to the schooner "Pacific,"—now what would be the difference in the wording provided you wished the seamen to go in one or more vessels, would it not be "the schooner 'Pacific,' or other vessel, belonging to the same owner"? Yes.

419. So that it is merely a matter of form in the preparation of the articles. If you have only one vessel, of course you do not require to make a specification for a change? Just so.

420. Do you observe there that the seamen sign for a period "not exceeding six months"? Yes.

Mr. G.
Robertson.

15 Feb., 1861.

- Mr. G. Robertson.
15 Feb., 1861.
421. What do you understand by that agreement—the seaman is evidently by that bound to stay for a period of six months; but are you bound, provided he behaves himself and does his duty, to keep him six months? Yes.
422. You are bound to keep him? You are bound to keep him, by the articles.
423. Have you ever discharged a seaman before his agreement was up? Yes; but he has been willing to go—to leave the vessel.
424. You have never known seamen discharged before their time had expired, when they were not willing to leave the vessel; that is to say, discharged for the purpose of re-engagement at a lower rate of wages? No.
425. Have you ever been employed in the inter-colonial steamers? Yes.
426. In what Company? The old Company, in the "Telegraph."
427. In the Melbourne trade? Yes.
428. Are you aware of the system of shipping in the port of Melbourne? No, I never sailed out of Melbourne.
429. Are the articles read over, in every case, in the Shipping Office here, before the seamen sign? Yes.
430. Do you think seamen in general pay any attention to them? They very seldom do.
431. Do you think six seamen out of the port of Sydney are aware of the meaning or effect of the regulations of the Merchant Seamen's Act? I do not think many understand them.
432. Do you think the majority of masters understand them any further than relates to the shipping and discharging of men? I do not think they do.
433. By Mr. Allen: Could you suggest any plan to make seamen thoroughly acquainted with the particulars of the Act? I think the only plan is to read the articles over. ¶
434. You know of no plan of making a sailor intelligent who is not naturally so? No.
435. You do not seem to have a very high opinion of the licensed boarding-houses—were you in the Colony before these boarding-houses were established? Yes.
436. If I remember right, there were a great number of complaints about seamen being led off by what they called "crimps" at that day? Yes.
437. Who got them into improper houses, associated with girls, in order to plunder them? Yes; I saw it done in London, but I never knew it myself in this Colony.
438. I am speaking of the time before the Seamen's Act was passed, and I was asking if you remembered this state of things? I have been in the Colony twelve or thirteen years, but I never went to any of these houses.
439. You have heard such was the case? Yes.
440. By the Chairman: Have you ever heard of mechanics being robbed in houses of ill fame? Oh! yes; it is an every day occurrence.
441. By Mr. Allen: Did you consider that this was an inquiry into the question whether mechanics are as a general rule robbed in houses of ill fame, or did you consider it an inquiry into the working of the Merchant Seamen's Act? (*The Chairman objected to this question, and requested the witness to withdraw. Witness re-introduced.*)
442. By Mr. Allen: With respect to seamen's boarding-houses, you have just said that, previous to the passing of the Lodging-houses Act, seamen coming to the port were liable to be deluded away by crimps, and in the company of women got plundered—now have you heard complaints of that character lately, as a general rule, since these lodging-houses were established? Yes.
443. By their stopping out of these lodging-houses of a night? And by stopping in them.
444. Are the girls admitted into the lodging-houses? No, I do not think so.
445. Will you be kind enough to explain how you think seamen are still deluded by these girls and by the crimps? I cannot see that a seaman is deluded any place except at his own option; but I think it is a very wrong thing that a person who takes a seaman into his house should have to pay £5 for a fine; I have known an instance where a son could not go into his mother's house for fear of being fined; she kept a lodging-house, but not a seamen's lodging-house.
446. Are you aware that the Lodging-house Act contemplates preventing, or actually does prevent, seamen from lodging in their own houses or in their friends' houses? Oh! yes.
447. Did you ever know any person to be brought up for lodging with his friends—brother, sister, or mother? It is not allowed.
448. I am asking if you ever knew of anybody being brought up and punished for it—I think we will find it is allowed, but that people are not allowed to take in seamen as boarders without a license? No.
449. But there is nothing in the Act to prevent them living in the houses of their friends? Well, it is the case, I believe; I consider it is a very wrong thing; I think every man has a right to go to what house he thinks proper.
450. Have you ever known any damage arising to seamen in the lodging-houses—any robberies or any evil coming upon them—are they over-charged? Well, I do not doubt but they are.
451. Do you know of any instance of seamen being over-charged? I have not in this country, but I have at Home.
452. We are speaking of this country? I never was in a boarding-house in this country.
453. You do not know anything of their management? I know by hearsay, of a man that has been shipmate with me, how he has been used.
454. Could you inform the Committee of the nature of the bad usage he got that you refer to? No, I could not; I am a stranger to that line myself; I never was in them.
455. Now I gather from your evidence with respect to the seamen's lodging-houses, that you know of no injury they have done to seamen? Well, I do not think it is any benefit.
456. But you do not know of any injury they have received? At the seamen's boarding-houses

houses they are very saucy to the seamen; they know the men cannot go anywhere else, and they deal with them as they think proper.

457. Are you aware how many seamen's boarding-houses there are in Sydney? I am not aware how many, but there are a good few.

458. Do you not think the competition amongst these people would induce civility and cheapness too? Well, I do not know; a sailor is put— (*The Chairman objected to the mode of examination.*)

459. *By Mr. Allen:* You said something about sailors' sisters keeping a boarding-house that they could not stop in? Yes; not with their own mothers even.

460. Do you know of any instance in which a young man could not go and stop at his sister's house? Yes, I have heard of it.

461. Do you know of any yourself? No.

462. With respect to shipping and discharging seamen—do you think there is an inconvenience or injustice arising out of charging them 2s.? Yes, I think so; a poor man sometimes has not got 2s., or 4s. it would be if he had lost his discharge.

463. Do you think it is necessary for the trade of the port that the Shipping Office should be continued at all? Well, I do not think it is, as far as the coasters are concerned; I think it is more a nuisance to them than any thing else; many a time I have lost a run by it; it is a vessel of 35 tons that I belong to, and if I could not get my cargo on board, and get cleared out in time, before the office closed, I have perhaps lost the north-easter, and by a change of weather while I was waiting to clear, I have been windbound for a week or a fortnight.

(*The Chairman again objected to the mode of examination. Witness ordered to withdraw. Mr. Douglas moved, "That Mr. Allen's questions are in order, and the Chairman's interruptions are uncalled for." Debate ensued. Motion withdrawn. Witness re-introduced.*)

464. *By Mr. Allen:* The last question you answered was, that you considered the Shipping Office was not necessary to the coasting trade? I do not think it is; that is my opinion.

465. What effect would the abolition of it have, do you suppose, upon the general shipping trade of the Colony—that is, the abolition of it with respect to coasting vessels. I want to elicit from you whether you think it would facilitate the desertion of crews from foreign vessels entering the port, if they found they could get away on the coasters without registry in the office? Well, there have been a great many instances of that in former times—hands running away.

466. Do you think the registry of seamen, as at present carried out, is the only way to stop coasters from taking runaway sailors from foreign shipping coming into port—is that what I understand you to say? Yes; but for coasting vessels I do not think it is a bit of good at all.

467. The Shipping Office is only, in your opinion, necessary for the protection of foreign ships coming into the port—that is, so far as the coasting trade goes it might be done away with? Yes; there is not much running away now from the big vessels, they are very glad to ship on.

468. *By Mr. Lewis:* I should like to ask a question concerning the cleanliness of the lodging-houses—if you know whether they are kept in a proper state? That is a question I cannot answer; I never did go into the lodging-houses.

469. *By Mr. Douglas:* You have seamen in your employment? Yes.

470. What is the character they generally give of the accommodation they receive in the lodging-houses? They give it a bad name, any that I have spoken to; they say they do as they like with them in the sailors' boarding-houses; they give them anything they like, and if they do not like that, they tell them they can go elsewhere.

471. Then they use their privilege as a means of exacting from seamen what would not be exacted from them at other houses? Yes; they combine together, and if a seaman goes to another house, he falls in with the same treatment.

472. Is there any scale of charges to which they are obliged to submit? I believe there is; they are charged more I think than what another boarding-house would charge.

473. Have you ever known any instances of seamen being discharged under an agreement previous to the expiry of their time, and subsequently re-engaged by the same party at a lower rate? I have heard instances of that occur sometimes.

474. How do you account for the fact that a sailor would submit to do so, knowing that it was in violation of his articles? Both parties might be agreeable first before the hands were discharged.

475. Can you conceive that it would be agreeable to a sailor to submit to a reduction of wages to which it was not absolutely necessary he should submit? No.

476. Then I can hardly imagine that you can know of any instances where they have actually submitted? You will find they have, but it would not be willingly on the part of the seamen.

477. It would be in fact forced upon them by their employers? Yes. I have been experienced myself in the coasting trade, and many a man who signs articles for three or six months, when wages are high, has to submit to have them reduced when wages fall before the time is up; the masters or owners of vessels try and put extra work upon the hands, and keep them at it, to annoy them till they wish to leave the vessels, so as to get the wages down.

478. Is it customary with the Steam Navigation Companies to tranship one set of men trading, for instance, to the north, and send them in another vessel to Melbourne or any other port? I have never seen it since I have been in the country.

479. *By the Chairman:* How long is it since you were employed by the Steam Navigation Company? Going on six years.

480. Have you any further information to tender to the Committee? No, I think not.

Mr. G.
Robertson.

15 Feb., 1861.

Mr. James Dunn called in and examined:—

- Mr. J. Dunn. 481. *By the Chairman*: What are you? Boarding-house keeper. I have been a seaman for 25 years.
- 15 Feb., 1871. 482. A licensed boarding-house for sailors? No.
483. How long have you been keeping a lodging-house? About eleven months.
484. Who are the parties that frequent your house—seamen or landsmen? Landsmen.
485. What position in society do they hold as a rule? They are mechanics generally.
486. What do you mean by mechanics? Carpenters, painters, and other tradesmen; we often have labourers too.
487. Do you know anything with regard to the working of licensed lodging-houses for seamen? Yes, I know something of it.
488. What do you know about it? I know that I have been fined myself.
489. What was that for? Not having a license to keep seamen.
490. What led to your being fined? An information was laid by a man living close to me, that keeps a licensed lodging-house; we had a few words, and he laid an information against me.
491. How many seamen had you in your house? Two.
492. How long had they been there? A few weeks; I never had any more than three or four weeks.
493. How long had the two men you allude to been there? About two weeks; I had one nearly three weeks.
494. How many lodgers have you generally in your house? They vary greatly; generally five or six. (*Vide Appendix A.*)
495. How many rooms have you in the house? I have five rooms and a kitchen.
496. Has each man a separate bed? Oh! yes.
497. Was any fault found with the condition of the house when you were visited by the police? None whatever.
498. Was the house unclean in any way? No.
499. Were the characters bad—did they keep late hours? No.
500. What led these seamen to prefer lodging at your house, when provision has been made for them by which they can lodge at a licensed house? My opinion is, that seamen in general dislike going to licensed houses; I have heard them express themselves so.
501. Do you say so, as a seaman, in this instance, or are you merely giving your opinion as a lodging-house keeper? As a seaman I say so; I have heard seamen frequently say so.
502. How long is it since you left following the sea as a vocation? About eight years.
503. Then you are not acquainted with the present Mercantile Marine Act? Not much.
504. You have not shipped under it? I have frequently shipped out of this Colony.
505. But not under the present Act? No, I think not.
506. Have you any further evidence to give? No; I merely wished to state my opinion, that seamen think it a great grievance to be compelled to go to licensed houses. (*Vide Appendix B.*)
507. When you were in the habit of going to sea eight years ago, as you say, at that time seamen were shipped, if my memory serves me right, by a number of individuals licensed as shipping masters? Yes, much in the same way as they are now.
508. Excepting that they could ship a seaman without going to the Shipping Office? No, they could not; I always had to ship out of this Colony at a Shipping Office, and always had to pay for discharging and shipping.
509. Have you been a seaman in any port of Great Britain? Yes, in England.
510. In the coasting trade? No, generally foreign.
511. Had you to pay there for shipping or for a discharge? I never paid anything out of England, or for discharge either.
512. Were registry tickets in vogue at that time in England? Yes.
513. Are you aware what led to the discontinuance of the register system in England? Because they caused the thing they were intended to remedy—I mean desertion; they were the cause of all the seamen leaving the country and going to America.
514. You know this of your own knowledge? I do.
515. How long was the Registry Act in operation? I think it did not last above four or five years.
516. Were there any disturbances in connection with that Act at Home? I am not aware of any open disturbance; I know there were a great many complaints about it, and dissatisfaction amongst the seamen.
517. And afterwards it was abolished? Yes.
518. *By Mr. Allen*: You say you are a lodging-house keeper? Yes.
519. Did you ever apply for a license for a seaman's lodging-house? No, I did not.
520. I think you remarked that the police visited your house and had no fault to find? I was never visited till I was served with a summons.
521. You had two seamen about two weeks? Yes.
522. And the police visited you because you had broken the law? Yes, they acted on an information that was laid at the Water Police Court before the Water Police Magistrate, and the Deputy Shipping Master prosecuted; this man that I spoke of laid the information, but he did not wish his name to appear on the warrant, and the Deputy Shipping Master took it up. I paid Mr. Moffat two guineas to plead for me, but he was not in attendance at the time, and although I requested the Water Police Magistrate to stay the proceedings till he appeared, he refused to do so. (*Vide Appendix C.*)
523. You say many sailors complain of having to go to the licensed lodging-houses? They complain of the law, and they have a very bad opinion of the licensed boarding houses. (*Vide Appendix D.*)

524. What is the nature of their complaint? They say they do not like them. Mr. J. Dunn.
525. Do they say they are dirty or badly kept? Yes. (*Vide Appendix E.*)
526. *By the Chairman:* Is this a general complaint? They mention that there is not a respectable one in Sydney; they say in general they are disreputable.* 15 Feb., 1861.
527. Seamen then, I understand, find fault more particularly because they, as a class, are obliged to live in lodging-houses licensed by law, while other classes are not? Yes. (*Vide Appendix F.*)
528. *By Mr. Allen:* Then the grievance is more imaginary than real? I think it is a real one.
529. *By Mr. Douglas:* Are you aware of the time when these regulations came into force—how many years ago? I am not quite certain of the time.
530. It was shortly after the discovery of the gold fields? Yes.
531. When there were a great many runaway seamen? Yes, I think seven or eight years ago.
532. Was it considered that this licensing of houses would lessen desertion? Yes, I believe that was what it was said it would do.
533. Do you think it did do so? No.
534. Or does it do so now? Not at all.
535. Has any good thing arisen out of the licensing of these lodging-houses, any thing whereby the sailors may be said to have benefited? None whatever.
536. You know of the existence in some ports of what are called Sailors' Homes? Oh! yes; I have stopped at one for years in London.
537. Have you known them in other English ports? Yes, and in America too.
538. Are they beneficial to sailors generally? Generally, they are.
539. Are they under any form of license? No.
540. They are provided, I suppose, by benevolent individuals, who wish that sailors should be properly lodged? I believe that is generally their intention. Seamen have more protection there, I think, than they generally have in private houses.
541. *By the Chairman:* Have you ever been in Sailors' Homes? Yes; I stopped for about fourteen years in the London Sailors' Home.
542. *By Mr. Douglas:* Has it ever been attempted to establish a Sailors' Home here? I believe they have been talking about it.
543. *By the Chairman:* In all cases, even where these Sailors' Homes exist, a large number of sailors prefer to lodge in private houses? Yes; the greater part in any port prefer it where they are acquainted.
544. During the time you resided in Sailors' Homes, were the establishments ever subjected to police inspection? None whatever; seamen would not go to them at all if they were.
545. *By Mr. Douglas:* Then one of the great objections to licensed lodging-houses is, that they are subject to police control—the lodging-houses as now existing in Sydney I mean? I think that is a means of making sailors dislike any such house.
546. I suppose sailors, if they come in with money in their pockets, are occasionally robbed in a seaport town like this—have you known instances of such being the case? I do not know that I know instances; I have heard of different instances.
547. Where do you suppose, from your general knowledge of sailors, that this generally takes place—have you ever heard of its being the case at these licensed houses? I cannot say I have; I have merely heard and read of different cases, but I cannot recollect where they happened, or how they happened; it generally happens by drink—getting intoxicated.
548. *By Mr. Love:* In speaking of these lodging-houses, you said that some of them were disreputable? That is the general opinion of sailors.
549. What meaning do you attach to the words "disreputable"? Well, that they are not very orderly.
550. There is a meaning attached to the word by some, which perhaps you do not mean to attach to it—what do you mean by "disreputable"? That they are not to be depended on; some of them, I say; I am speaking in general terms. (*Vide Appendix G.*)
551. Do you mean anything in the way of allowing women of the town to be there? No.
552. If a sailor were lodging in one of these houses, and thought proper to stay away all night, in another lodging-house or in a house of ill fame, is there any means to compel him to go home at a proper hour? No, not that I know of.
553. Then, in fact, although he is staying at a licensed lodging-house, he may be absent during the night anywhere? Oh, yes, a week if he likes.
554. *By the Chairman:* You say you have lived in a Sailors' Home? I have.
555. Is there any means of keeping seamen in these Sailors' Homes at night? No, not in any that I stopped in.
556. But I think, if my remembrance serves me right, that there is a means to keep them from coming in after a certain hour—they are not allowed to come in unless they have previously given notice of their intention to be out late? Yes, if they give notice the attendant will open the door at any time, but they are not allowed in after eleven o'clock without.
557. Nor if they come intoxicated? As long as a man behaves himself, no matter how intoxicated he is, he is admitted.
558. *By Mr. Douglas:* The object, then, of the Sailors' Homes which have been instituted is to afford cheap and wholesome lodging, where a sailor can get a clean bed and good and cheap food? Yes.

* NOTE (corrected by witness on revision, thus):—Not respectable.

Mr. J. Dunn, 559. Women of bad character I suppose are not admitted? Oh! no, not in any Sailors' Homes I know of.
 15 Feb., 1861. 560. Are women admitted into them as servants? They are not allowed near the premises. (Vide Appendix II.)

APPENDIX.

A.

Answer No. 494—ADDENDUM (*by witness on revision*):—I beg to state, that civilians also think the law a great hardship on them, as in these Colonies it is often very difficult to tell who are sailors, as at one time they are diggers or labourers, or anything else; and to make certain, they would have to question almost every one that came to their house.

B.

Answer No. 506—ADDENDUM (*by witness on revision*):—When they would prefer going to a friend, a relative, or an acquaintance.

C.

Answer No. 522—ADDENDUM (*by witness on revision*):—I wish also to state that the two seamen I had were also summoned or subpoenaed to give evidence against their will, and which they bitterly complained of.

D.

Answer No. 523—ADDENDUM (*by witness on revision*):—In general, but their chief objection to them is the idea of being coerced to go there; they wish to be free when on shore, and they often ask is this a free country, with such a law in force?

E.

Answer No. 525—ADDENDUM (*by witness on revision*):—Several of them.

F.

Answer No. 527—ADDENDUM (*by witness on revision*):—And the £5 paid for keeping a license is taken out of them, by stinting them in their living or some other means.

G.

Answer No. 550—ADDENDUM (*by witness on revision*):—I wish to recall the word "disreputable," and substitute the words "not very respectable."

H.

Answer No. 560—ADDENDUM (*by witness on revision*):—I mean women of doubtful character. In some Sailors' Homes respectable females are taken as servants, such as cooks; and in Mr. Green's Home in London there are some women servants; but in the principle one in London—I mean the one in Well-street—there are no women at all, and I think it a much better plan.

Mr. William Rowbotham called in and examined:—

Mr. W. Rowbotham, 561. *By the Chairman*: What are you? A seaman.
 562. Out of this port? Yes.
 563. Are you acquainted with the regulations of the port? Yes.
 15 Feb., 1861. 564. Have you any cause of complaint as to the way in which the seamen of this port are treated—are they treated in a manner which is not usual in other ports? Yes. I think it is very unjust to tax us with paying for our discharge. About twelve months ago I was obliged to remain on shore in consequence of having no discharge, and pay a pound a week for my board and lodging. Mr. Shorter would not allow me to go in a ship called the "Conreddin Lachman," because I had mislaid my discharge. I had previously arranged with the captain to go in the vessel, and went to the Shipping Office for the purpose of signing the articles, but on arriving I found I had not my discharge. I went back to the boarding-house, could not find it, and did not find it for some time after. He asked me if I could borrow 4s., 2s. for to make an affidavit that I had lost my discharge, and 2s. to give him for another; I told him I could not, as I did not wish to be in debt to anybody; and then he said, if you can get 2s. for the affidavit I will trust you the other 2s. till you come back. I said I could not get it. "Well, then," he said, "I cannot ship you." I afterwards shipped on board a vessel called the "Alice," to China, and returned here with a cargo of sugar from the Phillipine Islands. After attending one of Mr. Love's meetings at the Woolpack Inn, I was accosted by Wilson, one of the runners of the Shipping Office—men who run after seamen to see that they go on board their ships when they have signed articles, or send them up when the vessel is about to sail—they are a great nuisance. Wilson met me in George-street, and said, "Weren't you at Love's meeting? I said, "I was." He said, "I know it. I not only saw you, but heard you." "Did you hear anything wrong?" said I. "Well, never mind," said he, "but it will be a long time before you get a ship again." He said this because he had heard me speaking the truth about the way the Shipping Office is worked. If these runners have any particular friend among the sailors who are waiting to ship, they nod to him to come in, and if I wanted to go in to sign articles, it would be—"Keep back you, you are not wanted."
 565. What power have they to tell you to keep back? They act as constables at the Shipping Office.
 566. And in the capacity of constables keep you out of the Shipping Office? Yes.

567. And in the capacity of runners they take any one in they think proper? Yes; whoever they take a fancy to, and whoever a boarding-house keeper may wish to get shipped. A boarding-house keeper will bring down his men, and say to the runner, "There are three men standing out there, I wish you would get them a ship;" and then those three men are called in and I am left out.
568. You think the boarding system acts injuriously to seamen with regard to giving a preference to those men who are in debt to the lodging-house keepers? Yes.
569. That the lodging-house keepers make interest with these men you call runners, and by that means obtain a preference for men who are in their debt? Decidedly so, frequently.
570. How would this benefit them? Because these men they speak for are men over head and ears in debt, and the lodging-house keepers generally receive their month's advance as part payment, and trust for the rest on the return of the vessel.
571. How can they make sure of receiving that? If the advance note is issued to the seaman, they will take care to get it; they will not let him take his clothes out of the boarding-house till he gives up his advance.
572. They get his advance note? Yes; it is a printed form, to this effect:—"This is to certify that I agree to pay the bearer £3 in advance, provided he sails in the above ship, within three days after the departure of the ship."
573. £3, or any other sum, as the case may be? Yes, whatever may be the monthly wages. This note is signed by the brokers, and at any time it is as good as money.
574. How do you mean as good as money; if you had a £5 note, you could get £5 for it, but if you have a £5 advance note, would you get £5 for that? You would have to pay a shilling in the pound discount for waiting the three days.
575. Would that be charged to the seaman—would the seaman have to pay for cashing the note? Yes, of course.
576. Have you been a seaman at Home? I have followed the sea thirty-one years.
577. Have you lived in a Sailors' Home? Yes.
578. What is the advantage of a Sailors' Home? The advantage of a Sailors' Home, as far as my knowledge leads me, is that seamen, on returning home off a voyage, have a comfortable place to go to, where no crimps or tailor's runners, or any parties liable to impose on seamen, are admitted; and you can register your money, if you feel inclined to do so, leave it in the Savings' Bank, or send it to any part of the United Kingdom, free of expense. Masters of vessels make a practice of coming to the Sailors' Homes to select their crews, and undoubtedly those men residing in the Home have the first preference. If they find any indifferent characters amongst them they generally expel them, after giving them a reprimand once or twice, so that it has every advantage. It is kept up in a very respectable manner, supported by voluntary contributions, and the seamen are made perfectly comfortable. I lived in the Sailors' Home in Wells street three or four years, and also in Mr. Green's.
579. Are these establishments subject to police visitation? Not that I am aware of; I never saw a policeman inside the door.
580. What objection exists to the present system of licensed lodging-houses—are you aware? Supposing I had a sister or a brother, or any near relative here in the town of Sydney, and did not wish to mix with the common class of men, and wished to keep myself aloof from indifferent society, I would not be allowed to do so; except they pay a license they are under the fear of the police entering the house and ascertaining that I am following the sea and boarding with them, and then they are finable £5 for the first time, and, if fined again, it will be doubled. I think that very hard, because there are many men, I for one, who do not prefer going into these licensed boarding-houses. I would rather go to a private house at any time. I am not one of the fellows that likes to ramble about the streets and disgrace myself. I came first to this Colony 28 years ago. ●
581. Do you think that the power of police visitation has any weight with seamen in causing them to object to these lodging-houses? No, I do not think it has.
582. Do you think seamen like to be under police supervision more than any other class of men? No, I think not.
583. Then you think it is an objection? I do not see why we should be subject to police visitation more than any other class.
584. Are you aware of any other mode in which seamen are subject to police visitation more than any other class of men? I cannot say I am myself.
585. Have you any further communication to make on the subject? There is another very unjust thing, I think, on seamen. In the coasters men are compelled to work from six to six, discharging, perhaps, 60 or 70 tons of coals in the small vessels where there are only two or three men, and then compelled to keep watch at night—and if they do not do so, the man that ought to be on the watch is fined—it is hard work for that man to keep his eyes open. I think from six to six is quite long enough to work, without being compelled to keep watch.
586. Do they not frequently go to sea on the same evening when they discharge? Yes, very frequently. There are plenty of men in this port who would be very glad to take a watchman's berth. It is nothing but right a watch should be kept; and I would rather that those in charge should be seafaring men, so that they would know what to do when asked by the police—such as running out a warp or anchor. In one employment in this town, I have been repeatedly eye-witness to very great hardship that exists among them—that is Mr. Manning's. A boat will come in at eight or nine o'clock, and orders are left to discharge her immediately; and perhaps at eleven o'clock that same night the men are called out of another boat to go into that boat to sea, or lend a hand to unload her—although they ought to be in their beds—after working all day for less wages than any other Company is giving in the port.

Mr. W.
Rowbotham.

15 Feb., 1861.

Mr. W.
Rowbotham.
15 Feb., 1861.

587. *By Mr. Allen*: Do you know of any injustice to the seamen that has grown out of the boarding-house system, further than that it compels them to go and lodge in these particular houses? No, I do not.

588. Were you in this country before the Act was passed? I was.

589. Do you remember the outcry that used to be amongst the people here, against the crimps that followed the sailors about and dogged them? Yes, I remember it very well.

590. Do you think the sailors' boarding-houses and the Merchant Seamen's Act have in any way contributed to do away with that imposition on the sailors? I have no doubt they have in some measure.

591. This 2s. that is charged, is it for a discharge? For a discharge.

592. Are you aware that a similar charge is made in England under the new Act. Yes, I have been charged with it in England.

593. With respect to these boarding-house keepers, you say they obtain a preference for their own customers, in order to get paid—could you suggest any plan by which they could not do that? I cannot say that I could suggest any plan.

594. It is natural for them to take means to get their money if they can? Oh! yes.

595. But these runners, I do not feel quite satisfied with their conduct as reported by you——? You may depend upon it that if there was a change in the Shipping Office, and impartial men allowed to remain there, things would be much better; there would not be half as much fault to find.

596. You think there is more fault to be found with the mode of carrying it out than with the law itself? I think there is quite as much, with respect to Captain Shorter, as he calls himself, and these two runners.

597. When an advance note is presented at the end of three days, is the full amount paid? The full amount is paid.

598. It is only while passing from hand to hand that the discount is charged? It is paid to the party who presents it, but he deducts the discount from the seaman; the seaman cannot get it changed without paying the discount.

599. And then when it comes to be paid, it is paid in full? Yes.

600. *By the Chairman*: Have you ever known a larger amount than five per cent. to be charged? Yes.

601. Does it not depend upon the character of the man holding the note? In some instances.

602. For instance, a shifty man, who could not be trusted to go on board the ship, would hardly get any one to cash a note of this description at all? Very likely; that has frequently been the case.

603. *By Mr. Allen*: You have said that you object to lodge in a licensed house, that you would prefer a friend's house? Yes.

604. Do you know of any person who has been fined, under the Lodging-house Act, for boarding with a sister, brother, mother, or any other relation? No, I do not.

605. You complain that seamen are compelled when in harbour to work from six to six, and then keep watch—can you suggest any plan by which that could be remedied? Yes, by employing as watchmen some of the old sailors now walking about Sydney, who are unfit for sea service, and who would be very glad to accept the position of watchman; or do as they do in the New Zealand Company, the man who keeps watch is off duty all next day; that is a very reasonable request, I think, that they might make on any shipowner.

606. It is spoken of as a grievance that seamen are met in the street by constables, and without any further reason than the suspicion that they are runaway sailors are confined until dealt with, and that whether they are runaway seamen or not, they have no means of getting released until they are brought before the Magistrate—do you think that is a grievance of a general character, or only an occasional thing? I think it is a general grievance, decidedly so.

607. That men are taken up in the streets on the mere suspicion that they are runaway sailors, although they may be on their legal business? Yes; they may be sent on shore by the captain, for anything the policeman knows; if a man tells the policeman that, very likely he will say, never mind, I will put you in the watch-house, and hand you over to the captain in the morning; as was the case about six weeks ago, with a man belonging to an American ship, who was picked up in Wynyard-square by a constable, put in the watch-house all night, and brought before Captain North in the morning, and proved not to be a deserter.

608. Was anything done to the constable that apprehended him? Nothing.

609. He was not censured or anything? Not at all.

610. *By Mr. Lewis*: Do you think these licensed seamen's lodging-houses are objectionable on the whole to the sailors? I do.

611. I understood you to say awhile ago that these lodging-house keepers go to the Shipping Office, and make interest for the shipping of those who lodge with them? They make interest with these parties at the Shipping Office.

612. Do you not think that is beneficial to the sailors, that they gain their shipment through these means? It may be beneficial to those seamen in the long run, but so far it is not beneficial that the generality of these licensed boarding-house keepers will endeavour to retain the seaman on shore until his month's advance has been run out, and then it is to his interest to get this man out of the way as quick as he can, and by making friends with these runners he is enabled to do so.

613. You mean to say the lodging-house keeper does this for his own pecuniary benefit? Yes; were such things as this not to exist, I or any other man, whenever we thought proper to leave the shore, could go down and ship, without any person making interest for us.

614. *By Mr. Douglas*: How many runners are there at the Shipping Office? Two.

615. Are they paid by the Government? Yes.
616. From the nature of your answer just now, I should infer that they make a good thing out of it? They do, indeed; no doubt of it.
617. The lodging-house keepers, I suppose, are pretty much at the mercy of these men, if they like to inform against them? They very frequently inform against lodging-house keepers, if they find they have seamen boarding with them, and they have not a license out. I have known a person named Wallach, who keeps a clothier's shop in George-street, bring men down to the Shipping Office, call the attention of one of the runners to them, and say, these are men that I want to have shipped; all right, the runner would say, let them stop there.
618. You stated that the men in the employment of the Illawarra Steam Company were subject to considerable hardship by having to go to sea again at night—are you aware whether there is any express stipulation in their agreements which binds them to do so if required? Yes; they do not sign articles under the captain; they sign under the Company to be at their orders at any hour, which I think is a very unjust way of doing things;—why not have it as formerly, to sign articles for one vessel in particular.
619. You state also that this Company gives a lower rate of wages? Yes.
620. What are the characters of the men in the employ of this Company—do they get good characters as seamen? Yes, they are generally very good seamen.
621. How do you account for the fact that this Company is able to get a good class of seamen, if the wages are lower and they are subject to these inconveniences? A great number of the men that have been serving Mr. Manning lately have been men who have been what is termed regularly hard up—short of money, and in debt to the boarding-houses, and consequently glad to get anything to do; sooner than run any further into debt they go and hire for a certain length of time with Mr. Manning, but whenever they get anything that suits them better, they do not stop with him.
622. *By Mr. Love:* I think one of your grounds of complaint at the meeting you have spoken of was that you could not get into the Shipping Office unless you bribed the runners? Yes.
623. That was some time ago? Yes.
624. Has there been any change for the better lately? I have not been down to the Shipping Office since the election took place until about ten days ago; and then, whether it was through the medium of the runners, or what was the cause of it I do not know, but, after the captain had taken my previous discharge, and called me in to sign the articles, there was a little conversation between Mr. Shorter, the captain, and the mate of the vessel, and my discharge was handed back to me, and they told me they did not want me. That was the schooner "Rebecca," Captain Devlin.
625. *By the Chairman:* You have reason to believe that the Shipping Master influenced these men against you? I have every reason to believe it was done through the medium of the runners.
626. *By Mr. Love:* And you think that was in consequence of your having complained of the runners having taken bribes? Yes.
627. Are you aware of your own knowledge that these men have taken bribes? No; only what I have previously stated, that I know the boarding-house keepers bring down their men, point them out to the runners, and leave them outside.
628. You are not aware for a fact whether they have taken bribes or not? No.
629. You have only heard it? I have only heard it; but from the whole tenor of Wilson's conversation a few nights after your meeting I have every reason to believe such is the case, by his saying I should be some time before I got a ship. I have no doubt that if the thing was sifted properly, we should find men in Sydney who have given them money; I think it would not be a very difficult matter to ascertain the fact.
630. *By Mr. Douglas:* If you wished to ship, is your only means to present yourself to these runners in the office? Yes.
631. Then in fact you cannot ship unless you go through the ordeal of their approval—it amounts to that? It amounts to that. I may make what arrangements I like with the captain, but if these men who stand at the door do not think proper to let me in and sign the articles, they may bias the captain, or bias Captain Shorter, and prevent me from shipping.
632. Do you mean to say they absolutely refuse to admit you if you make the demand? I have never gone so far as to try, because they have always told us they would lock us up if we came near the door.
633. Have you ever been so threatened? No; because I have never put it in their power; as soon as they have told me to stand back, I have gone back.
634. Have you known any men who have been so threatened? Yes, I know it has been frequently said at the Shipping Office.
635. Then it is quite possible that if any man was hard up, he might bribe these runners to get put on a ship's books? Yes, it is quite possible. A few mornings after that runner had spoken to me, after Mr. Love's last meeting, a vessel called the "William Watson" was going to sign articles, and he said, "I suppose, since we have been shown up in the papers, we must keep back ourselves;" and he walked back and said, "You can all go in—the whole crowd if you like." That was the only morning that he came away from the door and admitted any one in.
636. *By the Chairman:* May I ask—you may please yourself about answering the question—have you been troublesome on board ship while under engagement, so as to get a bad character? Never in my life. I can produce testimonials now as good as any man's, and I do not care who sees them.

Mr. W.
Rowbotham.

15 Feb., 1861.

Mr. W. Rowbotham. 637. Will you shew your testimonials to the Committee? Certainly. (*The witness produced a number of certificates of character, obtained from various persons at different ports.*) In this Colony they merely give you a common discharge without any character at all. I have been in the British Navy as a quarter-master.

15 Feb., 1861.

638. I should like to have one of these put in as an Appendix, if you can spare it, to shew the form? Certainly. This is what we ought to have here. (*The witness handed in one of the certificates in question. Vide Lithograph—Separate Appendix.*)

639. You said that at Home 2s. was charged for shipping? Yes, shipping and unshipping.

640. In the coasting trade does that exist? No, it does not extend to the coasting trade.

641. It is only for foreign vessels the charge is made? Yes.

642. *By Mr. Douglas:* How long is your experience of this port? Twenty-eight years.

643. I see one of these certificates is of late date in England? I have been backwards and forwards in all trades and in all capacities. I have had charge of prizes in Her Majesty's service going down to the West Coast of Africa and to St. Helena. I have also a certificate from the master of a surveying vessel called the "Tartarus," previous to my getting a chief officer's berth on board a British barque. I had no certificate of service or of competency with me at the time, and the English Consul would not allow me to go in the vessel unless I could get one. Having been in the service ten years, I immediately went on board, and asked the sailing master to put me through an examination. He asked me a few questions, said he was quite satisfied, and gave me the certificate.

TUESDAY, 5 MARCH, 1861.

Present:—

CAPT. MORIARTY,	|	MR. LEWIS,
MR. STEWART,	|	MR. ALLEN.

DANIEL C. DALGLEISH, ESQ., IN THE CHAIR.

Charles Smith, Esq., called in and examined:—

C. Smith, Esq. 644. *By the Chairman:* You are a shipowner, I believe? I am.

Esq. 645. You are also a member of the Pilot Board? I am.

5 Mar., 1861. 646. You are conversant with the ordinary mode of procedure under the Colonial Merchant Seamen's Act? Yes, I should say I was.

647. Are you aware that that Act is complained of by seamen as oppressive? Do you allude to the Act that was passed last year?

648. I allude to the law affecting merchant seamen as a whole, not merely with regard to the short Act passed last Session for the transhipment of seamen? I think they complain more of the way that the law is carried out, than of the law itself.

649. With respect to the short Act passed in 1860, authorizing the transfer of seamen from one vessel to another belonging to the same owner, do you consider that oppressive? It is an Act very liable to be abused.

650. I believe seamen take very strong prejudices in regard to the vessels they sail in? Not only in regard to the vessels, but also to the masters they sail under.

651. And this would render any compulsory change of master or vessel liable to objection on their part? No doubt.

652. You say that the objection of seamen lies more against the mode of carrying out the Act than against the Act itself, will you explain your views on this matter? In the first instance, there are a good many objections in regard to the shipping and discharging of seamen.

653. What do you conceive to be objectionable in the mode of procedure now followed? There is a good deal of objection raised by masters of vessels in this way—that, when they go down to the Shipping Office to ship their men, the Shipping Master will not put the men's names on the list unless he is there present himself.

654. The Act to which you allude is the 23rd and 24th Vict., No. 11? I allude to the 17th Vict., No. 36; the complaint against the whole of the present system is, that the facilities given for shipping seamen here are not so great as those given in England. They have to take very much more trouble about the matter. Then again, in regard to shipping the men, the boarding-house keepers get the men's discharges from them when they come into their house, and the result is, that these parties will not afterwards give them up, when these men require to ship, without applying to a Magistrate. The men owe them money, and they hold the discharge until they are paid, knowing that the men cannot ship without it. Such a thing as this is unknown in England, as there they cannot hold the men's discharges for an amount over five shillings.

655. You consider then that the Seamen's Lodging Act is likewise at fault—that it also is in fact a grievance? No, not a grievance, for I look upon it as being for the seamen's protection; but then it is not carried out here as it is at Home. At Home a seaman is not obliged to go to a boarding-house to live; for, if he has a father, or a brother, or a cousin, he may go and stop with him. If he goes to a boarding-house the house ought to be licensed, because certain recommendations as to the persons being of good character are required, which acts as a surety before such licenses are granted; and all this helps to provide a safeguard for the seamen.

656. Are there licensed lodging-houses for seamen in England? *Yes, I believe there are. I sailed mostly out of Liverpool, and am certainly under the impression that they were licensed there.

C. Smith,
Esq.

5 Mar., 1861.

657. *By Mr. Stewart*: Are they established generally in the seaports of Great Britain; or are they confined to the two chief seaports of London and Liverpool? They are not general, I believe. I do not think there are any in seaport towns of Scotland; but, in all the large seaports of England, I think they have the seamen's lodging-houses licensed.

658. *By the Chairman*: They are not general? I can hardly say. I speak mostly from my experience of Liverpool, as that was the port which I knew best.

659. And it is not compulsory on the seamen to go to them? I am not aware of the precise arrangements; but I think that, with regard to seamen's lodging-houses, they have the same law there as here. I know that they have these seamen's lodging-houses at Home, and that seamen are not obliged to go and live there, when they have friends with whom they may wish to stay.

660. However, you complain, as an owner of vessels, that your time is needlessly wasted, and that much delay is occasioned by the many forms with which you have to comply in shipping the hands you may require? No doubt.

661. In this respect, then, you consider that the law should be revised? The law is a good one, if carried out in its integrity. The law is just the same as that at Home, and is a very good one if carried out liberally; but, in saying this, I do not speak in regard to that Act we have just spoken of, which is not at all in accordance with the English law.

662. *By Mr. Stewart*: Your last remark applies to the Act which authorizes the changing of seamen from one vessel to another of the same owner? Yes. That Act is altogether contrary to the whole intent and spirit of the English law, as it is attempted to be carried out here.

663. *By the Chairman*: We have it in evidence that, in this Colony, it is competent for a policeman to take into custody any person he may meet in the streets and whom he may suspect of being a runaway seaman;—this is the power given to constables under the Colonial Act—is it the same in the English Act? It might be as well to put some check on this power, if they have it; but I rather think it is under some old Colonial Act, that has reference not to seamen only, but to every one else in the Colony just the same.

664. *By Captain Moriarty*: Would it not, in your opinion, be an advantage to consolidate all the laws relating to merchant seamen into one Act? No doubt it would.

665. *By the Chairman*: I presume that you are well acquainted with the nature of the duties which merchant seamen are called upon to perform? I am very well acquainted with them.

666. We have had complaints before this Committee, from seamen working on board Colonial steamers, with regard to the oppressive hours of labour they are compelled to submit to; and, on their complaining at being overworked, they have been punished for refusing to obey lawful commands to work, although they had expressed their utter inability to do so, from fatigue—do you consider that to be just, when the vessel was at the wharf for instance? It would be a very difficult thing for me to answer that, unless I knew the amount of labour they were required to do, and the time they had been employed at it.

667. The facts are these. The vessel was supposed to leave Shoalhaven, I believe, at five o'clock in the morning, and the hands were employed in taking in and stowing cargo until nine o'clock. They called at two or three other ports on their way, taking in and discharging cargo at each, arriving at midnight at the wharf in Sydney. They were then ordered to discharge the inward cargo, and to load the outward cargo, in order that they might go to sea at once. After discharging the deck cargo, the seamen refused to proceed further in discharging the cargo from the hold. In consequence of this they were apprehended on warrant, although they expressed their utter inability, from fatigue, to work longer; and what is more, were fined for a disobedience of what were held to be lawful commands. Now do you consider such a mode of treatment to be just or fair? I should say not, taking the case as you express it.

668. From what you know of seamen, and their duties, you would consider this as being over what was naturally to be expected from them as labouring men? Certainly. This is one of the ways in which I think the new Act is calculated to work harshly; for it may happen that the men on board a steamer may have been up all night with bad weather, on their passage to Sydney, and on arriving here may find another steamer of the same owner short of hands, and just about to go out. Well they are liable to be called upon to go in her, and if they are, and the weather should still continue bad, they will be up another night also. This, I consider, is too much to ask of any men, and, in this respect, I regard the Act as very oppressive.

669. In the coasting trade of Great Britain there is no check imposed in the way of shipping or discharging seamen, as there is here? I am not aware; I have not been in Great Britain since that Act—the Coasting Act—has been in force.

670. You have already stated, that you believe the Act for licensing seamen's lodging-houses is a benefit? Yes, I think so.

671. Will you state the reasons which lead you to that conclusion? Because it brings them more immediately under the eyes of the police. The men who keep them must have good characters, or they will not be licensed, and they have also to find sureties for their good conduct. By licensing them, you keep them under the eyes of the police, whereas, it

is

* NOTE (by witness on revision):—In regard to this and the three following answers, I find, on reference, that lodging-houses are not licensed at Home; and, as I have been in many instances giving my views as to what would be a benefit to the sailors here, I would prefer being re-examined on this point. (Re-examined accordingly. Vide Proceedings, 27th March, 1861.)

C. Smith,
Esq.
5 Mar., 1861.

is well known, that, without the licensing system, they get spread about the town, in all directions, and there is no knowing where the men lodge. We all know, too, that, when sailors come ashore with money in their pockets, they are very improvident and careless, and this licensing is a protection to them, because, if the lodging-house keepers behave badly, they are more likely to be brought to justice from his residence being known. Where I think the Lodging-house Act wrong is, that men are not allowed to go where they think proper, supposing them to have a friend or relation with whom they might wish to stop; but I do not think that such a thing as this was anticipated when the Act was passed.

672. *By Captain Moriarty:* You think it should not be compulsory on the seaman to go anywhere unless he chooses? No, not if he has a friend or relative to go to.

673. There is no particular reason, you think, why a seaman, more than any other person, should be compelled to go to a particular place to lodge? I see none. He ought to be allowed to go where he pleases. It is only those houses where they make a practice of boarding seamen that should be licensed.

674. *By the Chairman:* When you spoke of seamen's boarding-houses, in England, might you not have been alluding to Sailors' Homes? No, they are quite distinct things. The Sailors' Homes are kept up by public subscription, and are different, in other ways, from boarding-houses. Some of them are kept up upon a very large system, and have been founded and maintained by public subscription.

675. *By Mr. Stewart:* Chiefly supported, I believe, by the contributions of philanthropic individuals? Yes.

676. *By the Chairman:* That was their origin, but they are now, I believe, mostly self-supporting? Yes, I believe they are, or nearly so.

677. In speaking of lodging-houses, I understood you to say, that the lodging-house keepers kept back the discharges of the seamen, as security for the amount of their bill, whatever it may be? Yes; I believe, in many instances where seamen are in debt, the lodging-house keeper not only withholds the discharge, but objects to the men going away in some particular ship from which he will not be able to procure such an advance as will pay the lodging-house keeper's claim.

678. Does that appear to you to be an objectionable practice? No; I do not think the lodging-house keeper is particularly to blame in the matter, because private individuals would do precisely the same; but what I object to is, that the Shipping Master should permit such things to be done.

679. *By Mr. Stewart:* There is nothing in the Act to justify persons in holding a seaman's papers as security for debt? No; and they know it, for they deliver up the discharge immediately, when a person acquainted with the law goes and demands it.

680. Then this is not an abuse of the Act, but an abuse of authority under the Act? Yes, and a very great one, and it arises only from parties who have the carrying out of the Act allowing it to be done.

681. *By the Chairman:* Do you consider that the charge to the seaman of two shillings, on the completion of his agreement, is a just charge? Yes, I do—very just.

682. A seaman may be in your employment continuously, for years, but be obliged, by law, to sign agreements with you, from three months to three months, and though he does not leave your employment, or your ship, he still has to pay his two shillings every three months—do you think this right? Yes, I think so. I pay the Shipping Master every three months for engaging him, and it is only reasonable that he should pay for his discharge. Every thing in regard to this matter should stand on its own bottom, and as we keep a staff of officials to protect seamen, it is only reasonable that they should be made to pay some portion of the expense those officials entailed.

683. Are you aware whether this establishment pays its own expenses? Yes, and considerably more than pays them.

684. And, as this establishment considerably more than pays its expenses, do you think it right that it should be made the means of extorting revenue out of the wages of seamen, who are the most underpaid class in the community? I do not know that. I think the sailor is paid quite equivalent to what other classes are getting.

685. When he gets £3 a month? They are getting now from £3 10s. to £4 per month, with their keep; and it is well known that it is of no use to give seamen any thing that is not of the best. So that they are really paid better than most working men.

686. Wages in this community are generally considered in relation to the wages paid at Home, so that, comparing the wages paid to seamen sailing out of these ports with those paid to seamen at Home, and comparing also the wages paid to other working-men here with those paid to them at Home, I conceive that I am justified in saying that they are the most underpaid portion of our population? Seamen are like every other class in the community; their wages will always be regulated by the law of supply and demand. They must depend upon this. A little time back they were getting £8 and £9 a month, solely because their services were in demand. So that they are altogether like every other class.

687. I do not wish you to consider my question in regard to anything except the surplus of the Shipping Fund; and I wish to ask you if a revenue ought to be raised in this way from the wages of seamen, it being a direct tax on their labour; and I allude to the fact of their being lowly paid merely to show the greater injustice of the charge? Where there is a surplus not expended in keeping up the necessary staff some reduction might be made. There ought only to be so much revenue derived as will be sufficient to keep up the staff necessary for the seamen's protection.

688. And where there is a surplus after paying expenses? That ought not to be. The establishment ought to bring in a revenue sufficient to keep up an efficient staff, but no more.

689. Under the Imperial Act I believe that no such charge as this is made, neither is it necessary

necessary for the seaman to go to a Shipping Office to sign articles? In answer to this I may say that I am not aware how the Imperial Act is carried out in regard to coasting business.

C. Smith,
Esq.

5 Mar., 1861.

690. Will you look at clause 149 of the Act 17 & 18 Viet., cap. (*Act produced*), and tell the Committee the construction it bears? I have now read that clause, and it appears to me that it is as much as to say that we may make laws for our own guidance in regard to our coasting trade. Any vessel trading from here to Newcastle or Moreton Bay, or any place along our coast would be bound by any laws we may pass; but a vessel sailing from here to the Mauritius or to India, or to any foreign port would come under the operation of the Imperial Act. The same Act would apply to them as would apply to British ships sailing out of British ports; and when they got to the Mauritius they would find that they would be dealt with under the Imperial Act in regard to anything that may have taken place on the voyage.

691. You will observe however that this clause shews that it is not necessary at Home for the seaman to sign articles at the Shipping Office? So it would appear.

692. *By Mr. Lewis*: Do not these vessels when here come under the Colonial Act as well as the Imperial Act? I hardly comprehend the question.

693. You say that foreign-going vessels come under the operation of the Imperial Act; but, in coming from a foreign port here, do they not come under the operation of our Colonial Act as well as under the Imperial Act? No. All foreign-going vessels trade under the Imperial Act. If, however, they are put in the coasting trade, then they come under our Acts, as we are empowered to frame laws in regard to our own coasting trade; these laws, however, have no force beyond our own boundaries.

694. *By Mr. Stewart*: In fact, our own laws can only be enforced within our own jurisdiction? Of course.

695. *By the Chairman*: I have this Act laid before you for the purpose of drawing your attention to the points contained in the 149th clause, and so of eliciting your opinion as to whether there is anything in the management of seamen in this Colony that would prevent them from having the same liberty here, when shipping in Colonial vessels for the Colonial trade, that they would have when shipping in British vessels for the coasting trade of Great Britain? I am not aware of there being anything to prevent them.

696. They are not so unmanageable here as to require to be bound down more than in England? I think not. I may mention that I have heard it said that the high wages in this port made seamen run away from English ships; and that, if it was left open to captains to sign articles on board their own ships, there would not be so many absconders. I think this remark is exceedingly fallacious; because, if once a seaman makes up his mind to leave a vessel, not all the laws you can pass will hold him or prevent him from getting off.

697. *By Captain Moriarty*: I should like to know your opinion on this fact—whether there is any necessity for a difference existing between the Act for the regulation of the coasting trade in England and the Act for the regulation of that trade here? Certainly not. It is my opinion, that, the more we assimilate our Shipping Acts to those of England, the better it will be for all parties, seamen as well as employers.

698. You said just now, that you considered it necessary for seamen to contribute something in support of the establishment made and kept up for their benefit; now, ought the exact sum that they should be called upon to contribute to be dependent upon the amount necessary for carrying out the purposes of the Act? Yes, certainly.

699. And he ought not to be called upon to contribute one farthing beyond the amount absolutely necessary to produce the effect desired? That is my opinion.

700. *By the Chairman*: Then I hold that you consider the Shipping Office, as established in Sydney, to be an incubus more than a useful institution? I consider that there might be very great improvements made in it.

701. As you think that our Colonial law should be assimilated to that of England, and as there are no Shipping Offices in England, of course that is equivalent to saying that the Shipping Office should be abolished? Not the abolition entirely. I take it in this way, that though in England you sign the ship's articles on board, yet it is thought necessary to have a duplicate copy of the articles to lodge in the Shipping Office. If this were omitted it would soon lead to very great irregularities.

702. But you would do away altogether with this unequal tax imposed on seamen, if you did away with the necessity for signing the shipping articles at the office? No, I think not, according to the present law.

703. Yes, but if the work of the department is all but abolished, that must be equivalent to abolishing the department? No. You might reduce the work so as to reduce the department, and so reduce the fee from seamen to one-half of what it is now; but I do not think it would be equitable to abolish the payment altogether.

704. You think then that foreign-going ships should still sign their articles at the Shipping Office? Yes; foreign-going vessels would have to do so, under the Imperial Act.

705. In coasting vessels, however, the seamen at Home sign articles on board ship, "a duplicate being sent to the Shipping Office"? This is not the law at Home, but I would recommend it to be adopted here, in lieu of the half-yearly returns required by the Home Act.

706. Is it not a custom in some ports to sign articles at the Custom House? No. They are always signed in proper Shipping Offices. The practise, as I understand it, and as it has been described to me by London captains, is just this:—The captain takes up with him to the office whatever hands he has, and wants to ship; they are called into a room with the Shipping Master, and the articles are read over to them. If he has not all the hands he wants, and requires more men, one of the persons in the office goes out in front, and calls

C. Smith,
Esq.
5 Mar., 1861.

out for any men who wish to ship in the vessel, giving her name; if any of them come in, the articles are read over to them also, and they sign them. The business of the master of the vessel is then done, for the Shipping Master sees that all the men who have signed articles go on board. The men are all known to him, and it is known where they lodge, and the Shipping Master looks to the lodging-house keeper to see the men go on board. In this way everything is more regular, whilst the master of the vessel has not one-tenth part of the trouble he has here.

707. Is not the Shipping Office sometimes in the Custom House? No.

708. *By Mr. Stewart*: In small seaports, is there not a room in the Custom House sometimes used as a Shipping Office? It may have been so, but there is a regular Shipping Office in every port now.

709. *By Mr. Lewis*: I understood you to say that there is no charge made to the seaman on his signing articles? No; neither here nor at home. The owner pays 2s. each for shipping the men; the men have to pay 2s. each for their discharges.

710. But there is no payment required for discharges at Home? Yes there is.

711. *By Mr. Stewart*: But not for seamen engaged in the coasting trade? No.

712. There is no reason for a different arrangement being made with regard to seamen employed in the coasting trade and those employed in other trades? Yes, there is; and I have already given one reason. It would never do for a captain to be at liberty to take a man who had no discharge, because it would lead to all sorts of irregularity; and, if the man must have a discharge, it must come from the Shipping Office in order to be authentic. He might be allowed to sign his men on board ship to the regular ship's articles, and then lodge a duplicate of the articles with the seamen's discharge at the Shipping Office. It would facilitate desertion and lead to all sorts of irregularity if the captain were allowed to sign all the men he chose on board his own ship, and without discharges.

713. The seamen then should have his discharge from the Shipping Office before he is entitled to ship again? Certainly.

714. *By Captain Moriarty*: You think that, if it were otherwise, a seaman would be likely to enter into a contract with one captain whilst he was actually under an engagement with another? Just so.

715. And that is one of the evils you contemplate if the discharges were not insisted on? It is.

716. *By Mr. Allen*: You are aware, perhaps, that it is the duty of this Committee to inquire into the social condition of the seaman as well as into the mode of shipping him; and I believe you have already given some evidence in regard to seamen's lodging-houses? I have.

717. On the whole, do you think that the establishment of seamen's lodging-houses has been an improvement upon the old plan of letting them go where they like? I think that the law is a very good one if it were carried out in a different form. As I take it, it was never intended, when the law was passed, that men should be forced to go to a licensed house to lodge.

718. I have the same impression. It can scarcely be said that the law forces him to go to these lodging-houses, though it is said to do so; and because a seaman happens to stop with a friend or relation, the fact of his doing so is scarcely sufficient to constitute that a seaman's lodging-house. It should be the general business of the House to make it come within the meaning of the Act. The Act, however, has been so strained as to compel all houses in which seamen lodge to be licensed, and this you consider to be objectionable? I consider that it is a benefit to have all these houses under license, in the first place, because they are thus more brought under the eye of the police; and, in the second place, a great deal more protection is provided for the seaman.

719. *By the Chairman*: I would draw your attention to one thing, and it is this—that Mr. North, in his examination before this Committee, has stated, that it is the opinion of the Attorney General that one seaman lodging in a publican's licensed house would constitute that a seaman's lodging-house, and, if not specially licensed for the purpose, permitting the seaman to lodge there would be a violation of the Seamen's Licensed Lodging House Act. This would be the case even as regards a publican who is specially licensed to keep a house of entertainment for travellers, who, though thus licensed, would be subject to fine if he permitted a seaman to live in his house? I certainly was not aware that such an opinion as this had been given; but I am very much of the same opinion as the Attorney General. I think that it is only right that where sailors really do lodge, and where such houses are really known to be seamen's lodging-houses, an opportunity should be given to the police to make some inquiry respecting them, so that they should not be legally authorized to carry on this business until they had complied with all the requirements of the Act; that is, until they had shewn themselves to be men of good character, and had provided sureties for their proper conduct.

720. *By Captain Moriarty*: But surely a publican's house, which has been already licensed by a Bench of Magistrates, after the fullest inquiry into the character of the man who is to keep it, and after exacting heavy sureties from him, must stand in a very different position from an ordinary boarding-house? Yes, certainly.

721. *By the Chairman*: You have frequently stated in the course of your examination, in speaking of the advantage of licensing these lodging-houses, that they would be more under the eye of the police: now does this remark apply to the seaman or to the lodging-house keeper—or does it apply to both of them, or to one more than another? I meant my remark to apply to the lodging-house keeper rather than to the seaman. We all know very well that when a seaman comes ashore off a voyage with plenty of money in his pocket, he rollicks about town, throwing his money away, getting drunk, and doing all sorts of foolish things. When he is in this state, he is very likely to fall into bad hands, and to get at his

his money taken from him. It is, therefore, with a view to his protection, under such circumstances, that I say that the places where seamen live, which are the houses to which they will usually resort, should be known to the police, so that their eye might be always on them. At the same time it is a great advantage, as regards the seamen themselves, that the police should always know where they are.

C. Smith,
Esq.

5 Mar., 1861.

722. And you regard this license, then, as a kind of certificate from the Bench of Magistrates, that the lodging-house keeper is properly qualified to undertake the duty? Yes. At all events, it shews that there is nothing in the police records against these people, and that, so far, they are to be regarded as honest people.

723. You have some acquaintance amongst the captains of foreign-going ships? I have.

724. As there is some doubt whether the Seamen's Lodging-house Act is in force in Great Britain, you might, if you would be good enough to do so, verify the opinion you have already given by some further inquiries into the matter from the masters of foreign ships; you can then supplement your evidence by such further information as you may thus acquire? I will do so, with pleasure.

725. *By Mr. Allen:* It has been given in evidence before this Committee that it sometimes happens that sailors going through the streets are taken up by the police, on suspicion of being runaways, that they are confined in the lock-up, marched through the streets handcuffed, brought before the Police Court, and when tried are found not to be what they have been described—now do you think that sailors experience any hardship in being treated in this harsh way that no other class is exposed to? I think not, because all classes are exposed to the same thing. For instance, if you take out a warrant for a hired servant who has absconded, the police will apprehend any man who may answer the description, and yet this man may be innocent.

726. *By Captain Moriarty:* But that is a different case,—there you have a warrant from a Magistrate to authorize the arrest? I apprehend there is no difference, because the constable apprehending the hired servant would do so without having the warrant, and, perhaps, without having seen it.

727. *By Mr. Allen:* It has been given in evidence, that, some time about Christmas last, a sailor was taken up on suspicion of being a runaway from some ship or other; he was confined in the watch-house on that accusation during two nights; he was then brought before the Bench, tried, and declared not to be a runaway—do you not regard this as a hard case? It is a hard case, I quite admit that; but then it is a solitary case. It is well known that you cannot carry out any law without hardships to individuals.

728. In your opinion is the case I have quoted a solitary one, or is it one that often happens? From my knowledge I should say that there were very few such cases. I do not think that there are many seamen apprehended without warrants being out for them. Some years ago, when wages were high in the port, I remember that there were warrants upon warrants lying at the Police Court for the apprehension of seamen from all manner of ships. Well, these men would get away from Sydney, some in one direction, some in another; and a good many of them were in the habit of getting about Middle Harbour, where they got some kind of employment. Well, the police would go in that direction and sometimes come across as many as a dozen men together. Of course they would apprehend them all, and yet out of the lot there would be some two three perhaps who would not be identified, but who, nevertheless, were runaways equally with the others.

729. Mr. North's evidence goes to shew that of the number of sailors apprehended, independently of those charged with drunkenness and felony, the number actually convicted was something less than two-thirds of those apprehended—this, I presume, would shew a different state of things to what you conceive, and lead you to believe that the instance I adduced was not a solitary one? No. It is exactly as I have just now said. There are a great many men taken up as runaways, who might be convicted, but yet who are not. There may be no evidence against some of them, some may not be identified, and a good number are let off at the request of their captain, and sent back on board ship. The fact is, the general policy of all the Police Courts is not to convict a sailor and send him to gaol, unless you are obliged to do so.

730. *By Mr. Stewart:* Then the number of convictions, as compared with the apprehensions, is no fair indication of the men being unfairly apprehended? No, not at all.

731. *By the Chairman:* If a policeman is entitled to apprehend a man without a warrant, what becomes of the liberty of the subject? Every stranger passing through the streets would be liable to be apprehended by any policeman who may take it into his head to imagine him to be a runaway. In allowing this discretion to the police, do you not virtually violate the liberty of the subject? That is a very difficult question to answer, as so many points have to be taken into consideration. I may say, however, that I have seen persons brought into this town from the country in chains, on suspicion of being runaways, and yet they proved on examination not to be so. These men had been in many instances torn away from the means of getting their living, and yet they received no redress.

732. *By Mr. Allen:* That was when this was a penal Colony? Yes.*

733. At that time every free man required to have a pass if he wished to travel in the country? Yes; and every sailor required to have a pass from his officer if he only went ashore for a few hours.

734. *By Captain Moriarty:* That was many years ago? No, not so very many years back. However, we are growing out of all that gradually.

735. *By the Chairman:* However, in the case of a seaman, the mere venial offence of runaway from his ship should not subject him, on conviction, to be incarcerated with common thieves?

* NOTE (Added on revision):—And since.

C. Smith, Esq. thieves? I should decidedly say not; the further you keep the seamen from thieves and felons the better.

Mar., 1861. 736. Should seamen, in your opinion, be subjected to the indignity of being marched through the public streets handcuffed, and openly, under the escort of the police? That is a very difficult question to answer in the form in which you put it. Every man who has committed himself to such an extent, as that a warrant should be granted for his apprehension, subjects himself to be treated in this way. However, the less all this is done the better; but in saying this I do not state that there may not be cases in which it is necessary to do this.

737. I would point out to you that, after their conviction, seamen are manacled in pairs, and are marched under charge of the police openly through the streets to the goal—now do you think that such an exhibition is either proper in itself or pleasing to the feeling of the seamen? I am not prepared to answer that question. It takes two forms. With regard to some seamen, marching them through the streets in this manner would be as heavy a punishment as you could inflict on them, and would be so much felt, that it would prevent them from infringing the law a second time.

738. You would regard this exhibition then as part of the punishment? Yes.

739. If it is to be so regarded, ought it not to be detailed by the Magistrate in giving his decision? Perhaps it would be better that it should be so.

740. I have asked you these questions because I find that, for criminals of a deeper die, a public vehicle, closely enclosed, has been provided in order to keep them from the eye of the public. That being the case, I would ask you if there is anything so very repelling in the offence of absconding as to induce the authorities to cause the seaman to be paraded through the streets like a common felon, and then to be confined with felons? I certainly think it very objectionable to confine him with felons.

APPENDIX.

A.

I would recommend that *all* the Water Police Acts be revised and consolidated into *one*, with a view to abolish the stringent laws found necessary in the height of the gold fever, and would adopt in their stead the Merchant Shipping Act of 1854, with a few necessary alterations fitting it to the requirements of the Colony; but even after the law is so amended, it can only be satisfactorily carried out by a Magistrate who is practically conversant with seamen and maritime matters, as most of those who sit at the Water Police Office are unacquainted with the duties of a sailor.

The Shipping Master *should* be distinct from the Magistrate.

THURSDAY, 14 MARCH, 1861.

Present:—

MR. LEWIS,
MR. LOVE,

CAPT. MORIARTY,
MR. WALSH.

DANIEL C. DALGLEISH, ESQ., IN THE CHAIR.

William Edgar Shorter, Esq., called in and examined:—

W. E. Shorter, Esq. 741. *By the Chairman*: You are aware for what purpose you have been requested to attend here? Yes.

14 Mar., 1861. 742. This Committee has been appointed for the purpose of examining into the working of the laws having reference to seamen? Yes.

743. Are you the Deputy Shipping Master of this Port? I am.

744. How long have you held that situation? Two years and three months on the last occasion; I held it before for twelve months, from 1856 to 1857, but the Assembly struck off two of the officers, and I vacated the office for a time.

745. I presume you are conversant with the Merchant Seamen's Act in force in this Colony? Yes.

746. Are you acquainted practically with the hours of labour on board ship? Yes.

747. Have you any deputy under you in the shipping department? No, I am the only deputy.

748. Have you any officer under you? There are two clerks in the office.

749. Are there any other subordinates under your charge? Two messengers.

750. Are they what Capt. North describes in his evidence as runners? They are the same.

751. What are their duties? To provide seamen for captains when they require them—they bring in seamen to be approved by the captains; to go on messages when required to do so; to look after seamen that have shipped in vessels and got advances; to put them on board their ships—in fact to do anything that is requisite in connection with the business of the office.

752. You say they have to provide seamen for captains when they wish to ship men here? They bring seamen from outside who are standing about for the arrival of captains that may want to ship men.

753. Does not this leave them to shew a preference to certain seamen over others? It may leave them some power.

754. Does it not do so? I think very seldom.

755.

755. In what way then can they select them if they have not the power of selecting whom they think proper? By calling out from my door that so many seamen are wanted for a certain ship, and that those who wish to engage may come into the office. That is the general course pursued. W. E. Shorter,
Esq.
14 Mar., 1861.

756. Do you think it is impossible for them to favour any particular boarding-house keeper with regard to the seamen so engaged? It is not impossible.

757. Do you think it is done? I do not think it is.

758. You have no knowledge of its being done? I have not, and I do not think it is.

759. If you had, what do you consider it would be your duty to do? To report it to the Shipping Master if they gave undue preference.

760. Do you consider that the law is equitable in its action to seamen and owners in this Colony? Yes, I do.

761. Is a written agreement necessarily entered into between seamen and captains or owners? It is, in order to conform to the laws.

762. Is a written agreement between seamen and owners so great a necessity as to require special legislation? It is, for the protection of seamen, and also for the protection of owners; as, if a captain could call a man on board ship as he pleased, and engage him, there would be only one copy of the articles; that might possibly be lost; there would be no proof of the shipment, of what they shipped for, the terms of their engagement, or anything.

763. Should not the agreement for the time be as binding on the owners as on the men? I consider it is equally so.

764. At present? Yes.

765. Do any cases of ship's or steamer's articles being thrown up before the completion of the time for which the agreement has been made come under your notice? Yes; frequently.

766. Is that the justice or the protection which you consider seamen obtain, to be discharged before the end of the time for which they have agreed? Excuse me, but I think you would imply by that question that they agree positively for a certain time, which they do not.

767. *By Mr. Walsh:* Suppose a crew sign articles for a voyage from London to Sydney and back, which is the usual form, is it not? Yes.

768. Do you know instances in which the crew have been discharged upon their arrival in Sydney? Yes, it is frequently done by mutual consent.

769. Have you known instances in which the crew have been discharged without their consent? No; it would be illegal to do so.

770. *By the Chairman:* Do you recognise that as a copy of ship's articles (*handing a copy to witness*)? Yes.

771. What is the agreement there entered into? That the crew are to go on voyages for any period not exceeding six calendar months.

772. Can the crew, having signed those articles, leave prior to six calendar months? No.

773. Can they be discharged? They can.

774. Is that equal justice to the crew and owner? Yes.

775. On what do you ground your opinion? I ground my opinion on this, that it is a benefit to seamen to sign in this manner, whereby they may be kept in a vessel for six months, as if they did not, seeing that steam-vessels are liable to break down constantly, they would only ship men for every voyage, or for not more than a month at a time, and would thereby oblige the seamen to make a new engagement each month. "Voyages," being in the plural number, they cannot discharge the men before two voyages.

776. Have you never known many cases where men have been discharged before they had made voyages? In some instances—one.

777. So that seamen are not practically protected, but, seeing that the owners can contract the time to any period they think proper—should wages fall that they can discharge them and re-engage them at a lower rate of wages—do you consider that to be equitable? I do not think it would be equitable if they were subject to very sudden rises or falls, which we are not here. It is seldom that any rise takes place so suddenly. The Port Curtis rush is the only instance I remember when there has been any very sudden rise.

778. What punishment is awarded to a seaman for a breach of his agreement? The punishment laid down in the 13th Victoria not exceeding thirty days for desertion, but it is in the power of the Justices to award so many hours if they like; that is in the Colonial Act, 13th Victoria.

779. What is the penalty on the owners? The penalty on the owners is two days' wages for one for ten days, if a man is kept out of his discharge or wages after being put out of his ship.

780. But the manner in which the articles are made out exempts the owner from any payment? Under such an agreement as this (*referring to the articles produced*.)

781. That agreement is sanctioned by law? It is sanctioned by law—I am not now speaking of the new Act, which I never approved of; for if under this a man shipped on board the "City of Sydney," and were transferred to the "Wonga Wonga" when the vessel arrived at Melbourne, the captain would have no hold upon the men, nor they upon him.

782. Is a Shipping Office a Government institution in any other country than this—I do not mean is it licensed by Government, but is it a Government institution, formed by it, and having officers paid by it? I am not aware how it is in England, it is so long since I left, but it is in Victoria, and I believe it is at Hobart Town.

783. You are called upon in the capacity of Shipping Master to act under the Imperial Act, it seems? Yes.

- W. E. Shorter, Esq.
14 Mar., 1861.
784. You will find this a copy of the Imperial Act—(handing the same to the witness)—will you turn to clause 162, the second rule? “Certificates for all trading ships.”
785. Is there any similar rule for the benefit of seamen in this Colony? There is no certificate granted in this Colony, excepting it is to act as pilots.
786. Are there any running certificates? No.
787. Look at clauses 167, 171, 173, and also at 174; are there any similar Acts here applying to seamen? We have a clause similar to the 167th in the Colonial Act.
788. You will observe that that will be with reference to English vessels, I say with regard to Colonial vessels, to persons signing articles for the Colonial trade? We have in the 17th Victoria a very similar clause.
789. But evaded by making out the articles in this form? I do not consider it an evasion, for it is an understood engagement.
790. Still it evades that rule of the English Act? No, it is equally applicable if they are discharged before the voyage it has been given.
791. Look at the 171st, 173rd, 174th, and 175th clauses of the same Act? The 171st “must deliver an account of wages.”
792. Is there anything similar to that in the Colonial Act? There is no Colonial law touching that.
793. 172nd? There are no certificates of competency.
794. The 173rd? Shipping Master may decide questions—I frequently have to decide questions—little quibbles about a day's wages more or less.
795. The 174th? I do not think we have anything in the Colonial law like that, but in the case of a British ship, we should call upon the master to hand over his official log.
796. The 175th, with relation to wages? We do not act upon that in this Colony. We do with all British ships, but not with Colonial.
797. Is it not equally necessary for Colonial vessels to have the advantage of a law like that? It would be a benefit to the captain to be able to shew the owners the amount of money he had paid, and that the ship was released from all claim on the part of the seamen.
798. And also to the seaman that he must have a copy twenty-four hours before payment? I think it would be a benefit to the seaman.
799. Do you remember the case of the “Norna”? I remember from the time the captain was brought up to be examined before the Water Police Magistrate—I heard nothing of the case before.
800. Did not the “Norna's” case involve a question of law under that clause of the Act? In regard to the payment of wages?
801. As to the Shipping Master's duty with reference to it? I think it did.
802. Will you look at the 231st clause—are such benefits as these secured by any Colonial Act to the seamen? No, I think not.
803. The 232nd and the 233rd, but more especially the 233rd—was the “Norna,” when in these waters, subject to the action of the Imperial Act? Yes.
804. Was it not your duty to punish any person who contravened that 233rd clause? I do not think it was my duty as I was acting under the Shipping Master.
805. The Shipping Master has given evidence that the more important part of the duty is performed by you—that has regard especially to the working of the Shipping Office, is that so; provided you had been the Shipping Master and not the Deputy Shipping Master, what would you have done? If I had been the Shipping Master I should have expected the money to have been paid to me, to be distributed amongst the crew.
806. It was the duty of the Shipping Master to have upheld, in its integrity, that clause? Yes.*
807. I think it points out that it was the Shipping Master's duty to see that the wages were distributed individually to the crew? I considered that by that law the money had no right to be paid to any one but the Shipping Master.
808. Do you not consider that it was his duty, as a Magistrate, to prosecute any person who took that money and applied it in contravention of that clause of the Act? If you will excuse me, I would rather not express an opinion upon the conduct of my superior officer.
809. Will you look at the 239th clause of the Act, which, with the following, are principally punishment clauses? Yes.
810. I think, as far as my reading serves me, every part of those punishment clauses is incorporated with the Colonial Act? Yes, if there are not the same words, there is the same meaning.
811. Then you observe that the benefits of the English law are not secured to the seamen although the punishments are fully secured to him? The punishments, according to the Colonial Act, are much less.
812. That is to say, imprisonment is for one month instead of three months? Yes.
813. Still, although the punishments are less in degree, in some instances they are all served out, and in some cases there are more punishments? I think they are less in degree, and I do not think there are so many punishments. For instance, the Board of Trade allows a certain scale of forfeiture which is embodied in the agreement, but we have nothing of the kind here.
814. Are not these minor offences punished by the Magistrates? Yes, but in England these matters are settled at sea, and the men are mulcted two days pay or three days pay as the case may be.

815.

* NOTE (by witness on revision):—There is an inaccuracy in the answer to the question on the top of the 17th page, No. 806, in that, as in all other questions reflecting on the conduct or duties of my superiors in the Shipping Office, I requested leave to decline giving an answer.

815. Are these forfeitures allowed in the coasting trade? I think not, I am not aware. W. E. Shorter,
Esq.
816. Is not the coasting trade here assimilated to the coasting trade of Great Britain? I think it might be worked nearly the same, excepting that it would militate very much against our British and Foreign vessels, if Colonial vessels could ship seamen as they thought proper without coming to the Shipping Office, whereas British ships are bound to go before a Shipping Master, or where there is no Shipping Master before an officer of Customs. 14 Mar., 1861.
817. Is there any reason why British subjects should not enjoy the same liberty in Australia as in Britain? None.
818. Would it not be a breach of liberty if such an Act as that exists, namely, that to protect the owners of British ships an injustice should be perpetrated upon the whole body of Colonial seamen? I think that question could hardly be answered without looking to the circumstances of the locality. We have so few men here at times to supply ships while in England they have an abundance.
819. I ask it as an abstract question? It would, no doubt, be unfair to coerce any set of men more in one part of Her Majesty's dominions than in another.
820. Look at clause 246 of the Imperial Act—is that clause, or any like it, in operation here? We have the same in the 17th Victoria—the Water Police Regulation Act.
821. So that, according to the Colonial Act, an action for damages would be against an owner causing a seaman to be wrongly apprehended? It would.
822. Are you aware whether, under the English law, a policeman can apprehend a seaman on suspicion of his being a runaway, without a summons or a warrant? I do not know; that touches more upon police matters than comes under my observation; I know it has been done.
823. I speak of Home? If so, it would be under some of the Police Acts, not under the Merchant Seamen's Act.
824. But it has been acknowledged by the Shipping Master to have been a frequent practice here? I know men have been frequently apprehended without warrant, but that has been where the police have had good ground to know they were deserters.
825. They have been apprehended without warrant? Yes.
826. Not by the owner or captain? No.
827. Then what compensation do you think could be obtained by a party so apprehended, if not guilty of any offence, from the person so apprehending? I fear it would be none.
828. Then it is a direct violation of the liberty of the British subject? I think it is wrong.
829. We have taken some evidence with regard to a case tried at the Water Police Office, on December 9th, 1859. It was the case of the crew of the "Kiama" steamer, who were apprehended for wilful disobedience of lawful commands—have you any knowledge of such a case? I know there was such a case, but, being a purely judicial affair connected with the Water Police Magistrate, I do not know much about it.
830. Is it not the duty of the Shipping Master to step between the owners or captains and their crews, to see that impartial justice is done? Not without he is called upon as a witness.
831. The case was brought before the Shipping Master? In his double capacity of Water Police Magistrate and Shipping Master; it was not brought before me as his deputy.
832. You were called upon in that examination? I do not think I was, to the best of my memory.
833. Will you read the case as it stands here, in an appendix to the evidence forwarded to the Committee from the Water Police Office? (*The witness read the same.*)
834. Do you consider that a case where the law should have been brought into effect? Excuse my answering that question, as it touches very much upon the conduct of my superior again; it is purely a police matter. It was a case, too, in which, not only the Water Police Magistrate, but two other Magistrates, thinking the men had transgressed the law, punished them, but the punishment was very slight.
835. Do you consider that the Shipping Master should have interfered for the protection of these seamen? I think if the Shipping Master had seen any opening whereby he could have interfered, being the chief Magistrate on the Bench he would have done so and dismissed the case.
836. You will recognise, by the whole tenor of the Merchant Seamen's Act, that an important part of the duty of the Shipping Master is to protect the seaman in every case of injustice—that he has the power awarded to him of sitting and deciding upon cases similar to this, or even cases involving more important considerations than that involved in this? He has not that power in this Colony.
837. He has in the Imperial Act? He has.
838. There is no such advantage obtained in this Colony by seamen? The Shipping Master cannot interfere with the judicial proceedings of the Bench.
839. The protective power is taken in a great measure from the Shipping Master? It is not the same in this Colony as in England.
840. Especially with regard to the power to protect the British seaman—do I understand that? I do not know how far in England the Shipping Master may interfere in a Police Court; I think he could not; he might attend and offer his evidence, but if he were not allowed to do so I think he could not insist upon it.
841. I am not alluding to the duty of the Shipping Master as Water Police Magistrate; I am alluding to the duty of the Shipping Master as Shipping Master—is it not his duty to protect the seamen of Great Britain? Yes, it is.
842. Is there an equally protective power given to the Shipping Master here? I am not aware of the full powers of the Shipping Master at Home; I know here that the Shipping Master cannot interfere with the Bench of Magistrates.

- W. E. Shorter, Esq.
14 Mar., 1861.
843. Before a case comes before the Bench? He may advise the captain or crew to settle a matter; but he has no power to arbitrate or to enforce a certain course unless both parties are willing to leave the matter in his hands as a common arbitrator.
844. *By Captain Moriarty*: He cannot act magisterially? No.
845. *By the Chairman*: Is it your opinion, that any advantage is derived to the public service by the amalgamation of the duties of Shipping Master with those of Water Police Magistrate? No; I think the only benefit derived is not having to pay a Shipping Master.
846. You consider it not advisable to amalgamate the two offices? I think they worked better when separate, at least as far as the Shipping Office goes.
847. I think, from your answer to a former question, you recognise that, should wages rise from £3 to £6 during the period of a seaman's engagement, he can be bound to the full extent of that period? Yes, he is bound for the period for which he has signed, whatever the rate of wages may be.
848. Should wages fall from £6 to £3, he can be discharged in order that he may be put upon the ship's articles at a lower rate? Such is the nature of this engagement.
849. Then is there any mutuality in this engagement? It does not appear to be so in the first instance, but, as I mentioned before, there is this advantage to the seaman, that instead of being discharged every month he may possibly be kept on for six months.
850. If they were discharged every month, would not seamen have the advantage of any rise of wages? Yes.
851. Do you not observe, that, under the present engagement, they are debarred from that advantage? Yes.
852. While the Company or owners have the advantage of discharging and re-engaging them at lower wages within the period of six months? Yes.
853. Do you consider that mutuality? Not exactly so; but, by their being discharged every month, the Company would have only the advantage they have at present, for they never lower wages in the middle of a month, only at the end.
854. While the Company would not obtain advantage, would not the seaman have the advantage of any rise of wages? Yes.
855. Have you not the right to consider the advantage of the seaman equally with the advantage of the owner? Yes, as Shipping Master.
856. As Deputy Shipping Master you are being examined now? Yes; in fact I always have studied to consider their advantage as equal.
857. Consequently, during this examination we would wish you to keep your mind unbiassed, either as on behalf of the seaman or of the employer. How would you propose to remedy an injustice of this description? I do not see any remedy.
858. I find, from evidence previously obtained here, that in answer to a question put to Mr. North, as Shipping Master, he stated that, in the case I recently put to you, personally he would not have exacted "the pound of flesh"—that is, the full amount of work which he could have claimed from those seamen on board the "Kiama." I think I could ask that question from you in another way, which would not involve censure on the part of your superior officer—do you consider that a seaman should be compelled, regardless of fatigue, to turn to, whenever called upon, when a vessel is not placed in jeopardy—when, in fact, merely a pecuniary loss might be sustained by the owner in consequence of having to employ further labour to discharge his cargo? No; I think they should not be called upon for anything of the sort; they should not be required to do more than their fair share of duty.
859. Do you think it desirable there should be a provision to check that exaction on the part of the owner? I think it would be wise.
860. Are you aware if any exists at the present moment? No, none at present.
861. You are aware that seamen can be punished for not working at command? As the law stands they can.
862. Irrespective of fatigue—irrespective of anything, without regard to any actual loss that can ensue, or anything that may place the lives of the crew or the safety of the ship in jeopardy—by the action of the present law can seamen be punished who, labouring under extraordinary fatigue resulting from working for such a number of consecutive hours, refuse to load a vessel at midnight when lying at a wharf? I think, as the law stands, they would be liable to punishment to whatever extent the Magistrates might think fit, but that has more to do with the police than with the Shipping Master's office—this punishment comes under the eye of Magistrates.
863. Are you aware that seamen are dragged handcuffed through the streets of this city when they are about to undergo the penalty of imprisonment for disobedience or desertion? I know some have been handcuffed for desertion, but I have known many brought along without being handcuffed—when they have been quiet.
864. I am speaking of after they have been sentenced? In former times they were taken handcuffed, but now, generally, a large omnibus comes down and takes them from the Water Police watch-house.
865. Are you aware that they are placed in gaol in company with thieves, pickpockets, and the worst of characters? I am not aware except from hearsay—I believe there is no discrimination.
866. Do you not believe that is very prejudicial to the moral character of the seamen? I do. I think it would be better if they were classified and kept apart from the other prisoners.
867. We find from the Appendix to Captain North's evidence that a revenue is derived over and above the working expenses of the Shipping Office in this port? Yes, there is a revenue over and above the expenses. I cannot say just now the amount.
868. Do you consider it desirable a revenue should be derived from such a source? I think not.

not. I think the first intention of the establishment was that it should be just self-supporting and no more. W. E. Shorter, Esq.

869. With regard to lodging seamen, are you aware of any law compelling seamen to lodge in any particular place in any other country than this? I am not aware of any.

14 Mar., 1861.

870. Do you consider that any special advantage accrues to seamen from the fact of lodging-houses being licensed in this country? Yes, I think it is a great advantage to seamen.

871. What advantage do you think seamen obtain from that? It keeps them in cleanly habitations, the party keeping the boarding-house, being afraid of losing his license, does not attempt to overcharge them as they otherwise might. Another great matter is this:—Seamen shipping for long voyages get advance notes; and as long as they have any money left from that advance note they will not go on board. We know, by having these licensed boarding-houses, where to find the seamen; and when a vessel is leaving and some of her men are on shore, we send our runners after them, that they may not lose their ships.

872. You look upon them as adjuncts to the Police Department? Yes, said Shipping Office.

873. Then a part of the advantage to seamen accrues from the fact that the policeman knows where to find them? It is not the policeman; it is the runner from the Shipping Office.

874. Is not a runner in your office more than half a policeman? He is a special constable; he is bound to have that power, in order to quell any disturbance.

875. Can you truly it is nothing more than an adjunct of the Police Department? They get the men more by persuasion; they have no power to take the men out of the houses by force.

876. I ask you whether the advantage to the seaman is that he is placed under police surveillance? I do not think he is placed under police surveillance, excepting so far as to see that the houses they live in are properly kept.

877. And also that the police—the special constables—shall know where to find him? Yes, that is one advantage to the seaman, to put them on board their ships, otherwise they would lose their passage. It is frequently the case that they lose their passage, by straying away from these boarding-houses, and getting into some lanes and alleys where the captains do not know where to look for them.

878. Are you aware that in London these advance notes are also given to seamen? Yes.

879. Yet, in a city like London, which is so much more populous, so much larger in extent, where it must be so much more difficult to find seamen, lodging-houses are more plentiful; why then do you think it necessary that they should be licensed in Sydney? In London the number of seamen is so large that they are always glad to get employment, and they seldom leave their ships.

880. We find, from the evidence of a witness before this Committee, that a person was given by runners to a man who had lived in a particular boarding-house; and that he himself has suffered from a practice being given to some man or other of—May I ask his name, if it is Rowbotham? I know the circumstances of his case, but his name is not given. He was going to ship in the little "Rebecca," for the South Sea. I told you. When Captain Devlin looked at him, without a word from him he said—"I am afraid you are too old for me, my friend; I must have a younger man, that will perhaps save my head among the blacks."

881. The ship I allude to is the "Commodore"? I do not recollect any particular instance. (*The Chairman read the evidence to the witness.*) I have no recollection of that particular case.

882. Is it not a great hardship for a man to leave a ship in which he was engaged, in which the captain was willing to employ him, to have to continue in a boarding-house at an expense of £1 a week because he had not had his discharge, and had not a few shillings to pay for an affidavit, when by looking at your books you might have found he was entitled to his discharge? I do not think it hard at all; and you would not think so if you knew the schemes and artifices they resort to, such as telling or landing discharges to deserters, and then coming and asking a statement of this fact. It is necessary to take a very great precaution before giving a person a second discharge.

883. Should the power of making an affidavit not be given to these men without a charge, when they assert that they are not in circumstances to pay—that they have not two shillings and cannot borrow two shillings, and that without their discharge they must continue to be homeless vagabonds? That is a Police Office matter. The affidavits are made in the Police Office.

884. I ask you, as Deputy Shipping Master, whether a man should be kept out of a ship when he might obtain one if he had but his discharge—I refer to cases where men have good characters, as in the case of Rowbotham, who produced characters of the best description? That case of Rowbotham was purely the captain's affair.

885. I am alluding now to the case of the "Commodore"? The authorities cannot tell what has been done with a discharge unless an affidavit be made; it may have been given or sold to a deserter.

886. You say that the runners call in men to ship—I find in Rowbotham's evidence that these runners are in the habit of saying to particular men, "Oh, you are not wanted"—that they have the power to keep any particular man back to whom they have an objection from entering the Shipping Office? I do not think they exercise such a power—I have not heard them.

887. Can they exercise it? I should say they could not, for my seat is close to the door, and I should hear them unless they spoke very low. There are some instances where a captain will say, "I want so many able seamen, good men, used to this particular trade." In such a case it is their duty to pick out men suited to the captain's views.

- W. E. Shorter, Esq.
14 Mar., 1861.
888. *By Mr. Love*: Are there many foreign seamen who come into this port? Not a great many.
889. What country are they generally natives of? They come from Germany, Holland, France; but the greater part of the foreign seamen who come here are Americans or Dutchmen.
890. Any coloured seamen? From India occasionally—Asiatics.
891. Any other country? We have people from all countries—Spaniards, Prussians, Russians, Finlanders.
892. Are the Asiatics men of much weaker constitutions than Europeans generally? Yes.
893. A greater number are required to work a vessel? Yes; when I was going to sea we used to consider it was necessary to have three for one.
894. Are you aware whether these Asiatics are treated worse than Europeans by captains? I have been in Calcutta, and in other trades, and I believe the serang frequently punishes—probably under the direction of the captain or other officer.
895. What is the serang? The same as a boatswain over a British crew.
896. You have perhaps sailed with Asiatics? No, I have not myself.
897. Have you heard of any complaints made by these coloured seamen, respecting harsh treatment on board? I never heard of any complaint excepting the "Norna's" case.
898. Did you ever see a man named Budeen, a sailor on board the "Norna"? No, I did not see him.
899. Has he ever been in the Water Police Office? I have heard of his being in the Water Police, in the lock-up, but I did not see him; he was not in the Shipping Office.
900. You cannot give any information about this case at all? None whatever.
901. Has a case ever come to your knowledge where a lodging-house keeper has wished to detain a seaman in his house until all his money has gone, instead of allowing him to go to sea? No particular case of that kind has come to my knowledge.
902. *By the Chairman*: I find in the evidence of a seaman that that has been done, and that by a lodging-house keeper making friends with the runners, he is enabled to obtain situations for those who are in his debt? I do not believe that to be the fact, and I have known these messengers for five or six years.
903. Is it possible that by arrangement this could be done? Yes; it is of course possible for any men to behave badly.
904. *By Captain Moriarty*: You are the Deputy Shipping Master? Yes.
905. You have power to act in the absence of the Shipping Master? I have.
906. You have no authority to act when he is present, at variance with any directions he gives you? No.
907. I think you made some statement as to the payment of wages of the crew of the "Norna" to some person—was the money due to the crew of the "Norna" paid to any one in the Shipping Office? Not to any one in the Shipping Office.
908. What is the law upon that point according to your view of it? My view of the law is, that the Shipping Master is the only person authorized to receive that money, irrespective of any lawyer's claims or powers of attorney, and that it is his duty to pay that money to the crew, always considering that what it is right to pay the lawyer should be deducted.
909. According to your idea of the law the money should have been paid to the Shipping Master? That is my opinion.
910. In these individual instances it should have been paid to the Shipping Master? I think so.
911. And distributed by him, according to the law, to the men, to whom it was fairly due? That is my opinion.
912. Then any deviation from that would, according to your views, be an improper arrangement? You are aware that these questions will bring me very much in contact with my superior.
913. Supposing this money had, in the absence of the Shipping Master, been paid to you, as Deputy Shipping Master, should you have considered that you were the proper person to have received that amount? Yes.
914. Supposing the money had been paid into your hands, what distribution should you have made of it? I should have taken the advice of the Shipping Master as to whether any portion should have been retained for the lawyer, and what portion.
915. Is not the Act specified that the money must be paid by the men? Yes; but having my superior at hand I act under his instructions.
916. But, according to law—the law being distinct upon the point, that the money should be paid to the crew—would you not consider it a deviation from law—an illegal act—to appropriate that money? I should act under the instructions of my superior.
917. Am I then to understand that if the Shipping Master were to require you to perform an act which you knew to be illegal, you would obey him rather than the law. In such a case would you not deem it your duty to place the entire sum in the hands of the Shipping Master, and allow him to deal with it as he thought best? Yes.
918. There was a case came under your consideration of some men who had to discharge a ship, after having been a very long time at sea—do you consider it a legal order to require men, after arriving in port at twelve o'clock at night, to set to work to unload cargo, after having been hard at work all day? I do not think it is illegal.
919. Is it an order you would give yourself, if you were in command of a ship? I should not expect it except in some great emergency. It might have been that these people, after discharging the vessel, could have gone to sleep, and another gang put on to load. These men take watch and watch as long as they are at sea.

920. *By the Chairman*: If you refer to this case of the "Kiama," you will find that the reason these men were directed to work in the discharge of the ship was, that they might reload the ship and proceed to sea; and the fact that the vessel was unable to proceed to sea formed the ground of complaint of disobedience to lawful commands? The men were bound to discharge the vessel. W. E. Shorter,
Esq.
14 Mar., 1861.

921. And to load it? Not to load, because in the part of the agreement where room is left to insert anything not contrary to law, it was inserted, "all cargo to be landed on arrival at the wharves, if necessary."

922. Does not that allude to ordinary circumstances? It alludes to general circumstances, if necessary.

923. Do you consider that it could be enforced where the men plead absolute fatigue and inability to comply, in consequence of their continued exertions? I believe it is a great hardship, but according to the agreement they could not refuse.

924. *By Captain Moriarty*: "According to their agreement"—have you a copy of their agreement? "All stock and cargo to be landed on arrival at the wharves"—that is under the new Seamen's Act.

925. That refers to deck cargo, I presume—to perishable goods? I take it to be the whole of the cargo, if necessary. It used to be all deck cargo, specifying "deck cargo" in particular.

926. *By Mr. Lewis*: Concerning the lodging-houses, I understand you to say that men are compelled to lodge in them? They are compelled.

927. And there is no restriction concerning what amount they have to pay for their board in these houses? None whatever.

928. There is liberty to charge what they please? Yes.

929. Do you reckon that fair that they are compelled to lodge in these houses, and yet that the keepers can charge what they like? There are so many that competition keeps down the price, otherwise it would be unfair.

930. Do you reckon it fair, in point of law, that they should be compelled to lodge in these places, and that there should be no restriction as to what they charged? Seamen are not compelled to lodge in them, but boarding-houses cannot take seamen in unless they have licenses. If every single seaman chose to go to a separate house nobody could interfere, for the law sets out that these are to be boarding-houses for seamen. A single seaman may live with any one he thinks proper.

931. I understood you to say, that seamen are compelled to go to board in these houses? Only so far as this, that the licensed boarding-house keepers are the only ones that can take them.

932. *By Captain Moriarty*: That pretty nearly amounts to the same thing? Pretty nearly.

933. *By Mr. Lewis*: In an indirect way they are compelled to board in certain places, and the lodging-house keepers can charge what they like? Yes; but they can go from one to another if they are not suited, and I know that the keepers of the houses do not charge more than the ordinary rate in lodging-houses.

934. *By Captain Moriarty*: Supposing a man gets in debt to a lodging-house keeper, is it not a possible or a probable case that a higher rate for board will be charged than that usually demanded? No; it is not at all probable that he would attempt it, because he would be liable to be summoned to the Police Court by the seaman.

935. I understood you to say that no scale of charges was fixed by any authority? No; but it would shew imposition if an attempt were made, because a man was in debt, to charge him more than he had done before, or more than he charged others.

936. Is there any valid reason why a seaman as well as any other member of the community may not be at liberty to go and lodge where he pleases? Seamen have not the same command over themselves generally speaking.

937. That is assuming sailors to be fools or children? We know that when they come from on board ship they are liable to be led into any court or alley by a courtesan, and I think it is necessary there should be a law to protect them.

938. Then this is an arrangement calculated to protect them? Yes.

939. Presuming them to be blockheads? I do not presume that they are always fools or blockheads, but I know that sailors are so called, and that they called me so when I first went to sea.

940. *By the Chairman*: Is there any law to prevent seamen being picked up by courtezans? No; that would affect the liberty of the subject.

941. Is there any law to compel a seaman to remain in his lodging-house after he has gone to it? No.

942. Consequently is there any security by the Lodging-house Act that the seaman shall not be inveigled and robbed by courtezans as you have suggested? His chest and clothes being in the boarding-house will naturally draw him towards it as his home.

943. Is the seaman when he is picked up by the courtesan generally picked up with his chest of clothes and his bag? No.

944. I find from the evidence of Captain Smith that cases have occurred where the discharge of the seaman has been detained by the boarding-house keeper as security for the payment of board and lodging, and that he has been compelled to deliver it up—is that an advantage to the seaman? No; allowing that it is the fact it is a disadvantage, but I do not know of any power to compel them to give up their discharges.

945. You say competition exists between boarding-house keepers, and that that secures to seamen an equitable rate for lodging? I think so.

946. Is there any Act to compel this competition on the part of boarding-house keepers? There is no scale of charges.

- W. E. Shorter, Esq. 947. Competition may cease to-morrow? It may.
- 14 Mar., 1861. 948. Consequently, seamen, being compelled to lodge in a licensed boarding-house, may be subject to whatever charge the extortion of the keeper can extract from him? There is not likely to be a diminution of the houses.
949. That is not the question—competition may cease? Many things *may be* which are not likely.
950. It is possible to cease, and if it does cease, there is no Act to regulate the charges? No.
951. There is no Act to prevent lodging-house keepers from combining to maintain a certain rate of charges? No; but it is impossible to make an Act to say that the rate shall be so much and no more.
952. But it is not impossible to pass an Act to compel seamen to go to certain lodging-houses? You could not fix the rate of charge, because there is a frequent variation in the price of provisions.
953. But the remuneration of seamen is subject to the same rise and fall as the prices of provisions? There cannot be such competition as there would be, if any one could take in seamen; if houses were opened all over the town competition would be greater, but I doubt whether the seaman would be better served. With regard to discharges—discharges are sometimes given up to boarding-house keepers, as a kind of security when men have not chests or clothes, but if, when a man wants to ship, the boarding-house keeper does not let the man have his discharge, I give the man permission to ship without it.
954. You do that of your own free will? Yes; because if a man —
955. If boarding-houses did not exist, would he not have a summary method of enforcing the relinquishment of his discharge? He has now, by summoning the boarding-house keeper.
956. Is not that power vested in you? No; in the Police Magistrate, the Shipping Master has no power.
957. *By Captain Moriarty*: You cannot act magisterially? Not at all.
958. *By the Chairman*: From your answer to a former question with regard to the shipping of seamen, I was led to understand that if it were possible to have a duplicate of the articles, the objection you mentioned with regard to the signing of articles on board a vessel as is customary in England would not hold? That objection would not hold.
959. It is perfectly possible to have a system where a duplicate of the articles should be left compulsorily at the Custom House or Shipping Office? Yes, perfectly.
960. We find from evidence already given here, that men have been four or five years consecutively in one service, and yet they have been compelled to pay a large sum of money for the power of engaging their services, not of entering on board different ships—do you consider that just? I presume you refer to the case of Gibbs: he has paid about two guineas in the last six years.
961. Should it be so? It as the law stands: it would alter the law altogether to say it should not be so; while the law is as it is it must be so. The law might be altered so that they should not be called upon to pay for discharges at all. I do not know that the country is better served, or the revenue much added to, by requiring the payment of these sums.
962. Would it be beneficial to have the law altered? I think if the fees were reduced, or in certain cases not charged at all, if a man remained in one ship a length of time, it might be a benefit to the seaman and no harm to any one.
963. Or in such a case as that of Rowbotham, where a man is compelled to continue in lodgings and to lose his employment from having mislaid his discharge, and not having two shillings to pay for another? I think that an extreme case, for a man to be unable to borrow two shillings.
964. If a man has a conscientious objection to borrow? I dare say he might be in debt to his lodging-house keeper, and he need not therefore have been afraid to borrow two shillings more.
965. I am not asking with reference to him, but with regard to any individual who had a conscientious objection to go into debt? I think it a very necessary and wise law that requires persons to account for lost discharges. I have had men come to me with discharges that did not belong to them, and when I have questioned them closely they have said, "I bought it of So-and-so for £1." If the man comes up he says, "I did not take a pound from him, I lost it." In the absence of a declaration how can I arrive at the truth.
966. Suppose both swear to the same thing? Of course I cannot tell which speaks the truth.
967. So this system of discharging leads to the demoralization you have pointed? I do not see any more demoralization than you constantly see in the District Courts, where there is constantly cross-swearing.
968. Do you not consider it a state of demoralization? It is, in a measure; but it is not often these affidavits are made out falsely—generally they are the test of truth, and the only test.
969. I allude to the demoralization between two seamen, when one says that he has bought a discharge for a pound, and the other says he did not sell it but that he lost it? No doubt there is great demoralization, as there will be thieves in all parts of the world.
970. Do you class seaman and thieves in the same category? Certainly not. I think they are too honourable; they are seldom found to be thieves; only it will be found that there are objectionable characters in all classes and in all parts of the world.
971. *By Captain Moriarty*: Thieving is not a vice of their character? No, I never considered them to be addicted to that, and I have known them these thirty-seven years.
972. *By the Chairman*: You said in answer to a question as to the Seamen's Act at Home, that

that the Shipping Office is not resorted to by seamen and owners engaged in the coasting trade? I have heard so, but I do not know what is the law at Home.

973. You will find from the Imperial Act before you that there is a special reference to foreign-going vessels? (*The witness referred to the Act.*) Yes, there is.

974. You will find that there are not the same restrictions with regard to coasters: there they are bound to sign on board in presence of an attesting witness? I believe that to be the usual practice at Home.

975. *By Captain Moriarty:* We have had it stated in evidence that the police occasionally interfere by arresting persons at some distance from town, bringing them into Sydney, and confining them, if they arrived late, in some lock-up, until they had an opportunity of bringing them before a magistrate, without any reasonable grounds for such interference beyond mere suspicion on their part: what is your opinion of the propriety of such a course as that? I believe it may be necessary at times. I have known a ship to be delayed here a fortnight for want of hands where the men have left their ship, and there being no warrant the men were allowed to pass through Sydney on their way to the diggings.

976. How was it there was not a warrant? Because they were half way to Parramatta before the captain was aware that they had deserted.

977. The captain has it in his power to have a warrant issued on which the police can properly act? Yes.

978. What I want to know is whether a policeman in the country is to be at liberty, without anything to warrant the suspicion, to bring any man he likes from a distance of ten, twenty, or fifty miles to Sydney, *à lents volens*, upon the idea that he is a runaway seaman: do you think that a proper power to vest in a policeman? I think where a man is a seaman he ought to be able to give a satisfactory answer.

979. What do you call a satisfactory answer? I think he ought to be able to produce his discharge, or to shew by letters, or some means in his possession, that he has been legally discharged from his ship.

980. Would not that apply to any man? I think it applies to sailors particularly.

981. Suppose I were in the country, might I not be apprehended? I think nobody would take you for a runaway seaman.

982. *By the Chairman:* Would the same remark apply to me? I think a constable would be very stupid to apprehend you on suspicion.

983. *By Captain Moriarty:* Are you aware that one of the Judges of the Colony was arrested in that way, and brought down a hundred miles from the interior? Not as a seaman. Formerly the police were much more strict, when the gold diggings were at their height.

984. Is a man bound to admit that he is a seaman or a runaway—are you not bound to prove that a man has committed some breach of the peace before you are at liberty to incarcerate him? I do not know—that is part of the police law; it is purely a matter of law.

985. I ask you as a common sense question? I think a constable is justified in apprehending a man if he has good ground to suspect that he is a runaway seaman.

986. Supposing the man is not a seaman? He must be a stupid policeman if he does not know whether he is a seaman or not.

987. *By the Chairman:* Will you inform the Committee what you consider "good grounds"? He might learn by questioning him.

988. Are you not aware that, by the law of England, you are not allowed to question a man in order to criminate him, without first warning him that any statement he may make will be used against him? Yes.

989. Consequently, do you not think the ground given for your opinion at variance with English law? I think, generally speaking, men should not be interfered with, but I think where a man, from his appearance and manner, may be known to be a seaman, and has no discharge, he might be taken.

990. Do you think, looking at the matter free from any prejudice which may be caused by your position, viewing it in the light of an ordinary individual, of one subject to have the same abuse perpetrated on your proper person, it is right to allow to a constable the power of apprehending without any legal document, simply on an undefined suspicion? I do not know how to answer the question, for I have known such great necessity for stopping the men. It may possibly happen that one man out of a hundred may be improperly apprehended, and I know that it is generally acknowledged that it is better to let twenty guilty men escape than to take one innocent into custody. Still the shipping interest must be protected.

991. *By Captain Moriarty:* In point of fact, is it a possible case that your professional bias may give you a peculiar tendency to form this opinion, it being, as you admit, at variance with the ordinary principles which govern English laws? It may be a professional bias, for I know the misery of having ships detained for want of hands.

992. *By the Chairman:* You say ships must be protected—do you consider that ships should be protected at the expense of the public interest—that private interests should take place of public? No.

993. Is it not sacrificing public interests to private to break a fundamental principle of British law, in order to secure an advantage to a ship? —

W. E. Shorter,
Esq.
14 Mar., 1861.

TUESDAY, 19 MARCH, 1861.

Present:—

Mr. LEWIS,

CAPT. MORIARTY,

Mr. STEWART.

DANIEL C. DALGLEISH, Esq., IN THE CHAIR.

John Edye Manning, Junr., Esq., called in and examined:—

J.E. Manning, 994. *By the Chairman:* We are met to inquire into the working of the Merchant Seamen's Act, and the condition and management of merchant seamen, and we have asked you to attend to afford us such information as may be in your possession in reference to the matter.

19 Mar., 1861.

You are a shipowner, I believe, of this port? Yes.

995. Are you acquainted with the laws relating to merchant seamen and the management of seamen in general? Yes, with their general management, certainly.

996. Do you consider those laws oppressive in any way to the seamen in particular? I think that in some respects they are.

997. Could you name the respects in which you consider them oppressive? In compelling seamen, for instance, to pay for their discharge when they continue in the same ship for a certain period. When they remain in the same ship they have to pay for their discharge, and the owners have to pay again for shipping the same men. Under the old Act it was very oppressive, because men might be shipped, and after one or two trips some trifling accident might happen to the particular vessel in which they were, and as the Act then stood we could not put them into another vessel belonging to the same owner. The men were thrown out of employ, and could not get another job sometimes for ten days together.

998. You speak in reference to that short Act to enable seamen to change from one vessel to another in the same employ? Yes.

999. Do your remarks apply to steamboats in particular, or only to sailing vessels? Steamboats alone I should say; I cannot conceive it necessary for anything else.

1000. And then you only imagine that this benefit would accrue in case of accident, or other inevitable circumstance, causing the vessel to be laid up? Yes, it would be almost entirely so. It is never used except in that way, and very rarely then.

1001. There is an objection, I believe, in seamen to change from one vessel to another—they have prejudices in favour of one vessel and against another? Certainly; but they are always very glad to change, because they know that their own vessel is only laid up temporarily, and that afterwards they will have the option of going back to it.

1002. When the repairs are completed? When the repairs are completed.

1003. In case of an accident occurring to a vessel in that way you seldom or ever have any complaints? Never.

1004. But ought it to be made a practice to change crews from one vessel to another without this circumstance coming into play? There never would be any object in doing it.

1005. As the Act stands at present nothing of the sort you mention is taken cognizance of, consequently it is at the option of the owners to change their seamen on any pretext whatever from one vessel to another—do you consider the wording of the Act arbitrary in that respect? I cannot conceive how owners would do such a thing. It would be against their own interest to do it. In the first place, the men always do better in a boat they are accustomed to, and it would be more expensive to the owners to keep shifting them about.

1006. Have you heard any complaints from seamen with regard to the inequality of the articles signed as between the owners and the seamen—the right of discharging being given to the one without the right of leaving at any time being extended to the other? Yes, I certainly have.

1007. Do you think it an equitable arrangement as it at present exists? Well, it is rather difficult to say. We might want an extra vessel temporarily, and the seamen are generally allowed something extra. We generally pay for their discharge in such cases, or make them some other allowance when anything would come harshly upon them. We never take advantage of it.

1008. That is hardly what I allude to—in the regular agreements with seamen, as the articles are signed, you can compel by law a seaman to serve out the entire term of his agreement—six months, or three months, or whatever it may be—whereas the seaman has not the option, should circumstances arise to render it either necessary or convenient to himself, of leaving the ship without subjecting himself to the action of law and rendering himself liable to punishment for so doing? I suppose he has not legally the power of leaving, but I never knew of an instance in which we were not glad to get rid of a man who wished to go. In our employ it is invariably the case.

1009. I am not alluding to the practice which prevails in any particular employment, but to the equity of the arrangement? It is a one-sided arrangement, doubtless.

1010. Are you acquainted with the Imperial Act, as it works in Great Britain? No, I am not.

1011. Relating to merchant seamen? No, I am not; my knowledge is purely local.

1012. Are there any definite hours of labour recognized for seamen, and any definite periods for rest? Certainly, excepting in cases of emergency.

1013. What are they? The usual hours are from six till six, with three hours out of that for meals. From eight till nine the men never work; from one to two they never work; nor after the hour I have named—six.

1014. That is two hours only for rest, not three? Exactly; three meals.

1015.

1015. Yes; but I allude to seamen when out at sea? At sea they take watch and watch, J.E. Manning, invariably. Junr., Esq.

1016. That term would apply after leaving the heads? Yes.

1017. Until leaving the heads all hands are on deck—they are all employed in the harbour? 19 Mar., 1861. They have nothing to do. They may be straightening everything down—I suppose they are—excepting they go down at night. In vessels going down after taking in cargo—in the day time I dare say the men would be employed until they reached the heads.

1018. Do you remember any instances of severity in the punishment of men who pleaded fatigue in extenuation of refusing to labour for a longer period of time? Yes, there was an instance here the other day, but the Bench ruled that it was merely a subterfuge. I allude to the case of the "Corio," about ten days ago; but the men are not on that peculiar style of articles.

1019. Do you remember the circumstances of the case? Yes. They had come from Bellambi with a cargo of coals; they left Bellambi at seven o'clock in the evening; the officers had kept the deck the whole of the night to relieve the men, excepting the man at the wheel; they arrived here at one, and the men refused to get the anchor ready, and the vessel lay alongside a ship until six o'clock the next morning, when the men refused to turn out; they slept until eight, and refused to go to work after breakfast. About ten or eleven o'clock the Water Police went on board, and the men were then in their bunks, having been there from seven o'clock on the evening previous.

1020. That, I suppose, is an extreme case—it is seldom that you hear of such cases? Yes; they were all strange men that we had picked up, and it was accounted for in that way. The Water Police fixed upon two* of them as known characters; one of them was a practised thief, and known for everything that is bad, and he led the other men on.

1021. These men then were not recognized as sailors in the common acceptation of the term? They shipped as sailors.

1022. They shipped as sailors? Yes, and I believe they were sailors.

1023. Have you any remembrance of any other case? No.

1024. Do you recollect a case which occurred about two years ago in reference to one of your sailors, I believe, on board the "Kiama"? I recollect hearing of the case to which you refer, but I was not in Sydney at the time.

1025. You will gain the particulars from this Appendix (*Appendix A attached to Mr. North's evidence*)—was the "Kiama" then in your employ? Oh, yes; I see amongst these men some who have been in the employ ever since; they could not therefore have considered it a very great hardship. There are two of them here—two brothers—who have been on two occasions nearly drowned in that particular steamer—once at Wollongong, and a second time at the Clyde—and notwithstanding all those disparagements they are still in the employ.

1026. What I was about to allude to was the special circumstance that these men having been constantly in your employ, would be *prima facie* evidence that they were men of good character? These two men are certainly men of good character.

1027. And not likely to have shirked their work? No, I should fancy not.

1028. You will find by the evidence that these men were employed from five o'clock in the morning until twelve o'clock at midnight—when the vessel was lying at the Phoenix Wharf—that they were then ordered to discharge the hold and carry the deck cargo on shore? From five in the morning till twelve at night!

1029. Yes; and then, immediately, without any rest, they were ordered to discharge the cargo out of the hold. They said they appealed to Mr. Manning, who said he did not wish to oppress them in any way, but Captain Mailler insisted that they should go to work. The men pleaded excessive fatigue, and refused, and the vessel left without them. When she returned the men were apprehended by a warrant taken out against them by the captain, and they were imprisoned for wilful disobedience of lawful commands. This is a case long past, but would you now take cognizance of a similar case in the same way? I do not see anything here to confirm what you say. It merely says that the vessel left Shoalhaven at half-past five. The fact of being at sea for a longer time would make the rest longer.

1030. They went to three different ports to take in cargo? If they had made an ordinary trip, leaving at half-past five in the morning, they ought to have been in Sydney at half-past five in the evening. The fact of their being longer shews that the weather was not good, and the men would therefore have an easier time of it on account of being longer at sea.

1031. The men would have watch and watch? Yes.

1032. But then, having had watch and watch, and having to take out the cargo on their arrival at midnight, reload the ship and go to sea again at seven o'clock in the morning? That would have been an extraordinary instance. There must have been a special reason for it. It might have been unavoidable at the time. We never employ the men in the boat in that way. They assist to remove the deck cargo, but labourers on the wharf put all the cargo in and take it out. The seamen are never called upon to do it except in cases of emergency. We cannot disappoint the public. It might so happen that it would be hard upon men in particular circumstances, but we generally make allowance for it.

1033. But if that had been the case, would you now press such a case should it arise? I do not know what the particulars of the case were. The men might have been impudent, or guilty of some previous misconduct.

1034. Would you press a similar case now? Certainly not.

1035. That cannot be taken as a fair criterion? No. There must have been some other reason

* NOTE (Correction by witness on revision):—One.

J.E. Manning, reason for it, which is not shown. The men had perhaps given trouble before. This is
 Janr., Esq. (*Apprentix*) evidence given before a Court, and evidence could not have been given of previous
 misconduct, although I do not know that there was anything of the sort.

19 Mar., 1861. 1036. The fact of your having these men still in your employment, at least exempts them
 from gross misconduct? Yes, two of them are men of very good character; one is now
 acting as second mate.

1037. Still those men were punished in the manner here de-cribed? It is very possible
 that they were.

1038. It appears, too, from the evidence, that if they had agreed to forfeit their wages,
 this punishment would not have resulted? I do not know what that would mean. It
 might mean simply, that they would have to pay the men who did their work. It might
 not mean that their entire wages were forfeited, but only such a portion as would be suffi-
 cient to pay the men who did their work.

1039. Would you recognize that to be just, after these men had worked this number of
 hours, to stop a portion of the wages they had earned to pay for the services of fresh men?
 No; we never call upon them to do that sort of work. I was not in Sydney when that
 particular circumstance occurred. The men never do that extra work except from choice.
 They sometimes do it and get an extra five shillings a-piece, which would otherwise be
 obtained by the men on the wharf. This is a proof that, when it comes to a matter of
 money, they can do the extra work.

1040. And that is of frequent occurrence? Every Monday night there is a short trip.
 The vessel goes to Wollongong, and leaves about eleven.

1041. In other trades it is a thing of frequent occurrence for men to work over-hours, in
 order to obtain extra pay? Yes, and so here we always give the men the preference. We
 say, we want so much work done; if you like to do it you can, and have the money; and
 if not, we must get some one else. Some do the work, and some do not.

1042. It is not imperative? Certainly not.

1043. Do you know anything with regard to the lodging of seamen? I cannot say that I
 do; I have reason to believe, however, that the lodging-house keepers are very hard upon
 the seamen. We have frequently had to assist sailors to release their things. I cannot tell
 you any particulars in reference to that matter.

1044. Have you any knowledge as to whether the system of hiring special places for the
 lodging of seamen exists elsewhere? No, I have not. I know that the men complain very
 much of having to go to particular places to lodge; these people take advantage of them.
 I have often heard them complain that they were not allowed to go to their own relations
 in some instances.

1045. *By Mr. Stewart:* Could you suggest an alteration in that respect, which in your
 opinion would be advantageous? I do not know what the special object of the provision
 is. I think it is very hard that a seaman cannot lodge with his brother or sister as much as
 you or I could; and particularly seamen shipping in vessels trading along the coast.

1046. *By the Chairman:* Is there any reason why a seaman should be debarred from
 lodging with any one he desires, whether he be a relation or not? Certainly not, as far as
 the crews of coasting vessels are concerned. There might be some reason for such a
 provision as far as outward-bound ships are concerned.

1047. In England the crews of coasting vessels are not required to sign articles at the
 Shipping Office, or to pay fees for shipping and discharging except once in six or twelve
 months, and then I think they are paid by the owner? The owners pay for the shipping
 and the men pay for their discharge.

1048. But in Great Britain the Imperial Act exempts all masters from the payment of
 these Shipping Dues; do you know anything to prevent the same arrangement being
 carried out in this Colony? No, certainly not. We would rather not have any bother
 with the Shipping Office at all. We do not think it necessary.

1049. Do you know any reason why coasting seamen should not be allowed to sell their
 services in the same way as other labourers or trade men sell theirs? They do it now in a
 certain measure. Men do not always get precisely what they signed for. The only thing
 is, that they can only come upon the owners for what they have signed for.

1050. In agreeing with men on the wharves you pay some men higher than others?
 Undoubtedly; some men are worth a good deal more than others.

1051. But the system which now prevails of engaging men at the Shipping Office before
 you know what they are tends to prevent such an adjustment of wages, and the wages are
 equalized without any regard to merit? Undoubtedly, it is a bad system. We cannot get
 the best men at the Shipping Office, and frequently have to be content with the refuse. If
 it were not for this arrangement you could get picked men; you might engage them as they
 turned up from time to time.

1052. Is the Shipping Office any protection to seamen? I do not think that it is just either
 to the owners or to the seamen.

1053. Are seamen enabled to recover their wages any better through the medium of the
 Shipping Office? That is the only way appointed for them to recover their wages now.

1054. But supposing it did not exist? I should think they would recover their wages then
 under the Masters' and Servants' Act.

1055. *By Mr. Stewart:* That is a summary proceeding? Yes, that is the way they do
 recover it now, I think, because it is only sea-going steamers that are obliged to ship.

1056. The harbour boats have no occasion to ship? No; we have less trouble with the
 men in those boats than with any other men.

1057. Do you think it would be a mutual advantage to owners and seamen if there were no
 Shipping Office for the coasting trade? Yes. I think the Shipping Office is a great
 protection

- protection to men who do not do their work properly, because by hanging about the Shipping Office they frequently get a ship when otherwise they would be unable to do so. J.E. Manning,
Junr., Esq.
1058. *By the Chairman*: Would it not place the seaman as well as the owner in a better position if they stood in the ordinary relation of employer and employed, without this special Act with regard to shipping? I think so. We should be glad to see it so. We have tried it both ways. We have almost as many steamers doing harbour work as running elsewhere, and the men are always anxious to get into those particular steamers. 19 Mar., 1861.
1059. You consider that a case similar to the one I pointed out to you a short time ago is not likely to occur again? I do not understand it.
1060. I allude to the case of the "Kiama"—some two years ago? Yes.
1061. Is there anything that suggests itself to your mind which you could state with regard to the working of the Act, or which, in your opinion, would tend to improve the condition of seamen? I think that the doing away with the Shipping Office would improve the condition of seamen as much as anything. Men would then be more likely to do their work properly, and those loiterers, who often get a ship now because other men cannot be got, would fail to obtain employment as at the present time.
1062. Your remarks do not apply to foreign-going ships, I presume? No.
1063. The Imperial Act would apply to foreign-going ships? I presume it would. My remarks would merely apply to the coasting vessels. I consider that the Act introduced last Session has been a great blessing both to the seamen and to the employers.
1064. You are now alluding to the short Act? To the short Act. I have asked the men particularly about it, and they have almost invariably said so.
1065. That is, providing it is used in the way you first mentioned? I do not see how it can be used otherwise to the interest of the owners.
1066. You are alluding to the matter, as far as you know, with regard to your own Company and the men in your own employ? Yes; in our Company they are more likely to be shifted than in others where the trips are longer, so that men might be rather unfavourable to it; but they are not so.
1067. Do you know anything about Sailor's Homes? Nothing further than having seen them. I have seen plenty of them at Home, and know the principle on which they are founded.
1068. Do you approve of the principle? Certainly.
1069. Are you acquainted with the Shipping Office, practically? I have to ship men myself. They ship to the owners under that Act.
1070. Do you know anything of the subordinates in that office called "runners"? I do not know what they call "runners," but I know a lot of the employés there.
1071. There are two men particularly—Mr. North calls them "runners"—they are special constables, and act as messengers of the Court? Oh, I know those men. There is always one of them in attendance at the Shipping Office to bring men in and so on.
1072. Do you think the position these men occupy would enable them, were they so disposed, to give a preference to any particular seaman or seamen in shipping? I should think so.
1073. They would be enabled to give an undue preference? They certainly would be able to give a preference. They would know when men were wanted, and if they saw one or two of their friends outside they could call them in and recommend them.
1074. Could they, as far as you have had an opportunity of judging, favour boarding-house keepers, or by gaining employment for particular men act detrimental to the interests of the house? Yes, in the way I have alluded to. Any one in the Shipping Office, I suppose, can do the same thing.
1075. *By Mr. Stewart*: Can you not go to the Shipping Office too? Yes, you can ship any one you choose, but you cannot always get the men you want. They may have been waiting to get a job in a particular steamer, and have just engaged elsewhere when there is an opportunity for their employment.
1076. You usually take such men as are in waiting? Yes, but some of the men do not understand anything about the work, and are utterly useless.
1077. *By the Chairman*: You mentioned the money paid with regard to the shipping and discharge of seamen—is there no greater grievance than the money—is that the primary object? That would be one thing, but I think the great loss would be men being thrown out of employ.
1078. Is time no object? I do not think that makes so much difference to the seamen as to the owners.
1079. I speak with regard to the seamen as well as the owners—this is a general question, and I wish it to be considered that my questions have a general bearing? It would fall unevenly. There would be the time of one owner against the time of a great number of seamen.
1080. Whereas, if seamen were allowed to go from one employer to another, they could engage their services without that loss of time? Yes, they could commence work at once. I have to wait hours sometimes before I can get there, and you cannot always get the men shipped for a day or two days—even giving notice beforehand that you want such and such articles drawn up.
1081. So that there is a great loss of time? *Undoubtedly.
1082. Which is injurious both to the owner and to the seamen? Yes, and for no benefit whatever, I think.
1083. *By Mr. Stewart*: You stated that it would be a mutual advantage to owners and seamen if that arrangement were done away with? Yes.
1084. And if seamen were engaged in the same manner as other servants? Yes, the same as for river-going steamers. We have always the best men there, because we can get them as opportunity offers.

- J.E. Manning, 1085. The present system is a positive disadvantage to the owners, and likely to be equally
 so to the seamen? Yes, I think the other plan would be better for both parties.
 Juar., Esq. 1086. You can speak positively as to the owners? Certainly. It involves a great loss of
 19 Mar., 1861. time, and sometimes inflicts upon us men who are perfectly worthless.
 1087. It debars you from obtaining the services of men you would be otherwise able to
 obtain? They compel you to have the names of the men on the articles, and if the vessel
 is to go away immediately you cannot get the men you want. You have to engage sometimes
 mere idlers, and then if others subsequently turn up, you cannot discharge them imme-
 diately, in order to make fresh engagements.
 1088. Have you observed seamen, after having been brought before a magistrate and
 sentenced, dragged through the streets in chains? Never.
 1089. You are not aware whether that practice exists? I have seen one or two men sent
 to the watch-house, so violent that they had to be lashed on drays—or rather, one at the
 bottom of a boat, and the other on a dray.
 1090. *By Mr. Stewart:* But those were cases in which any ordinary servant would have
 been similarly dealt with? Yes, they were not dealt with as seamen, but as drunken and
 disorderly persons.
 1091. *By the Chairman:* I was asking the question with regard to men whose crimes might
 be mere disobedience of orders? I have not seen it, but I believe that sailors are taken
 through the streets in irons.
 1092. Do you know whether they are confined separately or with common felons? I do
 not know.
 1093. In your opinion, should they be confined with common felons? Certainly not.
 1094. It would tend to demoralize the seamen? Yes, I look upon it that the crimes com-
 mitted by the inmates of the gaol are widely different from an offence under the Masters'
 and Servants' Act.

James Munro, Esq., called in and examined:—

- James Munro, 1095. *By the Chairman:* You are ship's "husband"? I am marine superintendent.
 Esq. 1096. For the A. S. N. Company. Yes.
 19 Mar., 1861. 1097. Are you the head through whom the engagement of seamen for the Company takes
 place? Yes. I am appointed by the Company to ship the men at the Shipping Office
 according to the provisions of the present Act.
 1098. I think you are a seaman yourself? Yes.
 1099. Have you any knowledge of the working of the Imperial Shipping Act at Home?
 No. I have not had much experience in that respect. I have shipped men at Home, but I
 do not know much about the working of the Act. As far as I know it is all right. I have
 not heard any complaints of the Home regulations for shipping seamen.
 1100. I was going to ask you whether the regulations here were similar to those which pre-
 vail at Home? Yes, I think so. The engagements are made with the owner of the vessel
 at Home in Home-trade ships.
 1101. Were you in the coasting trade at Home? No, never.
 1102. Are you aware of your own knowledge whether the coasters do or do not require to
 sign articles at the Shipping Office? As far as I can remember, the coasting service at
 Home had a book, and the captain of a vessel was allowed to ship his crew and keep an
 account for six months. All the men discharged or shipped in the meantime were entered
 in this book, and at the end of those six months the fees were duly handed in to the
 Shipping Office of the place to which the vessel belonged.
 1103. *By Mr. Stewart:* That is a sort of registry fee, is it not? It is a regular shipping
 of the men. The coasters at Home are allowed this privilege, whereas all foreign-going
 vessels must go to the Shipping Office and ship the men.
 1104. But what does the fee amount to? The seaman pays so much for the shipping and
 discharging in the same way. The captain of the vessel gives him his discharge from the
 vessel.
 1105. Is the fee as much as is paid in a sea-going ship? I think it is the same. They
 have to keep an account and hand in all the fees at the end of the six months.
 1106. It is a mere matter of convenience to the coasting trade, to relieve them from going
 to the office to perform the duty? Yes.
 1107. *By the Chairman:* The ship's articles are kept on board? They are kept on board.
 Possibly the articles will be handed in with the book in which the account is kept, at the
 end of the six months.
 1108. And the seaman signs those articles in the presence of one witness? I think there
 must be a witness to attest his name. I was never in the Home service, but I think this is
 the rule.
 1109. You do not know it of your own knowledge? No; I never shipped men in the Home
 service.
 1110. Is there any reason why the provisions of the Imperial Act in that respect
 should not be extended to this Colony? I do not see why they should not. There is no
 doubt that it would be a benefit to the trade generally.
 1111. Are you aware of any grievance which exists with regard to the harsh working of the laws
 relating to the shipping and discharging of seamen in these Colonies? I have not heard
 any particular complaints. I have heard sailors speak about the payment of two shillings as
 being too much. That is the only thing I have heard complained of. Two shillings does
 appear to be rather an exorbitant fee.
 1112. *By Mr. Stewart:* Is there no complaint of the inconvenience seamen are put to in
 having

having to attend at the Shipping Office to engage? There is a ways inconvenience attached to it, and there is part of the day lost, which is an inconvenience to the employer.

1113. To the employer principally? Yes, because the sailor has the advantage of it. He makes use of the few hours he can get to his advantage.

1114. Could you not engage seamen with as much advantage to the employers without having a Shipping Office? I do not think so. I do not think you would have the rules so stringent. The sailors would not have the same dread of punishment when they offended. I think it a sort of go-between the master and the man. You would have to refer to other parties, whereas now you have only to refer to the Shipping Office.

1115. You think that compensates for the inconvenience and loss of time? I think so. Before the Shipping Offices were established at Home there was much inconvenience. When I was first at sea we used to ship the men on board ship. They came on board to be shipped up to about 1835 or 1836, when the Shipping Office was established. Before that the men were brought on board the ship and signed the articles there. You had an attesting witness, and that was all you required. But there was not the same binding agreement betwixt the sailor and the owner as there is with the Shipping Office.

1116. Would not the ordinary law with reference to master and servant be quite sufficient in such cases? It would put you to more inconvenience. There seems to be a kind of dread hanging over the sailor because of this Shipping Office, because if he does get out of the way he is known again. He does not get off with the same impunity.

1117. It is calculated to keep him to his duty? Yes, he will be more likely to keep to his duty.

1118. Do you find it necessary to have anything of the kind to keep the ordinary labouring men on your wharf to their duty? That is very different. They are always on the same spot, but here you may go away to Melbourne or Moreton Bay, or any where else.

1119. You are speaking now with regard to your foreign-going vessels? We have none other. They all go from Sydney.

1120. Those that go to Newcastle and the Hunter for instance—would you apply it to those? I would apply it to the whole. They could take advantage of you under any circumstances.

1121. *By the Chairman:* There is one law referring to the coasting trade at Home, and another to the foreign-going vessels? I think the same law is attached to each.* You are allowed this privilege of shipping your men on board. Your books go into the Shipping Office at the end of six months, and if you have any complaint to make it is entered in the book.

1122. Are you aware if that provision is contained in the Imperial Act? It is. I think I recollect reading it, but I have not seen it for several years.

1123. For how many years? At all events since the passing of the Imperial Shipping Act on 11th August, 1854.

1124. The laws have been revised since that time: the register system was then in vogue? Register tickets, do you mean?

1125. Yes? That was only for a short time. It did not extend over many years.

1126. It was found not to work well? No.

1127. It is almost seven years since the law with regard to register tickets was abolished? Yes, but I do not think it is different with regard to the shipping of men.

1128. Do you know anything about what are termed running agreements? I do not.

1129. Are you aware that in accordance with the present British Merchant Seamen's laws, running agreements can be entered into with regard to foreign-going vessels? No; it is something new, which I am not aware of.

1130. So that you are not acquainted with the provisions of the new law? No, not if there is anything newer than that.

1131. And what you have said with regard to merchant seamen is to the best of your belief—not to your knowledge? No; I spoke of things as they were when I was in the habit of sailing a vessel.

1132. I do not think you answered a question I put to you sometime previous with regard to labourers on the wharf—do you find it necessary to have such a dread in the minds of labourers on the wharf, as that which you say the Shipping Office is calculated to infuse into the minds of seamen?† The only dread we can have over them is, that we can discharge them and send them about their business at any time.

1133. Can you not exercise the same discretion with regard to seamen? Yes, but sometimes we find it very difficult to get seamen at places where our vessels may go. They are not always to be had.

1134. But you can punish seamen at present in any port where your vessels arrive, if there is a Bench of Magistrates in the place, and the men are found guilty of any offence, without bringing them back to Sydney? Yes.

1135. Would the same provision not exist if they were not under this Act? There is always so much trouble attached to those things that persons prefer to put up with a good deal of inconvenience rather than go to the trouble, and sometimes much annoyance, especially in a foreign port.

1136. Are you aware of the mode in which agreements are drawn up between seamen and their employers? Am I aware how they are drawn up?

1137. Yes, the form? Of the articles?

1138. Yes, the form of the articles—are the articles mutually binding? No, I should not say that they were exactly mutually binding, neither can I see how it is possible that they can be.

1139.

* *NOTE (Correction by witness on revision):*—The law is different with foreign-going vessels and Home-trade ships. In the latter you are allowed, &c.

† *NOTE (By witness on revision):*—I did answer that question, that the circumstances were different.

James Munro,
Esq.

19 Mar., 1861.

- James Munro, Esq.
19 Mar., 1861.
1139. What difficulty would exist? In the first place for the sake of the sailors, for one thing, that they may have a permanency for a time; the articles would be signed say for three months. That would not do for steam vessels if it were binding, because a vessel might be laid up to-morrow and you would be obliged to keep these men employed for three months. The vessel might make only one or two voyages, and then be laid up, and it is necessary to make the sailor understand that, although he signs the articles for three months, if there is not sufficient employment he can be discharged after three voyages; two voyages are generally specified.
1140. Is the same advantage held out to the seaman? The seaman understands it when he signs the agreement.
1141. Does he understand that he can leave at the end of two voyages if he thinks proper? Oh, yes; they never have any trouble in that respect. They leave when they like; we never think of keeping a person who is dissatisfied on board of any of our vessels.
1142. Has that never been done in your employ? Not to my knowledge. It may possibly sometimes occur and I not be aware of it. A man may go to the master and say, "I want my discharge," and the master may say, "I am not going to give you your discharge now, you may stop until it is convenient." A man might be bothered at times; but generally when they ask for it they get it.
1143. You say that the signing for three months is an advantage to seamen? No doubt it is; it saves them two shillings; if they have to sign oftener they will have to pay the two shillings oftener.
1144. Then it is only with regard to the payment of the two shillings that you consider it an advantage to the seamen? I do not know that it is of much advantage otherwise. It saves trouble on both sides.
1145. Are there any definite hours for seamen to labour, or any recognized rules? Well, I never saw any. When there is nothing particular to do they generally work from six to six; there are cases of emergency when they are obliged to work at other hours.
1146. Do they receive any recompense for work during those extra hours? No, none.
1147. Is it customary to allow extra wages in other employments when men work extra hours? I believe it is; but they are not articleed by the month.
1148. So that it would appear that this is a disadvantage to the seamen. By being articleed by the month they get no extra pay for extra work? No, they get no extra pay, and never have done since I can recollect. When there is work to do they have to do it, generally speaking; there is a regular routine. They go to work at six in the morning, have an hour for breakfast, and an hour for dinner. They have half-an-hour for grog at half-past eleven, and at four o'clock; they knock off at six. Circumstances may arise that a lighter comes alongside the vessel and must be discharged that night; then they set the men to work, and they discharge the vessel, but possibly in some cases they give a little leisure at other times to make up for it.
1149. In your employ, if vessels were to arrive at eleven or twelve o'clock at night, with cargo on board, would you think it right to make the men discharge it, notwithstanding that they had been employed during the day? We never have done.
1150. But would you consider it just to do so? It would not be just, neither would I consider it requisite, excepting under particular circumstances.
1151. Should the men refuse to work at such a time would you consider it a proper case to be punished by law? You see the articles state that they are to obey all lawful commands. That is a lawful command.
1152. Is there any exemption from that lawful command? Not that I am aware of.
1153. Sickness? Certainly.
1154. Over-exertion? Oh, over-exertion! They are never over-exerted.
1155. It is impossible for a seaman to be over-exerted? Yes; they take care of that.
1156. We have heard of a case before this Committee, where a seaman has been from five o'clock in the morning until twelve o'clock at night, on duty—at times discharging, and at times taking on board cargo; and being the rest of the time at sea. On arriving at the wharf the lawful command was issued, to discharge all the cargo? Possibly it may be the case in some instances.
1157. The men in this instance—although it appears from what you said previously, to be impossible—pleaded fatigue and impossibility to proceed further with the work. Was that a lawful command? Possibly not. I do not hold out for the enforcement of these things, but if there are laws to go by they must stick to them you know.
1158. I think you stated that the reason for the present provision of the law, relating to the discharging of seamen, was in consequence of the laying up of ships, which would otherwise subject the owners to considerable loss in having to pay seamen, when their services were not required? I do not say ships generally.
1159. Steamboats? Yes, steamboats.
1160. With regard to these has it been a custom, in the employment, to discharge men when those circumstances have not existed, to which you have referred. When steamboats have not been laid up have not agreements been broken through in the middle, in order that the men might be re-engaged, or the services of others secured at a reduced rate of wages? It has been done.
1161. Do you consider that an advantage to the seamen? No.
1162. That is not one of the advantages to the seamen which you enumerated? No; it is not an advantage at all.
1163. Have you prevented the crews of vessels from leaving when wages have risen in the middle of an agreement? Not that I can recollect.
1164. Is it possible for you to do so by law? Yes, it is possible, but I do not think we should go to that extreme.
- 1165.

1165. But it is possible? It is possible.
1166. And it is impossible for the man to leave in the same circumstances? It is not impossible.
1167. I mean, without coming under the law in both instances, of course? The law states that it is an infringement of the law for a man to do so.
1168. He is subject to punishment? He is subject to punishment.
1169. Consequently the articles are not mutual? They are not mutual.
1170. Is it desirable that they should be so? Not unless you ship the men under a different head altogether. Not unless you ship them for short periods, or voyages, and do not state any time; then it can be done.
1171. In England in engaging seamen by the month, the ship is liable to certain forfeitures providing they break agreement with the seamen? In foreign-going ships.
1172. Yes—you state that your experience is in reference to foreign-going ships. Does any such provision exist here? I am not acquainted with foreign-going ships here. I am only acquainted with steamers here.
1173. Steamers going from here to Melbourne, which may be termed foreign? You can scarcely term them foreign when they are here twice a week.
1174. Steamers go from England to France twice a day, do they not? Yes. I imagine that the Home-trade articles are kept up in those steamers as in the coasting vessels generally.
1175. I think you will find that they come under the provision of foreign-going vessels? It is a thing thoroughly impossible that they can come under the same head. Steamboats are situated in such a way that it is impossible for the proprietors to know whether a vessel will break down to-morrow, and are they to keep paying these men.
1176. The question is, why should not the seaman be allowed to leave in the same way, and by the same law, that allows the master to discharge him? There is no reason why it should not be done. When they wish to go we always let them go.
1177. Are you acquainted with the lodging of seamen? No.
1178. In the course of your experience in London have you known any licensed lodging-houses for seamen? No, I do not know anything at all about that matter.
1179. Have you any opinion in reference to the lodging of seamen? No, I know nothing about their lodging-houses generally. I have been inside Sailors' Homes in England, and I consider them first-rate establishments. As to the other lodging-houses I know nothing about them.
1180. Are you aware that a law exists here compelling seamen to lodge in one particular class of houses, termed boarding-houses for seamen? All I know about it is from seeing cases in the papers about some persons being pulled up.
1181. If such a state of things does exist would you consider it just? To have licensed boarding-houses?
1182. To have seamen restricted to one particular class of houses? Certainly not. A sailor, has a right to spend his money where he likes, the same as any one else, so long as he behaves himself.
1183. Are you aware whether seamen are mixed up in gaol, when put there for minor offences—such as drunkenness and disobedience of lawful commands—with thieves and men of the worst character? That I do not know.
1184. If it should be so, would you consider it objectionable? Certainly; it would only make them a good deal worse than they are. Generally speaking, sailors are not bad, they only want proper leading.
1185. Sailors, as a class, are willing to do their work? Generally speaking, they are, but like other people they try to take advantage occasionally. If they can take an advantage they will do it, as much as any one else.
1186. Is there any reason why special legislation should exist for the engagement of seamen any more than for any other class of men? But can you tell me what other class of men you speak of? We do not want any engagement for mechanics and others; they are hired by the day; you can tell them to go about their business to-morrow, if you do not want them any longer; but with a sailor, you wish him to serve you at least until the voyage is completed. If you had the Home Trade Act for the coasting vessels here, you could ship your men again after each voyage, if it were requisite.
1187. We have had evidence given before this Committee to shew that seamen at Home pay the shipping fee once in twelve months? That is in the Home trade?
1188. No, in the St. Petersburg trade—in the steamboats? Once in twelve months?
1189. Yes? That is almost a coasting trade. It is just running there and back again. It would only take about a week or ten days.
1190. It is something more than coasting, is it not, to go from Hull to St. Petersburg? With a steamer the time occupied is little more than a vessel would take to run round the coast of England to Ireland and back again. In fact it is quicker.
1191. Are you aware why the provision was introduced into the Imperial Act to enable them to change seamen from one vessel to another? No; I know that on one occasion some of the large shipowners in London had a number of ships lying at Calcutta. One vessel was to be dispatched before the others, and they wished to transfer to it some men from another vessel. The men refused, in many instances, and I think some legislation took place on that occasion, and men were compelled to work on board other vessels belonging to the same owner when required. When this took place I really cannot say.
1192. Are you aware whether this rule applies to the coal trade on the Thames—do you know anything about that trade? I think they have a system there of shipping a crew merely for the run, say to Newcastle or to London. The men then leave the vessel. She

James Munro,
Esq.

19 Mar., 1861.

James Munro, Esq. is left to herself, with the exception of probably a boy or two, and another crew is shipped to take her back again, when the coals are discharged. Sometimes these vessels wait so long in the Thames that the men make more money by this arrangement, and the owner is also benefited in a greater degree.

10 Mar., 1861.

1193. Are you aware of any other reason? No.

1194. Do you not know that the crew are not allowed to discharge a cargo of coals in the Thames? I knew that was the case many years ago, but I did not think of it.

1195. It is found to be an advantage to the seamen to change from the full vessel into the empty one? This was long before the steam colliers were invented.

1196. The whipping, of course, has always been in vogue? Yes—since I was a boy at least.

1197. So that that would render it necessary to get an Act for the transfer of seamen from one collier to another, and that would be a mutual advantage to the owners and the seamen? This running system, to which I have alluded, has only been in vogue ten or twelve years. Before that, the crews remained on board the vessels, and went back with them. In London River they had to anchor, and wait their turn for a length of time—possibly for a month. Then they got the system of taking men by the run—up in one vessel and down in another.

1198. *By Mr. Stewart:* And then, as soon as the boats come to anchor—? The men are not required.

1199. This system results in a saving to the owner? Yes, and also to the seamen.

1200. *By the Chairman:* You think the way in which labourers are commonly engaged would apply also to the engaging of seamen? I think not.

1201. Not for the Colonial trade—not for the Hunter River trade? Possibly it might do for the Hunter River trade, because they are here and there every day. It might answer the same purpose—paying daily wages.

1202. Is there no other complaint than the mere fact of the money with regard to the shipping? The complaint has always been on the side of the owner. We have many times lost the services of the sailors for a whole day, especially when the gold fields here were in vogue. The sailors would go away to sign the articles, and possibly they would never see them again. Although they had signed articles they would never come near, and we did not take the trouble to punish them in any way, as we ought to have done. They had gone off on a drunken freak, and we could get other men in their place.

1203. Who is it that finds the crews of your vessels in provisions? Sometimes the captains; other vessels have providores. The captains, at one time, all had the finding of the vessels; but these last two or three years the Melbourne boats have been found by providores.

1204. In the case of the Moreton Bay vessels, who finds the food for the crew? The masters.

1205. What system is in vogue in the finding? The articles are signed that they are to have as much as they can eat without waste.

1206. Which supposes, of course, that it is of good quality? Certainly.

1207. Have there been any complaints with regard to provisions in the boats in that trade? No. I have heard sailors complain—no, not sailors—firemen complain, about eating biscuit on board the "Yarra Yarra."

1208. *By Mr. Stewart:* About eating biscuit instead of bread? Yes.

1209. They did not complain of any deficiency? No.

1210. *By the Chairman:* You are not aware of any other complaint. If a complaint were made would you think it necessary to discharge the man on account of that complaint? Discharge the man?

1211. Yes, on account of the complaint? No, you could not discharge a man for complaining.

1212. I find the case of complaint is not there was not a sufficiency, but that that which was put out to eat was unfit for use? You are alluding to the case of Captain O'Reilly, I presume.

1213. Captain O'Reilly's, or rather Captain Reilly's name appears? As far as I can understand that case, the vessel was bound for Moreton Bay. In the morning they killed a sheep. The weather was excessively hot, and by the evening, before the meat could be eaten, it began to taint. But that has nothing to do with the discharging of the men.

1214. The evidence here says, "The meat was stinking for two days"? I think there must be something wrong there, because Captain O'Reilly told me that the sheep was killed in the morning and that before evening it was tainted.

1215. Is not the man likely to give as correct a statement as Captain O'Reilly? But has that anything to do with the discharging of the men? If you will allow me to explain to you the circumstances of that case I will.

1216. Most decidedly? The time of the crew had expired. I went to the Shipping Office with Captain O'Reilly, as it is necessary for the Captain to put his name to the articles. While we were commencing to ship the men, one person, who was the worse for liquor, said, "Well, Captain, what about the provisions?" Captain O'Reilly said, "What about them my men?" "Oh," he said, "are we to have better provisions?" Captain O'Reilly said, "The provisions are as good as I can give you: if you do not like to go in the ship you can leave." This was before they signed the articles.

1217. We have evidence here given by the engineer? You will allow me to explain. Upon this the engineer said, "Oh, if that man leaves, they will all leave"—which I think was thoroughly uncalled for on the engineer's part. I spoke to Captain O'Reilly, and referred him to the manager, who told him to discharge all those men who were dissatisfied. Captain O'Reilly, I believe, has a name for having his vessel well found at all times. This

- is the first complaint I have heard during the whole seven years he has been in those boats. James Munro, Esq.
1218. *By Mr. Stewart:* And this complaint just alluded to is the only one? Yes—this man who was half tipsy said, "What about the provisions?"
1219. *By the Chairman:* What is the name of this man? I do not know. 19 Mar., 1861.
1220. But there is no evidence here about what you state concerning the engineer? I am stating facts.
1221. *By Mr. Lewis:* Is not there some inspector to inspect the quantity and quality of the provisions? The vessels are found in this way: The captain takes on board the ship salt meat; but it is beneath these parties to eat salt meat, and so the captain takes also a number of sheep on board and kills them as they are required. Captain O'Reilly was getting near to Moreton Bay, and it happened to turn out very hot, and a sheep got spoiled on his hands, or a little tainted. If the men had gone to the captain and said that the sheep was bad he would have seen into the matter.
1222. *By Mr. Stewart:* Did you not hear of this before? No.
1223. *By the Chairman:* Would it have been the duty of the men to complain to you? No, to the captain, and he would have had it rectified.
1224. Do you know that they did not complain to the captain? I am not aware. I think not, because I heard the captain say, "Why did you not come to me and complain, and not go and complain in that manner in the Shipping Office?" The Captain, I think, did quite right. He said, "My man, if you don't like to go in the vessel you can leave." How would any person like to be accused by a half-drunken person, in the Shipping Office, of giving bad provisions? I believe Captain O'Reilly has always been in the habit of giving as good provisions as are to be obtained in any ship leaving this port.
1225. We are not putting Captain O'Reilly on his defence—we are asking who does find these vessels? Captain O'Reilly finds that vessel, and Captain Bell the "Yarra Yarra."
1226. We find by the evidence given before this Committee that this state of things existed for two days, consequently the remarks you have made cannot apply? I was told one day that —
1227. And that on one of those days the ship lay at Moreton Bay? Well, if that had been represented to the captain he would have seen that the men had proper food.
1228. Also that the men did complain, but that the captain was not on board? The captain was not on board! Well, it is left with the steward, and the steward would have got them good provisions.
1229. So that it is perfectly possible that these complaints might have been made and not have reached the captain? Yes.
1230. What is the office of Shipping Master established for if not to receive complaints made by the men, as stated in the law? But the men were at liberty. They were not bound to the ship.
1231. But you have stated, I think, that the Shipping Office was not the proper place to make a complaint. As it is there that they agree about the provisions, it must be the proper place to complain? No, the magistrate is the proper person to complain to in a case of that kind.*
1232. The magistrate and not the Shipping Master? In a case of grievance of that kind he should apply to a magistrate for redress. The Shipping Master cannot interfere.
1233. Will you point out that provision? About applying to a magistrate?†
1234. Yes? I have not overhauled the Act for a length of time.
1235. So that although you say so you are not aware. The evidence runs thus: "The meat was stinking for two days. At the Shipping Office we complained to Captain O'Reilly about the provisions. We were all told to go about our business?" That is wrong.
1236. One of the men said, "If I sign under those articles for three months, and have the same sort of provisions, I shall be starved before the time is out?" There was never such a word said. I have stated to you exactly what occurred—word for word.
1237. *By Mr. Stewart:* Are you aware whether there is any clause in the Act under which a seaman could get redress in that way? Not that I know of, but whenever a sailor has any complaint to make he can refer to a magistrate.
1238. And unless some redress were given he would not ship with the captain again? They can make the captain pay for deficiency of provisions or for their bad quality. It has been done in many instances where the provisions have been proved to be bad.
1239. *By the Chairman:* I think you are alluding now to the English Act. You will find according to Mr. Shorter's evidence that that does not exist in the Colonial Act? The English law?
1240. That the English law, in that respect, does not exist here? I do not know.
1241. When I made the remark previously I did so with a knowledge of that fact, and when you contradicted it I thought you had some fresh authority? No.
1242. *By Mr. Stewart:* You are not aware whether there is any clause to enable seamen to get redress for any deficiency? Only from the Home law.
1243. *By the Chairman:* Do you consider that captains are the proper persons to supply ships in this way? Yes.
1244. Was it not found objectionable in the Melbourne trade? Never.
1245. Is the providore system found to work well in that trade? Very well; but the captains appeared to have no more to do with it before than now.
1246. But does not the profit go to the captain? Yes.
- 1247.

* *Note (By witness on revision):*—In port such complaints should be made to the master, falling him, to the manager of the company, or owner, and if no redress is obtained then refer to a magistrate.

† *Note (By witness on revision):*—Clause 232, Imperial Act.

- James Munro, Esq. 1247. Would not the captain be a fairer arbiter were the ship found by a providore and the profit did not accrue to himself? It is natural that it should be so.
- 19 Mar., 1861. 1248. Seeing then that the captain has the profit arising from the finding of the seamen and passengers, and also the power of discharging them if they grumble —? He has no power to discharge them for grumbling. As I told you before, these men were discharged already, and if they did not like to go in the ship again still that was no reason why they should bring up their grievance at the Shipping Office.*
1249. *By Mr. Lewis:* They might like the ship very well although they might not approve of the provisions? Well, I have told you that I never heard a complaint before, and if the meat unfortunately got tainted, the captain might have escaped their censure that time at any rate.
1250. *By the Chairman:* How long had these men been in the service of the Company? They had been on and off, just making a convenience of it.
1251. We find from the evidence, that some of these men had been continuously in the service for five years? They are here to-day and gone to-morrow, in most cases.
1252. Do you think that these men would state that they had been longer in the service than they really had been? As I told you before, they are changing every day.†
1253. But where they have given direct evidence that they have been constantly employed in one service, do you think they would state that which was not the fact? I do not think there is any such thing as any of those men having been continuously employed in the service of the Company.
1254. Have you any means of ascertaining? Yes, it can be found out with a good deal of labour by overhauling the articles.
1255. Would you have any objection to furnish it as an appendix to your evidence? I do not think I can find time.
1256. In that case, if you have no objection, I will obtain the information for you from the Shipping Office? Very well.
1257. Would you have any objection, then, to receive it as an appendix to your evidence? I do not think I recollect of any of the men having been successively in the employ of the Company for five years.
1258. But if I obtain this information for you, will you then adopt it as an appendix to your evidence? You can do what you like with it. I am only stating what I think is the fact. These men can state that they have been so long in the service of the Company.
1259. If these men have been so long in the service of the Company, would not that be a guarantee of their respectability—their desire to remain permanently, and their general good character? The fact is this, they just make use of the Company. If they can better themselves to-morrow they will go.
1260. In other words, they make use of the Company, as the Company makes use of them? Exactly, when they want them.
1261. Then you consider that length of service is no guarantee of character in your Company? If the men do not behave themselves they are discharged.
1262. Consequently, if they are there for a certain number of years the reverse would be inferred? No doubt about that.
1263. Therefore, if these men had been continuously employed for a lengthened period prior to this it would establish the fact that they were not the discontented men which they are represented to be in a former part of this evidence? I did not say that they were discontented, I merely said that they complained of the provisions in that particular case.
1264. And were discharged for so doing? They were discharged previously. Their three months had expired, and they went there purposely to get their discharge.
1265. Had it not been for this complaint, would those men have been employed again? I believe they would. The whole of them might have gone there and then if this man had not made the complaint. I believe the whole of them would have gone again only for the engineer—with the exception of that one man—who was intoxicated.‡
1266. You appear to speak with great stress in reference to the engineer; have you any reason to do so? No; I state what is the fact.
1267. Then you know as a fact that these men would have shipped again had it not been for the engineer? Yes; they came and asked for their discharges one by one.
1268. Then they had not been discharged? The discharges were made out and left there, and any man on asking for his discharge had it given to him. If they ship again these discharges are handed to Captain Shorter to shew that the men are engaging again.
1269. Have you any further suggestions to offer to the Committee in reference to the subject of this inquiry? I think that two shillings is too much to pay for the discharging and shipping of seamen, and that one shilling would be quite sufficient.
1270. Sufficient to pay for their registration? Yes.

WEDNESDAY,

* NOTE (*Addendum by witness on revision*):—Without having first complained to the master or owner.

† NOTE (*Addendum by witness on revision*):—If any had been so long, it is the strongest proof they had no cause to complain of the provisions.

‡ NOTE (*Addendum by witness on revision*):—It was not for making a complaint, but for doing so in the first instance at the Shipping Office, and that on the eve of the departure of the steamer, without having previously complained to the master or manager. Had they taken the proper course, and not have attempted to obstruct the service of the Company, I believe they would all have signed the articles again.

WEDNESDAY, 27 MARCH, 1861.

Present:—Mr. DOUGLAS,
Mr. LEWIS,Mr. STEWART,
CAPT. MORLARTY.

DANIEL C. DALGLEISH, Esq., IN THE CHAIR.

Mr. Alexander Milne called in and examined:—

1271. *By the Chairman:* What are you? I was brought up to the sea, but I have not followed it for the last fourteen years. I have worked along shore. Mr. A. Milne.

1272. Have you any knowledge of the working of the Seamen's Act as it exists in this Colony? I have, slightly. 27 Mar., 1861.

1273. Have you any statement to make with regard to it? I have through working along shore, loading ships with wool and so on, seen what I consider to be a great evil in the system of licensing boarding-houses, and I have heard in conversing with fellow-seamen pretty general complaints about the tax imposed—particularly among those employed on coasters—of two shillings for their discharges. Another thing that is felt pretty considerably is the worse than passport system that is exercised upon seamen by policemen. I refer to their liability to being arrested when walking through the streets merely, without any authority whatever from the magistrates.

1274. Have you known cases of that kind? I have. I know a couple of men, citizens, who were going to see some friends off to Parramatta some time ago; they were actually stopped at the railway station and fetched back as runaway seamen, merely because they were, like myself, men working along shore, and there were warrants out for men who slightly answered to their description. They were locked up until their wives went to the lock-up and identified them.

1275. You say that men employed on coasters complain of having to pay two shillings for their discharges—how do you propose to remedy that? I think the Masters' and Servants' Act is quite sufficient for all purposes. I think this is a tax equally oppressive upon owners and upon seamen. I think there ought not to be this tax upon seamen any more than upon the labour of any other class in the community. I think the Masters' and Servants' Act in operation in this Colony is quite sufficient for the coasting trade.

1276. Would you propose to abolish the Shipping Office altogether with regard to the coasting trade of the Colony? I would.

1277. Do you think there is any protection for seamen in it? I do not. Whatever protection it affords is, I think, quite the other way.

1278. How long have you been in this Colony? I came here on the 20th February, 1842.

1279. In what capacity have you been employed since? I was in the coasting trade till within the last fourteen years. During three years and a half I was in the Government service as boatman to the civil engineer of Cockatoo Island. I resigned that about six years ago.

1280. Are you aware of the prevalence of the system of crimping at one time in the Colony? I believe it never existed to a greater extent than at the present moment.

1281. Will you explain what you mean? I do not mean to say that it extends to all the boarding-houses, there are exceptions, but I believe many of them keep on one or two persons expressly for the purpose of crimping seamen. I have seen, when I have been working on board ships, a man come lounging about, perhaps smoking his pipe, or fishing, get into a conversation with the seamen, and then drop it —

1282. You mean that he gets into a cursory conversation with some of the men? Yes; how the ship is carried on—what sort of officers they are on board—how the men are treated—what wages they are paid. Perhaps if the seaman has shewn the least disaffection to the ship, he is met coming on shore at night, taken to a neighbouring public-house. The man will then ask, "How much is due to you?" "Why do you stop when the wages of coasters are so much?" Perhaps telling him ten or fifteen shillings more than the wages of the port. "Well, I would leave if I could get away." "All right, put your clothes in such a place." It is all agreed between them and perhaps there is some convenient wood-boat, or some convenient small coaster that Jack is put on board. Should there be a good reward offered the man is pinned by the police; but if you look over the papers you never find the conviction of the party who has harboured him.

1283. You say there are no convictions of the parties harbouring? Very seldom. I do not mean to say there are none—the conviction is the exception not the rule.

1284. It would appear from your evidence that there must be some connivance between the boarding-house keepers, these crimping people, whoever they may be, and the police? I merely express what I believe to be the fact—that if you take notice of the papers you will seldom see the case of a penalty being imposed upon the party that harboured the man.

1285. *By Mr. Stewart:* Do you think cases occur where men induce seamen to leave their ships with the object of getting the reward for their apprehension? I believe seamen are induced to run away from their ships, and that these boarding-house masters make use of them to suit their own purposes. If a good reward is offered he is hustled out of the house with "Here are the police," and the police are laid on his track, or else the police are made acquainted with the fact, and the money is then divided between the parties. My reason for making this statement is this:—I happened to be in Quebec in 1839; the place was under martial law, and I, with some of my shipmates, had gone on shore; we were informed that we must return on board at nine, or we should be placed under arrest; we were sitting round a table, as sailors will, having a glass of grog, and talking of two or three other ships

- Mr. A. Milre. that had come in; a man came in, dressed in plain clothes, and said in French to the landlord—"Where are them birds?" He says, "Three doors further up, in the garret."
- 27 Mar., 1861. 1286. You understand French? Yes, I speak French fluently—at least, I could in them days. I mentioned to my companions that the gun was gone, and that we had better go on board. "Oh no, there is no occasion for you to go on board, remain where you are—so long as you do not make any noise the policemen will not disturb you." That was seeing we had money to spend. In about another hour the twenty-six were walked off to the watch-house, to be dismissed the next morning. No doubt the same system is carried on here.
1287. Have you anything to suggest, in order to remedy the evil of which you complain? I do not know of any positive remedy, but I think any seaman coming home ought to have the right of lodging where he liked. For instance, I might have a brother who was following the sea, and I should think it a great hardship if, when he came here, I could not have him to lodge in my house without being liable to a penalty.
1288. You do not so much find fault with the system of licensing houses as of compelling seamen to go to those houses? Certainly; I think when the Seamen's Home is erected, it will stop a great deal of this crimping system.
1289. *By Captain Moriarty*: You have cited cases where the system in operation has led to the abstraction of men from the ships to which they have belonged, by crimps or some persons connected with boarding-houses—does not that shew you the necessity of some mode of registering seamen—? I do not know any system that cannot be evaded. In Quebec, when the place was under martial law, there was the most rigid surveillance, and every one who was out after nine o'clock was liable to be locked up, without he had a passport from the military authorities, and yet crimping was carried on. My opinion is, that the binding down of seamen by a number of laws, more severe than those which are imposed upon any other class of Her Majesty's subjects tends to their absconding. I believe these very prohibitive laws causes men to leave their ships.
1290. You think restrictions on liberty in any way tends to create a disposition to resist? I do.

Mr. Thomas Stewart called in and examined:—

- Mr. T. Stewart.
27 Mar., 1861.
1291. *By the Chairman*: You are a shipowner? Yes.
1292. Are you acquainted with the Shipping Office in this port? Yes.
1293. Have you any statement to make with regard to it? It gives a deal of trouble to vessels trading coastwise, to Melbourne, Moreton Bay, and New Zealand. It is very troublesome to have to take hands down to the Shipping Office to ship them there.
1294. How do you propose to remedy that? By shipping them on board the vessels, getting them to sign on board, and then taking them, when they are at leisure, with the captain, to the Shipping Master to acknowledge their signatures.
1295. You would still retain the Shipping Office? Yes. I think it is a service to merchant vessels, but not to vessels trading on this coast.
1296. You mean to English and foreign merchant vessels? Yes.
1297. I think the provisions of the Imperial Act extend to them? It is no benefit to coasters whatever.
1298. What do you principally complain of? There is the detention caused by going there to ship your men. If a large vessel is shipping men you are kept waiting about all day; and if you ship a man without going to the Shipping Office, and he works seven or eight days without signing the articles, he can demand days pay for the time he has been on board. Another objection is, that if I engage a man on the wharf and take him down to sign, there are a number of hangers about the Police Office who will maltreat him if he is willing to engage at less wages than they tell him are the wages of the port. I have myself seen men assaulted for that reason.
1299. Do you employ any other than seamen's labour? I employ tradesmen sometimes.
1300. In what way do you engage them? By the day or by the job.
1301. Or by the week? No, mostly by the day or by the job; perhaps there is not a week's work for them.
1302. Do they sign any articles? No.
1303. Do you find any difficulty in keeping these men, or in getting anything you require to have done, done by them? No; sometimes they get on the spree.
1304. Have you any reason to think that seamen require articles more than tradesmen? I think they do, more than tradesmen.
1305. Have you any reason for thinking so? Yes, I think they want something to bind them, for they often refuse work, and say, "It is none of my work."
1306. Is there any reason why seamen should be bound, more than any other particular class? They may refuse work, and say it is none of their work, for instance, they might refuse to lend a hand to a drayman to get heavy goods off his dray for cargo.
1307. Does the Shipping Act give any relief in such cases? Yes; the articles bind down the men to protect cargo both on board and on shore. If they were not bound by their articles, sailors would, if told to unload a dray, turn round and say it was not their place.
1308. Are goods cargo before they are on the wharf and signed for as being freight for the ship? No, they are not cargo, but the men are expected to lend a hand if a drayman brings down a load of heavy goods for cargo.
1309. If a tradesman employed by you were to say in answer to some order that it was not his work, what would be your answer? I should tell him to go about his business.
1310. If a seamen did so what should prevent your doing the same in his case? I might do

do the same thing, but it would put me to great inconvenience; I might do it every hour of the day, and discharge all hands. I might be engaging and discharging hands all day.

1311. And yet you find with other persons labouring in different capacities that that does not occur? If I engage a man for six months, three months, or one month, I have an agreement with him.

1312. Do you require to go to a Shipping Master or a Police Magistrate with that agreement? No.

1313. Is there any reason why a seaman should be treated differently from another man in this respect? There is no reason at all why the agreement could not be made on board ship as well as before a Shipping Master.

1314. Do you complain of the charges? The charges are high; and I do not see why, if both master and man are willing to re-engage at the end of their term, they should be put to the expense of two shillings each.

1315. Do you not observe, that if your plan were adopted of signing the ship's articles on board, and afterwards of taking the men before the Shipping Master in order that they might acknowledge their signatures, it would be necessary to maintain the staff of the office, and that, therefore, payment must be made to meet the expense? The articles might be signed as they were formerly, on board ship, and no Shipping Master was then required.

1316. And no charge was made? And no charge was made; the captain made out his own articles, and the men signed before witnesses. There was then no trouble or delay; the men came down to the vessel, and if they wanted berths, they could sign articles and you could proceed to sea the next day, or that night.

1317. *By Captain Moriarty:* They could go to sea that night? Yes; perhaps that night.

1318. *By the Chairman:* You complain of the loss of time? Yes.

1319. Do you know anything of the lodging of seamen? No, I do not.

1320. Do you hear any complaints of the licensed lodging-houses? Yes; I hear the mates and men complain that they cannot lodge with their friends without their friends being punished for taking them in as lodgers.

1321. By friends you do not mean relations? No, friends; and in the same way they complain that they cannot lodge with their relations, those who have any.

1322. Is it against the licensing of lodging-houses you object, or against the men being compelled to go to these houses? The compelling people to go to these houses.

1323. *By Captain Moriarty:* You seem to be of opinion that the proper course would be to allow seamen to ship on board coasters even when they were about to go to sea on the same night? If it were requisite.

1324. Would not that facilitate desertion from other ships? It would be necessary that they should produce discharges from the ships they had left.

1325. What guarantee would there be that the discharge was a true discharge? I do not know that there would be any guarantee.

1326. You would perhaps require that it should be indorsed by the Shipping Master, the Water Police Magistrate, or the Collector of Customs? Yes.

1327. Then you would require that there should be a regular discharge from the master of the last ship in which the man had served, certified by some person whose signature you knew? Yes; all the discharges should be signed by the captain, and witnessed by some other person. The captain could always get a witness to his signature, as was formerly the case when the men signed articles on board. There were then witnesses to the discharges, and also to the payment of money.

1328. *By the Chairman:* In that case, there would be the same protection against forgery as exists in the case of other documents—the person committing the forgery would be liable to prosecution—there would be the same protection as the banks and other institutions now have? Yes; the certificate of discharge should be signed by the captain and a witness.

1329. *By Captain Moriarty:* That is, supposing everything is done in a straightforward, honest way? Yes; the parties would be liable to be punished for forgery, and if the captain signs a false discharge he should be punished as well as the man.

1330. You think it of importance that the nature of the contract entered into between the owner or master of the ship and the seamen should be distinctly specified, that the parties should understand the terms upon which the agreement was made? Yes.

Mr. T. Stewart.
27 Mar., 1861.

Mr. James Merriman called and examined:—

1331. *By the Chairman:* Are you a shipowner? I am.

1332. Have you any statement to make with regard to the Shipping Office of the Colony as it exists at present? I do not know a great deal about the working of it, but I think the masters of ships ought to be summoned to give evidence about it. All I know is, that it causes great detention to shipping. It is now necessary to go to the Shipping Office to ship men; I have myself gone down to ship a crew, and have been unable to get one man. The crimps now stop the men from shipping, whereas, if they were allowed to sign articles on board the vessel, as they used to do, a crew might be shipped without any trouble whatever. I have known a vessel to be detained a week for want of men.

1333. Is there any reason why there should be so much special legislation for seamen? I do not see it. I think the restrictions are, in a great many cases, very severe, and that these make the men worse than otherwise they would be.

1334. Are you prepared to offer any suggestion to remedy this state of things? I have none, except to allow the men to ship as they used to do.

Mr. J. Merriman
27 Mar., 1861.

- Mr. J. Merriman. 1335. Would you abolish the Shipping Office as far as coasting vessels are concerned? Yes; I think the men themselves would agree with that.
1336. As an owner, do you suffer considerable loss? We do at times.
- 27 Mar., 1861. 1337. From detention. Yes.
1338. More than from the money payment? Yes; but the money payment comes very severe; every voyage nearly we have to go to the Shipping Office; and though the men themselves have to pay for the discharge, we have to pay for the shipping.
1339. Is there any reason why seamen should not be engaged in the same way as mechanics, tradesmen, or labourers? I would rather think you ought to be a little stricter with seamen than with mechanics; for instance, your vessel may be ready for sea, a man gets tipsy, and you can do nothing with him.
1340. Would it not be an advantage in that case to replace him with a sober man? Yes; but if you have to go to the Shipping Office, you may be detained two days.
1341. We are not now talking of the Shipping Office—supposing it did not exist, I ask you why a seaman should not be engaged as a labourer is in the market, if there is no reason for this legislation for the seamen in particular? I do not think there is now, and that there would not have been, but for the gold diggings. At the time there were so many men going to them the shipping interest wanted some protection.
1342. Do you know anything of the lodging of seamen? No.
1343. *By Mr. Stewart:* You are not allowed, at present, to make any arrangement with, or to ship your men on board the vessel? No, we must go to the Shipping Office.
1344. If you were allowed to make your arrangement and then to go to the Shipping Office for the purpose of having it witnessed, would that facilitate your proceedings? It has often been done. The agreement has been made, and then when we have gone to the Shipping Office the men have been decoyed away. I have known a whole ship's crew to go down to the Shipping Office to sign, and when they have got there they have been all decoyed away.
1345. You think the men who congregate about the Shipping Office exercise an influence upon those who go there to sign? A number collect there who have no intention of going to sea themselves, and to prevent others unless they get a certain rate of wages. They say to men who are going to engage, "Don't you go unless you get such and such wages," or, "Don't go unless you get half a month's advance."

Mr. John Rayner called in and examined:—

- Mr. J. Rayner. 1346. *By the Chairman:* Are you a shipowner? I am.
- 27 Mar., 1861. 1347. Are you acquainted with the mode of shipping seamen in this port? Yes, and have been for the last thirty years.
1348. Have you any suggestions to offer with regard to the present arrangements for the shipping of seamen? In the first place, I think it is a great hardship that a sailor cannot make his own bargain. A man comes on board a vessel, and says, "Do you want hands?" The captain says, "Yes, I want hands; what wages do you want?" "Five pounds a month." "I cannot give you those wages; my wages are four pounds; if you like to go for that you can." The man says, "Very well, I will ship with you." Another man says, "I will ship with you." "Very well," says the captain; "we will go the Water Police Office, and you shall sign." He goes down there with the men, and there are a parcel of crimps hanging about. Well, perhaps a man owes money to one of them. "What ship are you going by?" says the crimp. "So-and-so." "What wages have you shipped for?" "Such wages." The men go inside the office, and Captain Shorter says, "Are you aware the wages of the port are so-and-so?" So that, between the crimps and Captain Shorter, I consider that the men cannot ship as they like. I have seen that more than once or twice. I consider that any sailor should be allowed to make his own bargain, so long as he has got his discharge to produce from his last ship.
1349. Can you suggest any mode of improving the position of the sailor and owner in this respect? My suggestion would be to let the sailor, as long as he had got his discharge, come on board, make his bargain, and sign, leaving his discharge as a security to the captain that he is the man the discharge represents. If it is still wanted to keep up the Water Police Office, the sailor might be discharged but he ought never to be shipped there. I consider that neither sailor, master, nor owner has fair play there when they go there to ship.
1350. You think the Shipping Office ought to be abolished with regard to the shipping of seamen? If you abolish the Shipping Office entirely, there must be some guard on sailors against their giving wrong discharges. The discharge ought not only to be signed by the captain, but witnessed by the owner or agent, so that some one in Sydney might be referred to.
1351. Do you allude to foreign ships? Many ships come to Sydney whose owners are in Melbourne, Newcastle, and other ports in the Colony, and these have their agents here, who might witness the discharge, and guard against imposition.
1352. If this were carried out you think there would be no need for a Shipping Office? Yes; but still the shipping would require some protection in some shape or other. There should be a boat's crew —
1353. We are not speaking of the abolition of the Water Police Office but of the Shipping Office. I presume your answers have been dictated by your supposing I was speaking of the Water Police Office? Only my last answer.
1354. Do you employ other labour besides that of seamen? Yes; I have a wharf.
1355. Do you find it necessary to enter into a written agreement with the men? I employ my men by the week, and if a man does not suit me, at the end of the week I tell him to look out for another place.

1356. Is there any reason why you should not do the same with seamen? Because the sailor is bound not only for a certain time, but to go to a certain place; for instance, he signs to go to any port or ports in India —
1357. That is not coasting? If you had not such articles you would be in a very bad fix. If the men are not bound in some way or other a captain may take men to go from here to Melbourne and back. When the vessel gets to Melbourne a man may say, "I want my discharge." "I will not give it," says the captain. "I demand it,"—and the consequence may be, that double wages are paid for another man. If this were carried out you would never know how to take freight or to make a bargain.
1358. Could you not, in that case, make a bargain with the seamen, as you make a bargain with the men at your wharf, only that instead of making it from week to week you made it from port to port, and back? That is the very bargain we make now.
1359. I thought you said it was a bargain for a certain time? You must specify a certain time. You would calculate the time the voyage would take; perhaps a month or two, or three months, to visit certain port or ports, "not to exceed" a certain time. If you do not put that in you might keep the men away for two or three years. Generally, both time and place are mentioned in the articles.
1360. *By Mr. Stewart:* In the articles is it generally the case that a certain port is specified, "and any other port or ports"? If a man signs for any Australian port he can be discharged in Melbourne or Adelaide, but the men generally sign for any port or ports, and for a period not exceeding six months.
1361. It is not usual for the men to be discharged at any out-port? Not unless both parties agree to it.
1362. The general agreement is back to Sydney? Yes; the port they have started from.
1363. *By the Chairman:* So that it is virtually the case that you do engage your seamen in the same way as you engage men at your wharf, from a certain port to another port or other ports and back, and if a man wants to leave he can do so? If both parties are agreed.
1364. In Sydney? If a man wanted to leave in Sydney there would be no objection, because both parties would be in the position they started from; but if he wanted to leave in a port where wages were double, and had the power of doing so, it would be a great disadvantage to the owner, as he would have to give another man double wages.
1365. Have you any knowledge of the lodging of seamen? None.
1366. You have no knowledge of the Lodging-house Act? None.
1367. You have spoken of crimps—whom do you mean by crimps? Lodging-house keepers I mean. For instance—when you go to the Shipping Office to ship men there are always a lot of lodging-house keepers round about there. Well, it is to their interest to get as much wages for the sailors as they can, because they will then have the more to spend; but sometimes the sailor has no cash, and the boarding-house keeper does not mind keeping him a week or two, so he says, "Don't be frightened, you can stop with me." Of course, when times are bad and freights are low, we cannot give the same wages we can when freights are up; and on several occasions when freights have been down to 18s. to Melbourne and wages have been £4 a month, I have said I would not send unless I could get men at £3 10s. a month. When I have got them I have gone down to the Shipping Office with them, and the first thing has been Captain Shorter has asked them, "Do you know the wages of the port?" Now I consider it was not his business to interfere, but to see the men sign: he had no right to say anything in the matter. If the captain agrees to give the men certain wages, and the men agree to take them, what right has Captain Shorter to make a remark like that?
1368. It appears, then, that you do know something of the lodging-house keepers? That is all I have seen of them.
1369. Do you consider that that conduces to the welfare of sailors? No; I think sailors ought to be allowed to lodge where they like. I should think it very hard if three or four respectable men wanted to lodge with me, that I could not receive them without taking out a license.
1370. Is it the system of licensing houses, or of compelling seamen to go to these licensed houses, that you object to? I think one is tantamount to the other, if a man cannot lodge in a house without it is licensed.
1371. If houses were licensed like public-houses, and the seamen were not compelled to go to them, in that case might not the desire to obtain a license induce people to supply cleaner and better accommodation? I do not see the utility of licensing the houses.
1372. Would you see any objection if the licensing system were carried out without the obligation upon the seamen to go to licensed houses? I think there would be no use in licensing them then.
1373. *By Mr. Stewart:* If a person took out a license as a guarantee that he was of good character, and that his house afforded competent accommodation? If a man liked to take out a license to shew that his character was good, and chose to stick it outside, I should have no objection to that.
1374. Your objection is that private persons cannot lodge seamen, and that they cannot lodge with their friends? I should think it a great hardship if I could not say to any respectable man who was going to sea, because he was in an inferior station, and was not an officer, "Come and stay with me while you are in the harbour"—or if I did so to be fined for lodging any man whom I knew to be respectable. That is the law as it now stands.
1375. You think that is a hardship to both parties? Yes.

Mr. J. Rayner.
27 Mar., 1861.

THURSDAY, 25 APRIL, 1861.

Present:—

Mr. DOUGLAS, | Mr. LEWIS.

DANIEL C. DALGLEISH, Esq., IN THE CHAIR.

Mr. Prince Francis Little called in and examined:—

- Mr. P. F. Little.
25 April, 1861.
1376. *By the Chairman:* Are you a seaman? I am.
1377. At present you are in the Water Police Department? Yes.
1378. As a seaman have you any knowledge of the working of the Mercantile Marine Act at Home in Great Britain? Not in Great Britain; I never was in Great Britain.
1379. In this Colony? I have in this Colony.
1380. For how many years? I have not been sailing out of this Colony, but I have some knowledge of it from being acquainted with the Water Police and Shipping Departments.
1381. Where were you a seaman? I was a seaman from the United States.
1382. You have never been a seaman out of Great Britain? No, I was never in an English vessel.
1383. Are you aware of any causes of discontent that the seamen in this part of the world have to complain of? I am.
1384. Will you be kind enough to state to the Committee what you know of those causes of discontent? I am aware that one great grievance amongst seamen out of this port is paying for their discharges at the Shipping Office; I have frequently heard them speak about it on the verandah at the Water Police Office.
1385. Do you think it is well grounded? Well, I cannot say as to that.
1386. Do you know, from your experience as a seaman in America, whether such charges are usual there? I never saw anything of the kind.
1387. Are there any other causes of complaint existing among seamen here, that you are aware of? They generally complain about being sent to gaol for desertion, and those things. They think they are harshly dealt with by being taken to gaol in irons; they object to that and the like of those things.
1388. Are you aware whether there is any discontent expressed with regard to the lodging of seamen in the Colony? There is. I have frequently heard seamen say that they considered it a very hard thing for them to be compelled to go to a certain house—a seamen's lodging-house—when they had friends and relations in town that they could go to.
1389. Do you consider that complaint to be well grounded? Well, I should think it was.
1390. Are you aware of any similar law in any other country? I do not know of any such law existing in the world, only in this Colony.
1391. With regard to the Shipping Office, you have stated that seamen grumble at paying for their discharge? Yes, I have frequently heard them.
1392. In the performance of your duty, are you brought into contact with the owners or masters of vessels? Frequently with the masters, not owners.
1393. Have you found any dissatisfaction amongst them with regard to this tax? I cannot say I do know it of my own knowledge, but they do consider it a grievance I have heard.
1394. Have you heard any further complaint on their part, besides the payment of the money? Yes; I have heard from Captain M'Clements that he thought it very hard that if a seaman should neglect to come on board his ship at the last moment, the vessel should be detained twenty-four or forty-eight hours before he could ship another in his place.
1395. As the law at present exists, a seaman absenting himself would necessitate the detention of the vessel until another seaman could be shipped in his place? Yes, unless the captain chose to go to sea one hand short.
1396. To go to sea short-handed would be dangerous, would it not? It would in small vessels, because most of them are just barely manned, and that is all.
1397. Under certain circumstances, such as the occurrence of severe weather, it might lead to the loss of the ship, and of the lives on board? It might.
1398. What is your opinion of such a law, as a seaman? I should consider it would not be justice to the captains and owners of vessels. Captain M'Clements was saying he considered a captain ought to have the right to pick up any man on the wharf, and put him on board his vessel at the last minute if necessary; but I consider that would be scarcely justifiable, because a man might walk on shore from a big vessel, and stand alongside a small one, and the captain might take him away, the man being at the same time a deserter.
1399. Are there any laws in America, as far as your experience would give you a knowledge of the fact, which would protect owners of large vessels in similar circumstances? I never heard of a seaman deserting from a vessel in America that he was booked for; I never heard of such a thing. I know I have shipped myself in vessels in America, and I have gone to the captain and told him I had altered my mind, and there was no law to enable them to press me on board the ship.
1400. When a seaman is determined to leave a vessel, and feels in his own mind that he cannot be comfortable or cannot work in unison or harmony with the crew, is he likely to be an advantageous acquisition to the vessel? I cannot say. It is according to the discipline of the vessels. If that seaman feels in fear of what the seamen term the after guard, I do not consider he would be anything of the kind.
1401. We have had some evidence with regard to the lodging of seamen which would seem to imply that it is possible collusion might exist between the runners of the Shipping Office and the keepers of the lodging-houses, by which means they could obtain an undue preference for

for shipping seamen who might be in debt or have other means of gaining favour with the lodging-house keepers or runners—from your knowledge of the circumstances at the Shipping Office, would you be inclined to consider that such might exist? Well, it might exist without my knowledge, but it never has to my knowledge.

Mr. P. F.
Little.

25 April, 1861.

1402. It is possible it does exist? It is possible.

1403. What advantage do you imagine accrues to seamen from compelling them to lodge in a licensed lodging-house? This is all the advantage that ever I was learnt, that these licensed lodging-houses are compelled at any time, night or day—at any time in the twenty-four hours—on demand of any person in the police or shipping departments, to open their doors for the purpose of searching for seamen deserters, whereas in private houses we cannot enter without a warrant—in fact, if we know for certain that a deserter is in a private house we dare not go in without a search warrant, and while we are away to get the warrant the man may escape.

1404. Then, with regard to seamen's lodging-houses, the old law that an Englishman's house is his castle is no longer law? No.

1405. The liberty of the subject is violated in this respect in order to secure advantages to the Police Department? Yes, and the Shipping Master's Department has the same authority as ourselves.

1406. You do not consider it is any protection to the seaman? No protection whatever that I can see.

1407. Were you a seaman out of this port you would consider it a hardship to be compelled to go to a licensed house? I should think it a very hard thing. I should consider it very unjust, if I had friends that I went to stay with, that those parties should be brought up and fined.

1408. Even if you had no relations nor any friends that you cared for, would you think it just to compel you to lodge in a certain house? No, I consider it would be an act of injustice.

1409. Do you think a seaman requires to have special legislation for him more than any other member of the community? No.

1410. Do you think he is more childish or not sufficiently able to take care of himself? I consider most of them quite able to take care of themselves. There are some very soft, but they are generally led away by runners for boarding-houses.

1411. So that instead of a protection, in that case these boarding-houses would be the reverse? Yes. There are a certain class of sailors who never think of anything else than to get to a boarding-house; a sailor's boarding-house is their glory.

1412. And of course it requires no law to compel them to go? No.

1413. In America, I believe, a seaman can be engaged on the wharf in the way in which you were relating that Captain McClements wished to do? In my experience of shipping in America I was always shipped and discharged in the owner's office. Whenever I have consented to go in a certain ship, I have been taken by the owner into his office and signed articles before him and the captain.

1414. The contracts in America between seamen and owners are generally carried out? They are. I never saw any compulsion used towards a seaman to compel him to go to sea in a certain ship if he altered his mind after shipping. Such laws may exist in New York, but I do not know of them in New Bedford, a whaling port, where there are some five or six hundred whale ships, some of them shipping and discharging almost every day.

1415. When seamen have been before the Water Police Court and sentenced to a term of imprisonment, it is usual to remove them from the Water Police Court to Darlinghurst Gaol, is it not? Yes.

1416. In what way are they usually removed to the gaol? If there are not more than three or four they are generally placed in handcuffs and conveyed to the Central Police Station, where they are handed over to the authorities there, and they are conveyed from there to the gaol in the van with the prisoners from the Central Police Office. But if a ship's crew disobeys lawful commands, and continues to disobey them for a certain time, the van is generally sent for to take them.

1417. I presume that is to save trouble to the department—to save guards? I do not know. We are sometimes very short of guards.

1418. So that, in case of taking a large number of men at one time to gaol, you would find it difficult to procure the necessary number of policemen to guard them? Yes, frequently.

1419. In that case the van is sent for? Yes.

1420. It is out of no regard to the feelings of the seamen? Well, I do not think it is anything of that kind. I have been in the habit of taking them back and forth for nearly six years, and where one man has to be conveyed to gaol we very seldom put the handcuffs on him, unless he is known to be a refractory character; but when two men are sent and only one constable, to save himself he is compelled to put them in irons.

1421. Do you not consider it is very hurtful to the feelings of seamen to be paraded publicly through the streets—is it not a large augmentation of the punishment? I should consider it was. I have frequently heard them ask not to be put in irons, but of course when there is only one man to convey two he could not well convey them safely without putting them in irons.

1422. Of course he only does his duty? He does his duty as he has the by-laws laid down for him in the book.

1423. You say you have taken seamen as prisoners to the gaol? Yes.

1424. Are you aware whether they are confined separately in the body of the gaol, or mixed with other prisoners, long-sentenced prisoners and hard-labour men? I don't know anything about the interior of the gaol. I have frequently been to the gaol to take seamen on board their

- Mr. P. F. Little.
25 April, 1861.
- their ships, and they have been called out of the hard-labour yard, but whether they were with long-sentenced men or bad characters I do not know. I have had no opportunity of knowing that.
1425. Do you think the character of the seaman has undergone a change—that he is not altogether the simple character we have represented on the stage, but a man who knows the world and its ways, and understands the value of money? Seamen are so enlightened now that they ought to understand most things.
1426. As a general rule, from your own knowledge of seamen, is it the case or otherwise. Are they enabled to save their money in proportion to others. You find, I suppose, many seamen who are very careful with their means, and others who are very careless, as in all other classes. Do you think they require any special legislation for them? I should think they did, because with seamen in general the first thing they do when they get on shore is to get away into the city amongst a low class of characters. This I know of my own knowledge, from seeing them, because, when men absent themselves without leave, and the captain gets a warrant for them, and we are sent to look for them, we most generally find them in some bad place spending their money. There is a certain class of them that generally spend their money in drink and such like.
1427. Have you ever been brought into contact with miners or others that have been kept separate from society for a lengthened period of time? I have not.
1428. Have you heard of similar orgies committed by men in that position? No, I cannot say I have.
1429. *By Mr. Douglas:* Are you aware of the number of convictions that have taken place under the Act which provides for the lodging of seamen in licensed houses. Are people prosecuted for lodging sailors without a license? They are. One conviction has taken place lately—I do not recollect the man's name—in Sussex-street; he lived near a lodging-house, two doors off I think, and the lodging-house keeper that was licensed gave information upon the one that was not licensed. I have known several cases where a conviction has taken place for keeping seamen without a license.
1430. You say you have the power at present to enter into these licensed lodging-houses for the purpose of searching to see if there are any deserters? Yes.
1431. Do you think it likely, that being the case, that deserters would resort to such houses? I do not think they would go there unless decoyed away by the runners, or some person belonging to or staying in the lodging-house. I know an instance that happened last week—four Malays, who were discharged from a ship a short time ago, were staying in a lodging-house, when a Dutch ship lost a Malay seaman, and the captain came and reported it, and he was found in the lodging-house, with these four men, unknown to the lodging-house keeper at all.
1432. In reference to the transfer of prisoners to gaol—is the van in constant attendance at the Water Police Court? It is not; it only comes when sent for; it can be procured at any time on application of the Inspector of Water Police to Mr. Higgins.
1433. The van is not in very constant requisition? No, not unless there are six or eight prisoners at a time, or a ship's crew.
1434. *By the Chairman:* Have you anything further to communicate to the Committee? Nothing further than to lay before you some cases shewing the conduct of some seamen when we are bringing them from gaol to place them on board their ships. I recollect one instance where the man was not put in irons; he was taken out under Darlinghurst Court House, by the underground passage, in order to let the governor of the gaol see him; shortly after getting out, he turns round upon the constable and strikes him a blow which knocked him down, and when down he kicked him severely, and was making his escape, when a sergeant of police ran and arrested him a second time; the constable was off duty for a week or ten days from the severe bruises he got. In another instance, a constable was bringing a man down to his ship, when he slipped off one of his shoes, which were large and heavy, and threw it through a large glass window, thinking that for that he would be sent back to gaol, and so get clear of his ship. Well, the man was sent down to the Water Police Office, and the captain consented to pay the damage, so that the man was sent on board his ship. In another instance, I was sent with an American seaman, not in irons, and when we got to Clark's Hotel he pulled off his cap and placing his hands in it pushed it through two panes of glass in the window. He also thought he would be sent back to gaol. I took the man on board the ship, and acquainted the captain, who went on shore and satisfied the publican, otherwise he would have prosecuted the man, and he would have been sent to gaol again.
1435. In those cases is the amount stopped out of the man's wages? I presume it is, but I do not know it for a fact.

Mr. Martin Wilson called in and examined:—

- Mr. M. Wilson.
25 April, 1861.
1436. *By the Chairman:* What are you? A runner at the Shipping Office.
1437. What are your duties? My duties are chiefly as a messenger. When there are any seamen required the master of a vessel comes up to the Shipping Master, and he will call me and say, there are so many men wanted for such a voyage and such a vessel, and I secure the men for him—supply them rather.
1438. In what way do you supply the men? I go to the door and call out that there are so many wanted for such a vessel and such a voyage, and state the wages.
1439. Is that the whole of your duty in relation to procuring the men? Yes, that is all with respect to procuring the men. If there are not men there I go and get them.
1440. Would it be any part of your duty to refuse admission to any man into the Shipping Office?

Office? Not unless the place was too full, or unless I had an order from the Shipping Master not to let in more than one crew shipping and one discharging. Mr. M. Wilson.

1441. Do you let in more than one man at a time? Yes, the room full. The room is ^{25 April, 1861.} generally crowded. It is a very small room. A steamer's crew cannot all go in at once—it will not hold the firemen and the seamen at the same time. There are two large tables which take up nearly all the room, leaving only a narrow space at the back. The Shipping Master is continually singing out to keep the room clear, so as to get fresh air, and if they stand near the window he calls out to keep them out of the light.

1442. So that it is in your power to keep men from going into the Shipping Office? When I am ordered to do so.

1443. It is in your power? Not unless the Shipping Master tells me.

1444. When the Shipping Master tells you there are sufficient men in the office, you can prevent any others from coming in? I must obey his orders.

1445. By that means those first in the Shipping Office have the preference of shipping? Not always. Suppose the master of a coasting vessel comes to me and says, perhaps before he sees the Shipping Master, I want so many men to go to the Macleay (or perhaps to some other bar harbour), do not give me any but experienced men; I will say, Captain, I will get you the men, and you can choose for yourself. Then I will call out for men, and perhaps when they come he will say of some of them, do not give me these fellows, they will not do.

1446. Although he asks you to get experienced men, he uses his own judgment afterwards? Yes, he takes those that he thinks proper. It is an open verandah, and all the men are standing around, and he selects those he thinks most suitable. Numbers of men congregate round there who are not looking for ships—men who will not take a voyage when it is offered to them; if they cannot get a day's work discharging or working about the wharves, they come up there to loiter the time and pass the day.

1447. Were these men present on such an occasion as that—would you find it your duty to mention that they were loiterers or idlers? Not unless they were obstructing me, as they very often do in carrying out my duty; for instance, a captain may come up to me and say he wants so many men—three or four of these men will come up, with not the slightest intention of going to sea, and say, what are the wages, captain? he will tell them, and after they hear it they will say, can't you give 10s. more, then they will commence a conversation with him, only delaying time and interrupting; then I will tell the captain these men do not intend to go, and call forward the men who do want to ship.

1448. Have you any knowledge of the lodging of seamen? Of the lodging-houses?

1449. Yes, the licensed lodging-houses? Yes; I have been in a good many.

1450. In what capacity? As a special constable. I have been sworn in as a special constable.

1451. What occasions your visits to these houses as special constable? When I receive private information that anybody that there is a warrant out for is stowed away in any of these houses—any deserter from a vessel—then I endeavour to get him.

1452. Is it possible, under the Act as it at present exists, for the keeper of a lodging-house to allure a seaman from a ship to his lodging-house, and afterwards to give private information as to where the man is to be found, for the purpose of obtaining the reward? It is possible that such a thing could be done.

1453. Have you ever heard of such a thing being done? Yes; I have often heard of it.

1454. Have you ever known any case of that description? Not of my own knowledge. I only know by men when they have been brought before the Court, saying, So-and-so stowed me away until a warrant was out, and then he got me apprehended. I have heard talk like that.

1455. If a lodging-house keeper were to stow such a man away, and afterwards give you information that he had that man in his house, it would be your duty to apprehend him? Yes; no matter how the information came, if there was a warrant in existence.

1456. If he were to inform you that a runaway seaman was on his premises, with or without a warrant, what would be your duty? If I thought there were sufficient grounds I would go and apprehend him without a warrant, on suspicion of being a deserter.

1457. In a case where a seaman has been on the premises of a lodging-house keeper for any time before a warrant has been out for his apprehension, and immediately on the warrant being taken out he gives information, would it be your duty to apprehend the keeper of that lodging-house for having harboured this runaway seaman, and not having given him up previously to the warrant being out? That would not rest with me; the man would have to file that information.

1458. The seaman would have to do this? He would have to give his information to the Water Police Magistrate, and on his information the party would be summoned to attend the Court.

1459. Have you ever known a case where any prosecution has ensued from such information obtained from the seaman while before the magistrates? Yes.

1460. A prosecution of a licensed lodging-house keeper? Yes.

1461. What was the result? They have been fined.

1462. The licensed lodging-house keeper has been fined for having enticed the seaman from his ship? I do not exactly know the particular charge, but it was for some breach of the Merchant Shipping Law. Lodging-house keepers have been fined for secreting men who were deserters.

1463. Have you known any license cancelled for that offence? No, not that I recollect.

1464. Are you aware of any benefit that results to the seaman from the existence of these licensed lodging-houses? No.

Mr. M. Wilson. 1465. Are you aware of any such system of licensing lodging-houses existing in any other country? No.

25 April, 1861. 1466. Are you aware of any complaints against the system of licensed lodging-houses in this country made by those who are compelled to live in them? Yes; I have heard seamen complain that it is very hard to be obliged to live in a licensed house. I have heard many acquaintances of my own say they would not go into one of them.

1467. So that these men break the law and run all the consequences rather than comply with the condition of going into these common lodging-houses? Yes; they would not go there on any account. I would not go to a lodging-house myself if I was following the sea.

1468. Are you a seaman? No, I have not been following the sea.

1469. Not at any time? No; I was brought up to the trade of a carpenter.

1470. Is it possible for a system of favouritism or a system of preference to exist with regard to shipping seamen by means of lodging-house keepers—that they could get a preference for one man more than another in getting them shipped? Only in this way, if he had men that were approved of by the captain he might get rid of men he had sooner than others. But they are not countenanced at the Shipping Office; they are not allowed to come inside the place; but they have other facilities without coming up to the Shipping Office. These lodging keepers always have people about them, and they wait on the captain coming on shore, or attend him at the ship chandler's, butcher's, or baker's, and acquaint the captain that they have so many men ready to ship.

1471. So that the system of touting and crimping may be said to be encouraged by the licensed lodging-houses? It is not crimping—it is touting. What I call crimping would be to take a man out of one vessel and give him to another.

1472. You have stated that the lodging-house keepers have induced seamen to leave their vessels to go to their lodging-houses, and if they have opportunities of favouring their reception into another, is not that crimping? I do not think you put the question that way before.

1473. Has not that existed? I believe it has.

1474. Is not that crimping? That would be in reference to deserters. A man enticed out of a ship would be secreted until there was a warrant out for his apprehension, and then he would be handed back to his captain.

1475. If there was no warrant out there would be no inducement to the lodging-house keeper to give him up? No. They give him up if they expect any reward.

1476. Is there not a standing reward for seamen? No, it is at the captain's option.

1477. You know of no benefit, then, that arises to seamen from these lodging-houses being licensed? None whatever.

1478. Do you hear any complaints of the charges for shipping and discharging seamen in the Colony? Yes, great complaints about the charge for discharging.

1479. Who are the parties that complain? The seamen.

1480. You have never heard any complaint about the charge for shipping? There is no charge to the seamen for shipping, the master pays that.

1481. Have you heard any complaint on that head from masters or owners? No.

1482. Have you heard any complaint about the time lost in shipping? Yes. I have heard many a master say he would rather pay twice as much if he could get away sooner.

1483. Are there many cases of delay? Yes, when there is a press of business. There is only one man to ship them.

1484. When there is a press of business, are vessels so delayed as to lose a voyage? So as to lose a wind.

1485. Which is equivalent to losing a voyage? Yes, for small vessels.

1486. This must be a very serious inconvenience? Yes, I should say it was to small vessels. These small vessels cannot keep men on when they do not want them; they ship at so much for the trip; and when they think there is a probability of a southerly wind, they all hurry up to get one or two men placed on their articles, and it often happens that one of the Company's large steamers is shipping a crew, and then they have to wait while 30 or 40 men sign articles. Then they have to come in rotation afterwards, and it often happens that the man who came first has to wait till third or fourth, because if he turns his back to go anywhere to do a little business, he finds somebody else occupying the shipping book.

1487. So that you find masters and owners complain as much on the one hand as the seamen do on the other? Yes, about the delay.

1488. Each complains of the loss of that which is most valuable to him? Yes.

1489. By Mr. Lewis: I understood you to say, that if you were a seaman you would not like to go to these lodging-houses? Yes.

1490. Will you state any reason why? Because I think a man might be allowed to go where he likes.

1491. Is there anything objectionable, in your opinion, in these lodging-houses? Well, I should not like to sit at table with every man that liked to come in, because he was a seaman, or to sleep in a room where there were three or four beds.

1492. On that ground you mean to say it is objectionable to seamen at large, the same as to you, individually? Yes, I should say so. Seamen are not all alike; some would live anywhere, but others would not put their heads into such places.

1493. I presume these licensed lodging-houses were intended for the benefit of seamen? Yes, I should say so.

1494. But from what I have heard from you this morning I cannot see that they are in any way beneficial, but rather prejudicial, to them—are you of that opinion? That is a difficult question for me to answer. I think seamen would be much better if they were allowed to select lodging-houses for themselves.

1495. Do you think these lodging-houses are beneficial to the owners? I cannot see how they are any benefit to the owners. Mr. M. Wilson.
1496. Did you not say the police can go there when they choose to seek for runaway sailors, whereas they cannot enter a private house without a warrant? Yes. 25 April, 1861.
1497. Is not that a benefit to the owners? Yes, you may call that a benefit.
1498. You said, concerning the Shipping Office, that there were sometimes certain parties of men waiting about who did not intend to ship? Yes.
1499. How do you ascertain that? I know them.
1500. You know they have no notion of going to sea? Yes.
1501. How do you come to that conclusion? Because, from my long experience in Sydney and the Shipping Office, I know most of the 'long-shore men, and can generally tell where a man is employed. I know when they come up they come only for a lark. On a day like this there are plenty of them. I had an encounter, just before I came here, with three or four men who were standing with their wet oilskins on round the door, and would not let Captain Clinch, of the "Tasmania," in.
1502. Is it not in the power of the runners to select one man and leave others? Yes, I could do that if I would be base enough, but I would not do it. I have a family of my own, and I would not keep a man out of a loaf of bread.
1503. It is in your power? Yes, if I chose to do it. I have had many a man tell me—though he did it with a very bad grace—that I might get him a ship if I liked. I would say, it did not lay with me. No, I said, I tell you, on the word of a man, the captain would not take you. The captain has told me inside privately that he would not take him, but the man has blamed me for keeping him out of a ship; but no respectable man on the coast would accuse me in that way.
1504. *By Mr. Douglas:* The Shipping Office, I think you say, is considered a sort of rendezvous by the men? Yes.
1505. And I suppose there are a good many idlers and loafers about at times? Yes.
1506. Has the existence of the Shipping Office any effect upon the rate of wages? There is a book kept in which the names of the ships, the voyages they go, and the wages given are entered.
1507. The rate of wages, I conclude, is subject to alteration from time to time? Yes.
1508. So that in effect the Shipping Office does rule the rate of wages to the different ports? This book rules it in a great measure, for when the master of a ship comes up, after he gets his seamen, he says to the Shipping Master, what are the wages to such a place? He will say such a ship gave so much, and the captain will say I do not want to give any more or any less.
1509. Then the rates of wages are ruled by the last quotations? Yes.
1510. If the master of a ship is very urgent, and requires to complete his crew immediately, possibly he may be induced to give a higher rate of wages—is that oftentimes the case? They are often compelled to do that.
1511. The last rate accepted is that which is entered in the book? Yes, all the wages paid are entered in the book, with the name of the vessel, and the voyage she is going.
1512. Are masters of coasting vessels well known in the trade likely to resort to the Shipping Office at all, or do they go to the chandlers' offices? If a master has been on the coast a certain time the men themselves know him, and they will go down to him.
1513. In such cases a master has no difficulty in procuring such seamen as he requires? Not at present.
1514. And after having agreed they merely resort to the Shipping Office for the purpose of completing the agreement? Exactly.
1515. So that in many cases the agreements are made outside the Shipping Office? Yes, as far as the men consenting to go.
1516. And the Shipping Office is only used as a formal mode of recognizing the agreement? Yes, and registering the men's names.
1517. Has it come under your observation lately that good men, acquainted with their duties, have any difficulty in obtaining engagements whenever they wish? Yes, there are plenty of good men I know very often hanging about and cannot get a ship. They will expect to go in a certain ship, and when the captain comes to the Shipping Office, as they think for the purpose of looking for his men, he has them already with him—men who have been on board the ship to him.
1518. I imagine you must be frequently consulted as to your knowledge of men that come up to engage? Yes.
1519. And of course you must be acquainted with the characters of many of the men who are applying? Yes, I know a great many of the men.
1520. On such occasions do you ever state your private opinion of the characters of these men? No, not to stop a man from getting a ship.
1521. *By the Chairman:* Or perhaps to facilitate his shipping? If I saw a man was a thief, or heard the captain who had discharged him give him that character, I should tell the captain if he asked me; but if the captain brought him up there to ship him without consulting me, I should not consider it my duty to take any notice of him.
1522. *By Mr. Douglas:* If the captain did consult you you would conceive it to be your duty to state what you knew of the man? Yes, if I thought it was a serious case. Many men go and ship that would set a ship's company in a mutinous state. I think the captain when he asks, ought to be made acquainted with these characters.
1523. *By the Chairman:* How do you become acquainted with the knowledge of the men keeping a ship's company in a state of mutiny? When a crew is discharging there is a sort of Court of Inquiry generally amongst themselves and the captain, and all their grievances

Mr. M. Wilson. grievances on the voyage are raked up, and then the captain will mention to the Shipping Master,—I have such a man here, and he has behaved in such a manner.

25 April, 1861. 1524. Then you constitute yourself a judge of the men's character? No, I merely mention it as I heard it.

1525. Do you not think that in that way you may, in many cases, do unintentional wrong to individuals? I would not do it unless I was asked.

1526. Even when you are asked, when your knowledge is of this hearsay character, do you think you are justified in giving—simply from expressions you hear dropped in the Shipping Office between the captain and the men when discharging, you form an opinion that a man is a mutinous character? I do not form any opinion. I hear the captain charge the man with this, and I hear what the man replies to it. A captain will come up to me and say, "Well, Wilson, I want two men; get me two good steady fellows." Well, I select the men, and he will say, "Do you know anything of them?" and if anything I know is not of a serious nature, I will say no.

1527. So that the power does rest with you, to a great extent, of finding a seaman a ship? No, they can get ships without coming to me.

1528. But the captains frequently place it in your power—it must be evident to yourself that a great deal is left to you—that you have the power of recommending? Yes, when I am asked the question.

1529. You state that the captains of coasters frequently engage their crews prior to coming to the Shipping Office? Yes, very many of them do.

1530. So that, with regard to coasting vessels, the Shipping Office can be no benefit? Only particular ones do that.

1531. Did you not say the majority? Not the majority. I mean by coasters small—vessels of 16 or 20 tons, going to Broken Bay or Shellharbour, or such places, getting shells or timber. Only a particular class of men will go in them. Men out of one of these vessels will go in another the next voyage.

1532. Do you call a voyage to Newcastle a coasting voyage? I do.

1533. How many of the description of coasters you mention sail out of Sydney? A great many of them.

1534. *By Mr. Douglas:* Do the Steam Companies resort to the Shipping Office to find men, as a rule? Not as a rule lately; but no later than yesterday I was applied to by the engineer of the "Collaroy" for six firemen. The demand for seamen is not near so great now as it used to be.

1535. Is the supply greater than the demand at present? Yes, I believe, very much so.

1536. Do you consider, from your observation of the Shipping Office lately, that there are many sailors who cannot succeed in obtaining employment? Yes; there are not vessels for them to go in.

1537. Have you any means of recording at the office those men who are desirous of obtaining a ship? No; only in the case of officers.

1538. There is no register of men? No; if that was to be done, you would want a clerk to attend to it, and he would be kept pretty busy too.

1539. Do you think seamen would object to pay a small fee to secure such a registration? I could not say that; there are some men, I dare say, that would rather pay something than have to come waiting about the door.

1540. Do you suppose the men generally would object to pay a small fee for this purpose? I think they would. They complain now of paying for their discharge, and I think they would complain still more if they had to pay for any more registration. There have been several men, in the course of the last seven years, since I have been appointed, who have said to me, "If you get me a ship I will give you something;" but I would say, "I will get you a ship, but I do not care a pin about the payment; I do not take any payment."

1541. Were you in the country when the present Lodging-houses Act was passed? Yes; I have been in the country all my life; I am a native.

1542. It was about the time of the excitement caused by the gold discovery? After that, in 1854.

1543. There were very frequent cases of desertion then? Yes.

1544. Has not desertion almost ceased now? There is not so much of it; but desertion has not ceased, and never will cease.

1545. The peculiar circumstances that then caused such frequent desertion have ceased? Yes; you will not get a man to stop in a bad ship; I would not myself.

1546. Do you find that the existence of these lodging-houses facilitates the recovery of deserters? No; I have got a great many men in other places besides the lodging-houses. For myself, I have not much opinion of the licensed lodging-house keepers, but I do not charge any particular one.

1547. *By the Chairman:* It is the system you have not a good opinion of? Yes.

1548. *By Mr. Douglas:* Are you acquainted with any ship chandlers who keep a registry of seamen for their own use? No. I know Mr. Lane and Mr. Mitchell very well.

1549. I should imagine it might be worth their while to establish registration offices, as you say the captains are in the habit of calling there? Neither of those gentlemen, I am sure, would do such a thing. These touters that I spoke of only avail themselves of such places as the meeting places of the captains, so that when a captain is going away they may tell him they have so many men that want to ship.

1550. Supposing the Shipping Office were done away, and seamen were placed on the same footing as other labourers, is it your opinion that agencies for the purpose of registering and hiring seamen would be established here, in the same way as they are for hiring labourers—would it pay to keep such an office? Yes, I think it would pay first-rate, but it would do

do a great deal of injury to the men. I saw the working of that when I was in the City Police, before I joined the Shipping Office. Mr. M. Wilson.

1551. How would it injure the men? Because, when the agents had the shipping of the men, they only signed one copy of the articles, now they sign two in our office; and I have heard it commonly reported, with respect to these agents, that a man would sign for a vessel in the agent's office, or a public-house, or wherever they liked to take him, for one month's advance; but when the captain was going to sea, another set of articles would be given into his possession, with double the rate of advance set down that the men actually received, so that the men would lose that when they were going to a foreign port. 25 April, 1861.

1552. You mean to say that frauds were practised on the seamen? Yes.

1553. So that you believe the establishment of the Shipping Office has been a protection to seamen? Yes, to foreign seamen.

1554. Not to coasting seamen? Not so much, because the same frauds could not be practised upon them. If a man died on board ship, before the Shipping Office was established, the agent was quite cunning enough to tell the captain that he must leave the man's wages with him, but the man's friends never got it. Now we are certain, as near as we can, all casualties that take place at sea, and the captain has to pay the sum to the Shipping Master, and it is paid into the Treasury.

1555. *By the Chairman:* You have no other means of ascertaining casualties than the log of the ship? The newspapers generally mention casualties in giving particulars of a vessel's voyage.

1556. Those particulars are furnished by the captain in the first instance? Yes.

1557. Consequently, if there is any desire on his part to act dishonestly, you have no means of detecting it, unless on the information of some of the crew? We are sure to hear of it if anything does take place.

1558. *By Mr. Douglas:* It is your opinion that if the hiring of seamen were left to private agencies it would very possibly subject the sailors to deception? Yes.

1559. Are sailors more likely to be deceived than any other class of labourers? I think they are.

1560. Does that apply to the coasting trade also? Yes, the coasting trade generally. When I say the coasting trade I mean to New Zealand, Adelaide, Melbourne, and other places.

1561. *By the Chairman:* Do you consider New Zealand a coasting voyage? They call it all Australasia. I go by the way they consider the voyage in the office in shipping the men.

1562. Are there any coasting articles here, as distinguished from foreign? Yes, there are two forms.

1563. One under the Colonial and the other under the Imperial Act? Yes.

1564. Do the Colonial articles extend to New Zealand? Yes, to any part of Australasia.

1565. Is New Zealand in Australasia? Yes, one of the Australasian Colonies. I think it is included—by the way I have heard them read the articles.

1566. Do the crews of the "Lord Worsley," "Lord Ashley," and other vessels in the New Zealand trade, sign articles at the Shipping Office, as a rule? Yes, always.

1567. In what way do you consider that seamen are protected by the Shipping Office—you have not stated any protection that seamen receive in the coasting trade? As regards having their wages paid correctly, I think it is a protection to them.

1568. Do seamen not require, in many instances, to sue for their wages? Yes, that is when they object to the amount the captain thinks proper to pay them.

1569. If a dispute should arise in other cases, would they not still be open to sue for their wages? Yes, I should say they would.

1570. There is nothing compulsory, as regards wages, in the Shipping Office? Yes, the Shipping Master can compel payment.

1571. In what way? He can instruct the men how to take proceedings.

1572. Advise them to go to a solicitor, in the same way as the "Norna's" crew were instructed? I do not think that was in the Shipping Office. I think that must have been some outside influence.

1573. Were not the wages awarded under the Shipping Master? That was after they agreed to take their wages.

1574. If a man is only told to go to a solicitor, what protection is there? He is not told to go to a solicitor; he is told to go to the Water Police Magistrate and file an information against the captain.

1575. Take out a summons? Yes, for his wages; and the Shipping Master attends the Court with the articles. When a man comes in to get his discharge, before the Shipping Master signs it he asks have you got your wages, and if a man says no, he makes a memorandum in the book that taking his discharge does not affect the man's claim for wages.

1576. Is there anything further you have to communicate? No.

APPENDIX.

(E-1) **CERTIFICATE OF CHARACTER.**



SANCTIONED BY THE BOARD OF TRADE MAY 1855 BY PURSENER OF 17 & 18 VICT. C. 104.

Character for ability }
in whatever capacity }

Character for Conduct

I Certify the above to be a true copy of so much of the Report of Character made by the Said Master on the termination of the said Voyage as concerns the said Seaman.

Dated at ... this ... day of ... 185...

Signed ... Master of the Ship

Shipping Master

For Signature of Seaman see back

NOTE. Any person who fraudulently forges or alters a Certificate of Character or makes use of one which does not belong to him may either be prosecuted for a Misdemeanour or may be summarily punished by a penalty not exceeding £100, or imprisonment with hard labour not exceeding six months.

Printed by Authority of the Board of Trade.

Sig. 70 Evidence on "Seamen."

(E-1) **CERTIFICATE OF DISCHARGE.**

For Seaman discharged before a Shipping Master.



SANCTIONED BY THE BOARD OF TRADE MAY 1855 BY PURSENER OF 17 & 18 VICT. C. 104.

Name of Ship	Official Number	Port of Registry
Registered Tonnage.		Description of Voyage or Employment.

Name of Seaman	Capacity
Place of Birth	
Date of Birth	

Date of Entry	Date of Discharge	Place of Discharge
---------------	-------------------	--------------------

I Certify that the above particulars are correct and that the above Seaman was discharged accordingly.

Dated this ... day of ... 185...

For Signature of Seaman see back. } Signed ... Master of the Ship

Shipping Master

NOTE. One of these Certificates must be filled up and delivered to every Seaman who is discharged whenever the discharge takes place before a Shipping Master.

Printed by Authority of the Board of Trade.

Signature of Seaman,

Signature of Seaman,

1861.

Legislative Assembly.

NEW SOUTH WALES.

 PRESENT SYSTEM OF TENDERING FOR THE PUBLIC SERVICE.

REPORT FROM THE SELECT COMMITTEE

ON THE

PRESENT SYSTEM OF TENDERING FOR THE
PUBLIC SERVICE ;

TOGETHER WITH

THE PROCEEDINGS OF, AND MINUTES OF EVIDENCE TAKEN BEFORE
THE SELECT COMMITTEE, APPOINTED IN THE
SESSIONS OF 1860 & 1861.

 ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
4 May, 1861.

SYDNEY :

THOMAS RICHARDS, GOVERNMENT PRINTER,
PHILLIP-STREET.

 1861.

108—A

[Price, 1s. 10d.]

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

1860.

VOTES, No. 13. TUESDAY, 16 OCTOBER, 1860.

3. Present System of Tendering for the Public Service :—Mr. Windeyer moved, pursuant to notice,—
- (1.) That a Select Committee be appointed to examine into the present system of Tendering for the Public Service, with power to inquire generally into the mode of expending money voted by Parliament for specific objects.
- (2.) That such Committee consist of Messrs. Daniel, Gray, A. Campbell, Egan, Parkes, Plunkett, Samuel, Arnold, Wilson, and the Mover.
- Debate ensued.
- Question put and passed.

[Further Proceedings stopped by Prorogation, 9 November, 1860.]

1861.

VOTES, No. 11. TUESDAY, 29 JANUARY, 1861.

5. Present System of Tendering for the Public Service :—Mr. Windeyer moved, pursuant to amended notice :—
- (1.) That a Select Committee be appointed to examine into the present system of Tendering for the Public Service, with power to inquire generally into the mode of expending money voted by Parliament for specific objects.
- (2.) That such Committee consist of Messrs. Arnold, Daniel, Egan, Parkes, Morris, Wilson, Gray, Dickson, Shepherd, and the Mover.
- (3.) That the Proceedings of, and Minutes of Evidence taken before, the similar Committee of the last Session of the late Parliament, be laid upon the Table of this House, with a view to being referred to such Committee.
- Question put and passed :—
- And the Clerk of Select Committees having presented the same at the Bar of the House,—
- Mr. Windeyer moved, That the said Proceedings and Minutes of Evidence be referred to the Select Committee so appointed.
- Question put and passed.

VOTES, No. 64. SATURDAY, 4 MAY, 1861, A.M.

18. Present System of Tendering for the Public Service :—Mr. Windeyer, as Chairman, brought up a Report from, and laid upon the Table the Minutes of the Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report the present system of Tendering for the Public Service was referred on the 29th January last.
- Ordered to be printed.

CONTENTS.

	PAGE.
Extracts from the Votes and Proceedings	2
Report	3
Proceedings of the Committee of 1860	6
Ditto ditto 1861	7
List of Witnesses	10
List of Appendix	10
Minutes of Evidence	1

1861.

PRESENT SYSTEM OF TENDERING FOR THE PUBLIC SERVICE.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 29th January last, "to examine into the present system of Tendering for the Public Service, with power to inquire generally into the mode of expending Money voted by Parliament for specific objects," and to whom, at the same time, were referred "the Proceedings of, and Minutes of Evidence taken before, the similar Committee of the last Session of the late Parliament,"—have agreed to the following Report:—

In the course of the inquiry intrusted to them, Your Committee have examined several witnesses, who, from their acquaintance with the present system of tendering for the public service, derived on the one hand from official sources, and on the other, from practical experience in tendering, your Committee thought might be able to afford useful information.

The present Regulations, appended hereto, prescribed for the proceedings of Tender Boards, seem to your Committee to be suitable, though the general tenor of the evidence has led your Committee to the conclusion that some dissatisfaction exists amongst the trading community as to the mode in which the present system is administered.

This dissatisfaction appears to arise partly from the construction of the Tender Boards as well as from the mode in which their decisions are arrived at, and afterwards announced.

The majority of witnesses complain that the Boards, on account of the inexperience of the members, cannot in many cases be qualified to form a competent opinion as to the relative value of articles submitted for their approval, and that in some cases the proper tests have not been used when samples were supplied.

One case in particular came under the notice of your Committee, in which the rejection of a tender for oil, made by Mr. Harbottle, and the acceptance of another tender at a higher price, without the application of any proper tests, seems to have occasioned loss and inconvenience to the public service.

The witnesses therefore recommend that some person acquainted with trade, but no longer engaged in business, should be retained by the Government, to act and advise with each Official Board.

They

They also suggest, as a means of relieving the Board from difficulty in choosing between the numerous samples tendered, that fixed patterns should, as far as possible, be adopted, according to which articles should be supplied.

The chief cause of complaint, however, appears to arise from the length of time which elapses from the date of the tenders being sent in and their acceptance or rejection.

The attention of your Committee having been called to two cases of tendering in which the business firm was concerned of which the Honorable the Colonial Treasurer, Mr. E. C. Weekes, is a member, your Committee investigated the same.

The following appear to be the material facts connected with the case as to which there is most evidence before the Committee. On the 19th September, 1859, tenders for 400 pairs of handcuffs were called for by the Colonial Treasurer, Mr. E. C. Weekes. On the appearance of the advertisement in the *Gazette*, it appears that Mr. Charles Wye Weekes, a partner in the firm of which the Colonial Treasurer, Mr. E. C. Weekes, is a member, called the attention of Mr. Audsley, a clerk in his office, to the advertisement, and told him that they had formerly supplied some handcuffs to a party who had tendered to the Government, and that he would supply him at a certain rate if Mr. Audsley would tender for them.

Vide, 471.

It also appears that Mr. C. W. Weekes had formerly been desirous of tendering in his own name, but did not do so, in consequence of objections raised by Mr. E. C. Weekes.

Vide, 532.

On receiving the above intimation from Mr. C. W. Weekes, Mr. Audsley sent in a tender for the handcuffs required, at the same time requesting that the answer to his tender might be sent to the Post Office. Though not unusual for Mr. Audsley to receive letters at the Post Office, it appears that Mr. C. W. Weekes suggested that the answer should be sent there; Mr. Audsley apparently believing that the reason for the suggestion was that Mr. E. C. Weekes might not become aware of the transaction.

Vide, 559.

From the evidence of Mr. C. W. Weekes, and Mr. Audsley, it appears there was no sale of the handcuffs to the latter gentleman, until after the tender had been accepted by the Government. The evidence of both these gentlemen proves that Mr. C. W. Weekes was at liberty to sell the handcuffs to any person making an eligible offer, and that Mr. Audsley was not, in any way, bound to take the handcuffs, unless his tender was accepted.

The tender, however, was accepted for one-half of the number of handcuffs offered, Mr. E. C. Weekes, the Colonial Treasurer marking his approval of the tender by affixing his initials to it in the usual way.

For these handcuffs Mr. Audsley was paid by a cheque from the Colonial Storekeeper's department. This cheque was given in payment for the handcuffs by Mr. Audsley to Mr. C. W. Weekes, and by him paid into the Bank account of E. C. Weekes & Co.; Mr. Audsley receiving and making a profit of about seventeen shillings and sixpence on the transaction.

Thus,

Thus, though Mr. Audsley bought the handcuffs from the firm of E. C. Weekes & Co., and re-sold them to the Government, it is a question for the consideration of your Honorable House, whether the letter of the 28th section of the Constitution Act was not evaded, whilst it was violated in principle. That section is as follows,—

“ Any person who shall directly or indirectly himself or by any person
 “ whatsoever in trust for him or for his use or benefit or on his account
 “ undertake execute hold or enjoy in the whole or in part any contract
 “ or agreement for or on account of the public service shall be incapable
 “ of being summoned or elected or of sitting or acting as a Member of
 “ the Legislative Council or Legislative Assembly during the time he
 “ shall execute hold or enjoy any such contract or any part or share
 “ thereof or any benefit or emolument arising from the same and if any
 “ person being a Member of such Council or Assembly shall enter
 “ into any such contract or agreement or having entered into it shall
 “ continue to hold it his seat shall be declared by the said Legislative
 “ Council or Legislative Assembly as the case may require to be void
 “ and thereupon the same shall become and be void accordingly Provided
 “ always that nothing herein contained shall extend to any contract or
 “ agreement made entered into or accepted by any Incorporated Company
 “ or any Trading Company consisting of more than Twenty persons
 “ where such contract or agreement shall be made entered into or accepted
 “ for the general benefit of such Incorporated or Trading Company.”

In conclusion, your Committee recommend,—

First—The appointment, from time to time, of some non-official person to act with each Tender Board.

Second—The adoption, as far as possible, of fixed patterns.

Third—The attendance of Tenderers when the Tenders are opened, and the quicker announcement of the decisions of the Board.

Fourth—A strict adherence, in other respects, to the Regulations now in force.

*Legislative Assembly Chamber,
 Sydney, 3 May, 1861.*

W. C. WINDEYER,
 Chairman.

PROCEEDINGS OF THE COMMITTEE.

1860.

TUESDAY, 23 OCTOBER, 1860.

MEMBERS PRESENT:—

Mr. A. Campbell,	|	Mr. Parkes,
Mr. Daniel,	|	Mr. Plunkett,
Mr. Gray,	|	Mr. Samuel.
Mr. Windeyer.		

On motion of Mr. Plunkett, W. C. Windeyer, Esq., called to the Chair.

Votes No. 13, 16th instant, Entry 3, recording the appointment to examine into the Present System of Tendering for the Public Service, with certain further power,—before Committee.

Committee deliberated, and

Resolved:—

That the inquiry be commenced by taking the evidence of the Honorable the Secretaries for Finance and Trade and Public Works.

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

WEDNESDAY, 24 OCTOBER, 1860.

MEMBERS PRESENT:—

W. C. Windeyer, Esq., in the Chair.

Mr. Arnold,	|	Mr. Egan,
Mr. A. Campbell,	|	Mr. Gray,
Mr. Daniel,	|	Mr. Parkes,
Mr. Wilson.		

The Honorable E. C. Weekes, Esq., M.P., *Secretary for Finance and Trade*, examined.

Witness withdrew.

The Honorable W. M. Arnold, Esq., M.P., *Secretary for Public Works*, a Member of the Committee, examined in his place.

Examination concluded.

The Acting Colonial Storekeeper, Messrs. C. and J. W. Weekes, R. Audsley, and J. Weston, to be summoned at the next sitting; the first to produce all documents connected with certain Tenders respectively by Mr. R. Audsley and Mr. J. W. Weekes for supply of handcuffs, and the second, all books of account bearing upon the sale of said handcuffs to Messrs. Audsley and Weekes.

[Adjourned till Friday, 26th instant, at *Twelve o'clock*.]

FRIDAY, 26 OCTOBER, 1860.

MEMBERS PRESENT:—

Mr. Campbell,	|	Mr. Gray,
Mr. Daniel,	|	Mr. Parkes,
Mr. Egan,	|	Mr. Plunkett,
Mr. Wilson.		

In the absence of Mr. Windeyer, A. Campbell, Esq., called to the Chair, *pro tempore*. A. Campbell, Esq., *Acting Colonial Storekeeper*, called in and examined.

Witness produced the several documents required by the Committee (certified copies being furnished as an Appendix to the Evidence.)

Witness withdrew.

Mr. J. Weston called in and examined.

Witness withdrew.

Messrs. C. and J. W. Weekes, and Mr. Audsley, witnesses summoned this day, in attendance, but their several examinations deferred by the Committee.

[Adjourned till Tuesday, 30th instant, at *Eleven o'clock*.]

TUESDAY, 30 OCTOBER, 1860.

In consequence of the adjournment of the House until to-morrow, the Meeting called for this day lapsed.

[*Further Proceedings stopped by Prorogation, 9 November, 1860.*]

1861.

THURSDAY, 31 JANUARY, 1861.

MEMBERS PRESENT :—

Mr. Morris,	|	Mr. Wilson,
Mr. Shepherd,		Mr. Windeyer.

W. C. Windeyer, Esq., called to the Chair.

Votes No. 11, 29th instant, Entry 5, appointing similar Committee, and referring the Proceedings of and Minutes of Evidence taken during the previous Session,—before the Committee.

Having then deliberated upon the resumption of the inquiry,—

Committee Resolved :—

That printed copies of the Evidence referred by the House be circulated to the several Members.

[Adjourned.]

TUESDAY, 12 FEBRUARY, 1861.

MEMBERS PRESENT :—

W. C. Windeyer, Esq., in the Chair.		
Mr. Daniel,	|	Mr. Shepherd,
		Mr. Wilson.

Committee met pursuant to summons.

And having deliberated,—

Ordered, That Messrs. C. and J. W. Weekes, and R. Audsley, be summoned at the following sitting; Mr. C. W. Weekes to produce all books of account bearing upon the sale of handcuffs to Messrs. R. Audsley and J. W. Weekes.

[Adjourned till Friday, 15th instant, at *Eleven* o'clock.]

FRIDAY, 15 FEBRUARY, 1861.

[By direction of the Chairman, the Meeting convened for this day, postponed till Tuesday, 19th instant, at *Eleven* o'clock.]

TUESDAY, 19 FEBRUARY, 1861.

MEMBERS PRESENT :—

W. C. Windeyer, Esq., in the Chair.		
Mr. Daniel,	|	Mr. Gray,
Mr. Egan,		Mr. Parkes,
		Mr. Shepherd.

C. W. Weekes, Esq., called in and examined.

Witness produced certain books of account required by the Committee.

Witness withdrew.

Mr. R. Audsley, attending in pursuance of summons this day, examination deferred till Thursday.

Mr. J. W. Weekes, summoned this day, absent from town.

Mr. W. Harbottle to be summoned on Thursday.

[Adjourned till Thursday, 21st instant, at *Twelve* o'clock.]

THURSDAY, 21 FEBRUARY, 1861.

MEMBERS PRESENT :—

W. C. Windeyer, Esq., in the Chair.		
Mr. Daniel,	|	Mr. Morris,
Mr. Egan,		Mr. Parkes.

Mr. R. Audsley called in and examined.

Witness withdrew.

Mr. W. Harbottle called in and examined.

Witness withdrew.

Committee deliberated,—

And requiring the production of a further entry of account, said (by Mr. Audsley) to have been discovered by Mr. C. W. Weekes, that gentleman to be recalled.

Messrs. Williamson and Alderson to be summoned to give evidence, also on Wednesday next.

[Adjourned till Wednesday, 27th instant, at *Twelve* o'clock.]

WEDNESDAY,

WEDNESDAY, 27 FEBRUARY, 1861.

MEMBERS PRESENT:—

W. C. Windeyer, Esq., in the Chair.
Mr. Daniel, | Mr. Egan,
Mr. Morris.

C. Weekes, Esq., called in, and further examined.

The witness, at the commencement of the further examination, proceeding to address the Committee other than in answer to the question, and reflecting upon the reference, a second time, to the matter of certain tenders for handcuffs, by Messrs. R. Audsley and J. W. Weekes,—

Called to order by the Chairman.

Examination being resumed,—

Witness produced account book, containing further entry respecting sale of handcuffs.

Witness withdrew.

J. Williamson, Esq., called in and examined.

Witness withdrew.

W. M. Alderson, Esq., called in and examined.

Witness withdrew.

[Adjourned.]

WEDNESDAY, 27 MARCH, 1861.

MEMBERS PRESENT:—

W. C. Windeyer, Esq., in the Chair.
Mr. Daniel, | Mr. Egan,
Mr. Shepherd.

Witnesses summoned this day, Messrs. J. Buchanan and H. W. Johnson, not in attendance. (Letters subsequently received.)

[Adjourned.]

THURSDAY, 4 APRIL, 1861.

MEMBERS PRESENT:—

W. C. Windeyer, Esq., in the Chair.
Mr. Daniel, | Mr. Parkes.

Committee met pursuant to summons.

H. W. Johnson, Esq., called in and examined.

Witness withdrew.

J. Buchanan, Esq., called in and examined.

Witness withdrew.

[Adjourned till to-morrow, 5th instant, at Twelve o'clock.]

FRIDAY, 5 APRIL, 1861.

MEMBERS PRESENT:—

W. C. Windeyer, Esq., in the Chair.
Mr. Daniel, | Mr. Morris,
Mr. Gray, | Mr. Wilson.

Committee deliberated in reference to the preparation of a Draft Report. Chairman requested to draw same for consideration.

[Adjourned.]

WEDNESDAY, 24 APRIL, 1861.

MEMBERS PRESENT:—

W. C. Windeyer, Esq., in the Chair.
Mr. Daniel, | Mr. Morris,
Mr. Gray, | Mr. Parkes.

Committee met pursuant to summons.

H. Lane, Esq., *Under Secretary for Finance and Trade*, having requested to be examined, called in.

And after certain answers made to the Committee, as the reasons for desiring to give evidence,—

Witness being requested, retired.

Committee

Committee deliberated, considering the grounds alleged, to be frivolous and unworthy to appear in the evidence.

Witness re-introduced, and informed that the Committee declined to take his evidence upon the reasons assigned, the same to be withdrawn, if he thought fit.

Witness, at length withdrawing the statement of reasons as made to the Committee, examined.

(Shorthand notes ordered to be expunged.)

Examination having been concluded.

Witness withdrew.

[Adjourned.]

WEDNESDAY, 1 MAY, 1861.

MEMBERS PRESENT :—

W. C. Windeyer, Esq., in the Chair.

Mr. Gray,

Mr. Morris,

Mr. Wilson.

Mr. Parkes,

Mr. Shepherd,

Committee met pursuant to summons.

The Chairman submitted a Draft of Report.

Proposed Report read.

Committee deliberated.

Ordered, That printed copies of the Draft Report be circulated within the Committee prior to the next meeting.

[Adjourned, till Friday, 3rd instant, at Twelve o'clock.]

FRIDAY, 3 MAY, 1861.

MEMBERS PRESENT :—

W. C. Windeyer, Esq., in the Chair.

Mr. Gray,

Mr. Morris,

Mr. Shepherd,

Mr. Wilson.

Members having been furnished yesterday with printed copies of the Draft Report,—

The Committee met to finally consider same.

And, having deliberated thereupon—

Draft of Report read paragraph by paragraph.

Certain *verbal* Amendments made, and successive portions agreed to.

The following paragraph read, viz. :—

“ Thus, though Mr. Audsley bought the handcuffs from the firm of E. C. Weckes & Co., and re-sold them to the Government, it is a question for the consideration of your Honorable House, whether the letter of the 28th section of the Constitution Act was not evaded, whilst it was violated in principle.”

Committee deliberated.

Question put,—That the paragraph as read stand part of the Report.

Committee divided.

Ayes, 3.

Mr. Morris,

Mr. Shepherd,

Mr. Wilson.

No, 1.

Mr. Gray.

Paragraph agreed to.

Remaining portions of the Report successively read, *verbally* amended, and agreed to.

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

Chairman requested to report.

LIST OF WITNESSES.

	PAGE.
<i>Wednesday, 24 October, 1860.</i>	
The Honorable E. C. Weekes, Esq., M.P., <i>Secretary for Finance and Trade</i> ..	1
The Honorable W. M. Arnold, Esq., M.P., <i>Secretary for Public Works</i> ..	33
<i>Friday, 26 October, 1860.</i>	
Archd. Campbell, Esq., <i>Acting Colonial Storekeeper</i>	36
Mr. J. Weston	44
<i>Tuesday, 19 February, 1861.</i>	
C. W. Weekes, Esq.	46
<i>Thursday, 21 February, 1861.</i>	
Mr. R. Audsley	48
Mr. W. Harbottle	50
<i>Wednesday, 27 February, 1861.</i>	
C. W. Weekes, Esq. (further)	55
J. Williamson, Esq.	57
W. M. Alderson, Esq.	59
<i>Thursday, 4 April, 1861.</i>	
H. W. Johnson, Esq.	61
J. Buchanan, Esq.	67
<i>Wednesday, 24 April, 1861.</i>	
H. Lanc, Esq., <i>Under Secretary for Finance and Trade</i>	72

LIST OF APPENDIX.

	PAGE.
<i>(To Evidence given by the Honorable E. C. Weekes, Esq., M.P., 24 October, 1860.)</i>	
I A to I E.	
Blank forms of five descriptions of Tender for Supplies for the Colonial Service (Police District of Sydney)	11, 13
I F.	
Blank form of Tender for Forage (Police District of Sydney)	14
I G.	
Blank form of Tender for Supplies for the Colonial Service (Cockatoo Island)	15
I H.	
Blank form of Tender for Supplies for the Colonial Service (Lunatic Asylum, Tarban Creek)	16
II B.	
(1.) Treasury Notice calling Tenders for Contracts for Sydney, Cockatoo Island, and Tarban Creek. 29 December, 1859	17
(2.) Schedule of Tenders pursuant to foregoing—Supplies for the service of the Lunatic Asylum, Tarban Creek	19
(3.) P. Hayes—Tender (Lunatic Asylum, Tarban Creek.) 21 February, 1860	21
(4.) J. Devlin, junr.—Tender (Lunatic Asylum, Tarban Creek.) 21 February, 1860	22
(5.) H. W. Johnson—Tender (Lunatic Asylum, Tarban Creek.) 21 February, 1860	23
(6.) Bond of H. W. Johnson and Sureties. 15 March, 1860	25
II C.	
(1.) Treasury Notice calling Tenders for Contracts for Sydney, Cockatoo Island, and Tarban Creek. 12 July, 1860	25
(2.) Treasury Notice II B, repeated	25
(3.) Schedule of Tenders pursuant to II C—Supplies for the service of the Lunatic Asylum, Tarban Creek	28
(4.) M. Castle—Tender (Lunatic Asylum, Tarban Creek.) 14 August, 1860	29
(5.) J. Teasdale—Tender (Lunatic Asylum, Tarban Creek.) 14 August, 1860	30
(6.) J. Devlin, junr.—Tender (Lunatic Asylum, Tarban Creek.) 18 August, 1860	31
(7.) Bond of J. Devlin, junr., and Sureties. 31 August, 1860	33
III.	
Blank form of Bond	33
IV.	
Blank form of Tender for "Articles"	33
<i>To Evidence given by A. Campbell, Esq., 26 October, 1860.</i>	
(1.) Schedule of Tenders pursuant to Notice, 14 February, 1859—for supplying stores	41
(2.) J. W. Weekes—Tender (stores.) 23 February, 1859	41
(3.) F. Mitchell—Tender (stores.) 17 February, 1859	41
(4.) A. Hawley & Co.—Tender (stores.) 22 February, 1859	41
(5.) Voucher (Articles supplied) and Receipt—J. W. Weekes	42
(6.) Schedule of Tenders pursuant to notice, 19 September, 1859—for supplying stores	42
(7.) Treasury Notice calling Tenders for stores. 19 September, 1859	42
(8.) R. Audsley—Tender (stores). 27 September, 1859	43
(9.) Mitchell and Co.—Tender (stores). 26 September, 1859	43
(10.) Voucher (Articles supplied) and Receipt—R. Audsley	43

11

(To Evidence given by Mr. W. Harbottle, 21 February, 1861.)

A.	
W. Harbottle to Secretary, Treasury, 30 May, 1860	53
B.	
W. Harbottle to Under Secretary, Treasury, 7 June, 1860	53
C.	
Under Secretary, Treasury, to W. Harbottle, Esq., 8 June, 1860	54
D.	
Certificate of Survey—W. Harbottle's China Oil	54
E.	
(W. Harbottle) to Under Secretary, Treasury, 23 June, 1860	54
F.	
W. Harbottle to Colonial Treasurer, 14 April, 1860	54
G.	
W. Harbottle to Colonial Treasurer, 22 May, 1860	54

(To Evidence given by H. W. Johnson, Esq., 4 April, 1861.)

Addendum	66
------------------	----

(To Evidence given by J. Buchanan, Esq., 4 April, 1861.)

A.	
Revised Answer, No. 827	72

(To Evidence given by H. Lane, Esq., 24 April, 1861.)

A 1.	
W. Elyard to Secretary, Treasury, 6 February, 1857	75
A 2.	
Report of Board appointed to consider in regard to receiving Tenders and making Contracts for Supplies, &c., for the several Ministerial Departments, 10 January, 1857	75
B.	
B. C. Rodd to Colonial Treasurer, 7 September, 1859.. .. .	76

1860.

Legislative Assembly.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

PRESENT SYSTEM OF TENDERING FOR THE
PUBLIC SERVICE.

WEDNESDAY, 24 OCTOBER, 1860.

Present:—

Mr. ARNOLD,	Mr. GRAY,
Mr. A. CAMPBELL,	Mr. PARKES,
Mr. DANIEL,	Mr. WILSON,
Mr. EGAN,	Mr. WINDEYER.

W. C. WINDEYER, ESQUIRE, IN THE CHAIR.

The Honorable Elias Carpenter Weekes, Esquire, M.P., Treasurer and Secretary for
Finance and Trade, examined:—

1. *By the Chairman:* This Committee has been appointed "to examine into the present system of tendering for the public service, with power to inquire generally into the mode of expending money voted by Parliament for specific objects." Will you state what departments of the Government chiefly have to deal with the tendering system? I should say, for magnitude, the Department of Works, decidedly.
2. And next to the Department of Works? Perhaps my own, the Treasury.
3. I suppose the Colonial Secretary's Department has little if anything to do with it? I am not aware that he calls for tenders for anything.
4. Will you state what is the plan generally adopted when it is intended to carry out the objects for which a specific sum of money has been voted by Parliament? The system of tendering, so far as my department is concerned, resolves itself chiefly into two divisions, that is, where tenders for supplies pass into contracts, and where they are simple tenders followed by the immediate supply of articles named. The distinction arises thus: there are some tenders which are for services spreading over a period of time; these are always the subject of contract, and they pass into and become contracts, the party tendering, with two sureties, entering into a bond for due performance. In other cases, where the tender is for certain works to be performed, the same process takes place; the tender becomes a contract and we require from the party sureties, himself and two bondsmen, for the due performance of the work whatever it may be. Therefore, in these two cases, there is a positive contract, by bond. The other class of cases includes tenders for the supply of stores—odds and ends, hardware, slops, and so on, which are wanted from time to time. A tender is called for, and the party simply tenders at a certain rate, supplies the goods, and gets paid; he is not required to enter into any bond or contract of any kind; his tender, if the lowest, is accepted; he supplies the goods, and is paid. That is the chief distinction between the two classes of tenders. The way they are dealt with is this: tenders are duly advertised for in the *Government Gazette*. I have a form of advertisement

The Hon.
E. C. Weekes,
Esq., M.P.
24 Oct., 1860.

The Hon.
E. C. Weekes,
Esq., M.P.

24 Oct., 1860.

advertisement here, for provisions, forage, and such articles required for the country districts, generally for gaols and so forth—"Notice is hereby given, that tenders will be received at this office until 12 o'clock of Tuesday, 21st February next, for furnishing for the Colonial Service the supplies undermentioned, in such quantities as may be required during twelve calendar months, commencing 1st April, 1860, upon the conditions hereafter specified." The conditions are very lengthy; they mention the periods at which payments are to be made, and, likewise, that the party whose tender is accepted is to enter into a bond, himself and two sureties, for securing the due performance of the contract. When the tenders are brought to the Treasury by the respective tenderers, they are deposited, by the parties themselves, in a box which is kept at the Treasury for that purpose. That box is kept locked with two distinct locks and keys—one of which is kept by the Colonial Storekeeper, and the other by the Under Secretary for Finance. When the time appointed for opening the tenders arrives, a Board, generally consisting of the Inspector General of Police, the Immigration Agent, the Colonial Storekeeper, and the Under Secretary for Finance, assemble to open the tenders. The tender box is produced and unlocked by the gentlemen who hold the separate keys, and all the tenders are then opened in the presence of the Board. They sort them, number them, and sign them, and they are then handed over to the Under Secretary to be placed in schedule, which is often a very tedious process. I have here a blank form of one description of tender called for for general supplies for gaols and all other establishments, the particulars, of course, naming separate prices for all these articles. (*The witness handed in the same. Vide Appendix A to II.*) Well then, as there are often many tenders, it is necessary to what they call place these tenders in schedule, because it is often a very great nicety which is really the lowest tender; it has to be worked out with a vast deal of trouble, to see what the total really produces. It may be that, in the case of minor articles, of which the consumption is very small, the tenderer may put in exceedingly low prices, so that it strikes the eye at first that this particular tender must be the lowest, because there are so many articles so much lower than others; but when you come to investigate it you find the quantity of these articles consumed is comparatively insignificant. The real test of a tender of this kind is in respect to articles of great consumption, and it is upon these principally that all tenders turn. Rations and forage being usually the largest items, of course where they are lowest in price the total of that tender will work out the lowest, taking into consideration the quantity consumed of each article. The Board then, as I have stated, schedule the whole of these tenders; and, after ascertaining by computation, and often by comparison of the consumption of previous years, the Board then decide upon some one tender and recommend that it be accepted. I have a tender here, from which the Committee will see the process that is gone through; this is one which has been dealt with, and here are the initials and signatures of the parties concerned; it relates to supplies for the Lunatic Asylum, at Tarban Creek. (*The witness handed in copy of the tender referred to. Vide Appendix B and C.*) The Committee will see that there are many articles the consumption of which is really insignificant; for instance, yeast, lime-juice, vinegar, tobacco pipes, loaf sugar, and things of that sort. It is only on articles of great consumption that the test can be applied with any degree of certainty. The tender I have just alluded to is indorsed, "In all three tenders opened, 14th August, 1860—(Signed) H. H. Browne, H. Lumsdaine, Henry Lane, Archibald Campbell." As the respective tenders are opened, each of the members of the Board signs in the way I have described every tender that comes in; they number them likewise, so that the proof of identification is complete. The Under Secretary generally brings in to me the recommendation of the Board, and I approve it. The only case in which I think it right to make any inquiry is where I see that the lowest tender has not been accepted, and when that is the case I call for some explanation, and do not approve the tender unless I am satisfied with the reason, which often is, with respect to the supply of goods, that the sample sent in at the lowest price was of so very inferior a character that the Board did not feel justified in accepting it.

5. In what mode do you express your approval of a tender? I put at the bottom the word "Approved," and my initials.

6. *By Mr. A. Campbell:* Then, practically speaking, the whole power of accepting or rejecting tenders rests with this Board? Yes, practically I should adopt any recommendation coming from the Board, except I saw something on the face of it that would compel me to make further inquiry.

7. Do they make their recommendations without specifying their reasons for arriving at them? I think they generally say So and So's tender being the lowest, and the samples of suitable quality, they recommend it; I think that is the extent to which they usually go in the way of giving reasons.

8. *By Mr. Gray:* But in case you find it necessary to make inquiries they then state their reasons? Yes, only in cases of that kind.

9. *By the Chairman:* In what mode do you make further inquiry? I generally make further inquiry of the Under Secretary, he being one of the Board.

10. It is a mere verbal communication? That is all.

11. What you principally look at in these tenders is the price of the articles accepted? Yes; I am guided principally by the recommendation of the Board, but where I see the price is not the lowest I require further explanation.

12. *By Mr. Gray:* Have you ever found it necessary to make an investigation with regard to the acceptance of any tender recommended by the Board, before you approve of it? No.

13. Is this Board, which you have before alluded to, the only Board which has to do with these tenders—is it the same Board in all departments of the Government? Not exactly. In fact sometimes it depends upon what head of a department can be summoned for the particular duty. The Board is not always composed of certain individuals, although the duty generally

generally falls to the gentlemen I have named. For instance, it sometimes happens that the Chief Inspector of Distilleries forms one of the Board.

14. Any other person? In matters connected with harbors and light houses—such as tenders for boats and buoys and such things—the Harbor Master generally forms one of the Board.

15. *By Mr. A. Campbell:* Mr. Lane is invariably one? Mr. Lane is invariably one in everything connected with my department.

16. And Captain Browne and Captain McLerie? Yes.

17. These three gentlemen are invariably members of the Board, although sometimes associated with others? Yes.

18. *By the Chairman:* Are there any particular reasons why these three gentlemen should always set in these matters? No reason that I am aware of, excepting that it has always been the practice that certain heads of departments, or some heads of departments, should form these Boards.

19. But you know of no reason why these three particular gentlemen should be selected? No.

20. Were they members of this Board before responsible Government? I am not aware.

21. Did they form a portion of this Board when these matters first came under your cognizance as Minister? Yes.

22. *By Mr. Daniel:* May I ask if the forms of advertisement for tenders are the same now as those that were used by the former Government—has any change been made? I am not aware of any change in the forms.

23. *By the Chairman:* Upon a tender being recommended by the Board and approved of by you, what takes place then? The party is apprised of it.

24. And what happens in the case where tenders are rejected? They are also apprised that their tenders are rejected.

25. Is any reason given? No reason.

26. Is there any rule as to how soon they are to be apprised, or what is the practice? I believe it is done immediately—as early as possible after the decision.

27. Is it no part of the system to have the parties tendering at hand to offer any explanation when the tenders are being considered? No; not that I am aware of. I am not connected with the Board in any way, the operation of opening the tenders takes place somewhere else, in some other department of the Treasury.

28. You have spoken of there being two kinds of tendering, the first kind where contracts are entered into with sureties and a bond, and the second where it is a mere matter of simple contract without any bond being entered into? Yes. Here is a form of bond which a contractor signs, which I will hand in. (*The witness hands in the same. Vide Appendix.*)

29. This is for the first description of tender? Yes. Where it is a simple tender, this is the form of tender, which is all that the party signs. (*The witness hands in the same. Vide Appendix.*)

30. In the second class of tenders, for the supply of smaller matters, is notice given in the *Gazette* of these articles being required, in the same way as in the case of larger contracts? Yes; I have a form here of Tender for Clothing.

31. I suppose there is a time always limited by which tenders must be sent in? The time is always named; the notices invariably run that tenders will be received up to a certain hour on a certain day.

32. Supposing no tender sent in by the time stated is approved of, or that there is no tender at all, either early or late, of which the Board approve, what takes place then? The advertisement calling for tenders is repeated, and if no result arises from the second, or perhaps the third notification, it is the practice then to go and purchase the article required wherever it is to be had.

33. Whose business is it to do that? That falls upon the Colonial Storekeeper.

34. Supposing a tender, which appeared eligible to the Board, were sent in after the precise time mentioned for sending in tenders, what would be done in such a case as that? It would be shut out. Nothing is received into the box after the hour of the day named in the advertisement. There have been instances where, after the box has been cleared at the hour specified, a tender has been subsequently put in, but it has been rejected.

35. Have no such tenders ever been accepted? Not that I am aware of.

36. Then it would be contrary to rule and out of the usual mode of dealing with these matters, if any such tender were accepted? I think so. I think it is desirable to keep to certain fixed rules in these matters. The tender box is open up to a certain hour, and if a party desiring to tender has not availed himself of the notice in time, I think he is properly excluded.

37. In cases where articles are bought, failing any tender which is approved of, what instructions has the Colonial Storekeeper with regard to making such purchases? To buy at the most favorable rates he can, as the only alternative, failing the procuring of tenders after repeated notification.

38. Does it ever happen that where goods are required for the public service they are procured in that way without tenders being called for at all? I believe there are cases; they are generally articles considered too trifling in amount to submit to public competition, or anything pressing; for instance, some requisition may come down from some gaol requiring a few articles by return of the mail. To go through the form of tendering for a trifling amount would not only be a waste of time but a waste of money.

39. What is the rule—is there any rule laid down? There is no rule; it is left a good deal to the discretion of the Colonial Storekeeper. It is difficult to fix a rule to meet a case like that.

The Hon.
E. C. Weekes,
Esq., M.P.

24 Oct., 1860.

The Hon.
E. C. Weekes,
Esq., M.P.

24 Oct., 1860.

40. Then such a matter as that is quite at the discretion of the Colonial Storekeeper? Matters of small importance would be.
41. But he has no instructions as to what limit he is to go to without calling for public tenders? No, he must in a considerable degree be guided by the emergency of the case; for instance, there might be a sudden application from a gaol for pistols, or handcuffs, or something of that sort,—something wanted on an emergency, of which he naturally is the judge.
42. Then he is to be guided by the emergency of the case? Where he deviates from the practice of calling for tenders he must be guided by the peculiar circumstances of each case, and also the urgency of each case.
43. By the peculiar circumstances, do you allude to the smallness of the amount of money involved? The smallness of the amount would be one circumstance; it would be obviously absurd to call for tenders for a trifling amount of a few pounds.
44. You alluded just now to the purchase of handcuffs for instance in case of emergency—are you acquainted with the circumstances of a purchase of certain handcuffs on behalf of the Government, concerning which some remarks have been made? I am not able to give the Committee any information on the point of my own knowledge; all that I could tell them would be from mere hearsay, because I was quite in ignorance of the transaction alluded to until my attention was called to it; but I should be glad if the Committee would examine my son, who is a partner of mine and entirely manages and controls the business, in which I take no part whatever; I simply call there and open the letters at post time; beyond that I do not interfere with any matters of business. I have requested my son, if called upon by the Committee, to produce all the books bearing on the subject.
45. The case to which I allude was a case of tender for handcuffs, in September, 1859; for the sake of identifying it I may say it was mentioned in one of the public journals? Yes; I do not recollect the date.
46. Have you the papers referring to this tender? I have not.
47. I presume the papers are in your office? In the Colonial Storekeeper's Office.
48. Supposing the tender was initialled by you—the one I am speaking of for handcuffs—there were two tenders from your firm which have been alluded to? No, I do not say that; I do not say they were tenders from my firm.
49. You are a partner in the firm of E. C. Weekes & Co.? Yes.
50. Your son is your partner? One son.
51. Your eldest son, Mr. Charles Weekes? Yes.
52. But not your younger son? Not my younger son.
53. What is his name? John—J. W.
54. You yourself and your eldest son constitute the firm? I have a partner in England.
55. Has he been long in England, the other partner? He has never been in the Colony.
56. Yourself and your eldest son constitute the members of the firm in the Colony? In the Colony.
57. You say that of this matter you yourself have no personal knowledge? Not the slightest; it was only when my attention was called to it, a very considerable time afterwards, that I had any knowledge of it.
58. Does your younger son assist in the business? No, he is in the Commercial Bank; at that particular time he was a mere idler; it was before he had obtained a situation; he had just returned from the country, and was doing nothing, in fact.
59. When you initialled this tender, did you observe who it was from—either of these relating to handcuffs? One you will perceive is initialled by Mr. Robert Campbell.
60. But the second one? The second one only I think bears my initials.
61. Did you observe at the time whose tender that was? I did not; and I think that if my attention had been called to it, if the name had struck me, I should have hesitated. It is rather an uncommon name, and I am sure if the name had struck me I should naturally have liked to inquire into it.
62. You allude to the tender of Mr. Rayment Audsley? Yes.
63. At the date of that tender was a person of that name in your employ? Yes, he was.
64. Does your firm, in their business, deal in such articles as handcuffs? Yes.
65. Is this gentleman in your service at the present time? Still.
66. In such a case as that, how would payment be made? It would be made to the party tendering.
67. In what way—by cheque? Always by cheque, I believe; I do not know the exact rule, but I think it would be paid by the cheque of the Colonial Storekeeper; that is the usual way.
68. Does that cheque in any way come into your office? I do not know.
69. What is the ordinary course of proceeding in case of payments? Which cheque are you alluding to.
70. A cheque of this nature, to pay this contractor—what is the mode of payment? Excepting I contracted myself, I apprehend it would not come into my office.
71. Is there any voucher that is approved of by the Under Secretary, or anything of that kind? No; the tender is sent in in the form which I have put in, that the party is willing at a certain price to supply the goods; to that the Colonial Storekeeper replies that the tender is accepted; then the goods would be sent in, and the party would apply for payment.
72. And who would he apply to? To the Colonial Storekeeper.
73. Who draws the cheque? The Colonial Storekeeper.
74. What takes place after he draws the cheque? Since the late inquiry into the Colonial Store and the suspension of the late Colonial Storekeeper, my predecessor arranged that, pending the inquiry into the department, the cheques of the Colonial Store should be paid by Mr. Lane, on duly certified documents being produced to him in each particular case.

75. Before that inquiry took place what was the practice? Before that inquiry the cheque was signed by the Colonial Storekeeper.

76. What was the practice in September, 1859? I think the Colonial Storekeeper was suspended in January; and therefore the cheque, in the case alluded to, would have been drawn under the previously existing state of things. Mr. Samuel suspended him.

77. Then I understand that you consider it no part of your duty, on receiving a tender, to inquire at all who is the tenderer? No; whether it is Jones, Brown, or Robinson, it does not matter at all to me, provided the articles are good, at the lowest price, and the tender is recommended by the Board.

78. *By Mr. A. Campbell:* Supposing you saw the name of my friend Mr. Egan, here, to a tender, would not that strike your notice? I dare say it might; but I should know there were many persons of the same name in existence, and I should not certainly think it my duty to inquire whether the person making the tender was a Member of the Assembly.

79. Not in any case? In the case I have alluded to, had the name occurred to me, being a very unusual name, I should have made inquiry.

80. I refer merely to the general question—you said you did not care whether the tender were made by Smith, Brown, or Robinson, you accept it without reference to his position? Yes; if the Board recommend to me that Brown, or Smith, is the party whose tender they think should be accepted, I should approve of it.

81. If you saw in the tender the name of a gentleman whom you knew to be disqualified by law, would you then accept it? That is his look-out. I do not think it falls to my province to interfere from what may be a mere coincidence of names. I think it would be an unbecoming thing in me to assume, because there might be a similarity of names, that a Member of the Assembly would do that which he knew he could not do by law. It might be some different person altogether. I do not think I am called upon to do any such act as that.

82. That is the view you take of your position? That is the view I take of my position. I do not think I am called upon to interfere in anything of that sort. If it is contrary to law, the parties must take the consequences.

83. *By the Chairman:* Were you ever aware before that this person in your employ was carrying on any private business on his own account? No. I believe, if the Committee see fit to have my son here as a witness, he will be able to explain the whole transaction. I can only explain it from hearsay, which is not a very satisfactory mode.

84. Do you know, of your own knowledge, whether these articles were supplied from your establishment? Yes; I have examined the books, and I find that these articles were supplied from my establishment, to these respective parties, at a price which I find credited in the books as being paid, and which was not the price paid by the Government to them.

85. Your explanation is this, then, that the articles were sold in the one case to your younger son, and in the other to Mr. Rayment Audsley, and by them resold to the Government? So I am informed. I see certain entries in the books which bear out that presumption, and I feel sure that must have been the case. However, my son will be able to explain exactly what it was.

86. Does your son or yourself manage the bank account—is it in the name of your son or yourself? In the name of the firm.

87. Do you know whether that cheque was paid in to your account? No, I do not.

88. You have not inquired? I have not.

89. Mr. Audsley is still in your employ? Yes.

90. *By Mr. Arnold:* Is there any rule in the Government service that if articles are required—I mean articles such as you describe as not being supplied under contract—that any person who may be in business shall be prevented from supplying them, if he is a Member of the Assembly? I know of no rule.

91. Do you know whether it has been the practice for persons in such a position to supply articles to the Government? I believe it has; my firm have supplied them.

92. Is there any difference between supplying an article under tender and purchasing an article from a shop—Is there any difference in the two modes of purchase, except that one transaction is checked by competition and the other is not?

Mr. A. Campbell objected to the question being put, on the ground that the Committee were quite as well able to form an opinion on the point involved as Mr. Weekes. The Chairman considered that the question was admissible.

Is there any other distinction between purchasing from a shop without tender and taking goods under tender, except that in the one case there is no competition, and the transaction is made upon the sole will and responsibility of the officer making the purchase, and in the other the price is checked by competition? I see very little difference in the two cases, provided the Colonial Storekeeper discharges his duty properly. The only difference is between asking verbally and asking by advertisement. If the Colonial Storekeeper requires say a thousand reams of foolscap paper, and goes first to one stationer and asks the price, and to another, and another, and then takes the lowest offer, it is precisely the same; at least the distinction is very trifling, if any at all, between calling for a tender and then seeing what the respective parties will offer.

93. Is it the case invariably, where articles are procured from a shop on an emergency, that the person purchasing them does go round the town to see where he can get them at the lowest price—is it not the custom in the service to send to a shop for a certain article and trust to whatever the shopkeeper chooses to charge? I dare say that practice is pursued.

94. And in a case of that kind the circumstance of the shopkeeper being a Member of the Assembly would not prevent his being dealt with? I think not; at all events there is no rule against it.

The Hon.
E. C. Weekes,
Esq., M.P.
24 Oct., 1860.

The Hon.
B. C. Wecker,
Esq., M.P.
24 Oct., 1860.

95. And in practice it has not been prevented? It has not. As to his being directly or indirectly interested in the supply, I take it it is almost impossible for anybody to avoid the construction of some indirect interest. If a man is desirous of tendering for a contract for salt beef, and goes to a Member of the Assembly who owns cattle, tells him he is going to tender, and asks "what will you sell me your cattle at?" of course it might be said there was an indirect advantage to the Member of the Assembly in that particular transaction, because he sells to the man who sells to the Government; but that I think would be straining the point.

96. Supposing articles are immediately required, and you call for tenders where no contract is made; a person sends in a tender signed A. B., with an address to a certain box at the Post Office, accompanied by a sample; supposing that tender to be the lowest, and in all respects unobjectionable, would not that tender be received as if it had been signed by the name of the person? I think it would.

97. And, provided the articles were supplied, payment would be made? Yes.

98. Would there be any objection to receive the tender of a broker, who was avowedly tendering on behalf of some person unknown? He would not tender as a broker. Of course it is competent for any man to tender for what he likes, but he does not state the capacity in which he tenders. I take it the man who tenders is assumed to be the party interested in the tender.

99. That is to say, he personally takes the responsibility of the tender? He takes the responsibility. In simple tenders for goods, unaccompanied by any contract, I very much doubt if the Government have the power of enforcing it, if the party chooses to decline supplying the goods. In all other cases the distinction is drawn that he becomes a contractor under seal, he signs a bond.

100. *By Mr. Wilson:* Who has the power of nominating the members of this Tender Board? I am unable to say when the nomination arose; I found the Board in existence when I went into office.

101. I think you stated that sometimes the Chief Inspector of Distilleries, and sometimes one head of a department and sometimes another, forms part of this Board? Yes; for instance, if one of the members of the Board is ill or out of town, in that case they send for some other head of a department; the whole concern could not stand over because Mr. Somebody was ill or out of town. I do not know that any particular parties are necessary at all; any other heads of departments would do as well; it is merely requisite that somebody should guide the Government by going into the minutiae of these things.

102. Have you the power of sending for any one you choose to constitute this Board? Yes.

103. Are the members of this Board paid? No.

104. *By Mr. Gray:* Are they always Government officers? Yes, heads of departments. Mr. Archibald Campbell is Acting Storekeeper. Of course the Storekeeper himself acted before he was under suspension.

105. *By Mr. Egan:* You stated that, in some instances, upon examination of the tenders, at the first glance at some of them the prices would appear exceedingly cheap, but upon more minute examination it would be found that the prices of other articles of greater consumption would more than make up the difference, do you not think it desirable that the probable quantities of each article required during the period should be given in the advertisement for tenders? I do not see any objection to it if it could be arrived at, but it would be only an approximate amount. I take it every tenderer must know pretty well what articles are most required; for instance, he must know that rations for prisoners in gaol must be one of the leading articles, while, at the same time, lime juice, vinegar, soda, and things of that sort must form insignificant items.

106. But a stranger would be unable to know what the consumption of the larger articles would be? He would, of course, unless he took some pains to ascertain the probable amount. I take it a man does not go into a matter of this sort without ascertaining the relative consumption of each article.

107. Do you not think it would be better for the party tendering to be present with his sample than to send it to the office. Who knows that the sample shewn as Brown's sample may not be Jones' sample. Do you not think it would be more desirable for each party to be present with his sample? I think there must be that amount of confidence placed in officers of the Government, that a thing of that kind wants no extraordinary protection. I do not see that it would be possible to have a body of tenderers in a room disputing over the quality of their goods. I have never heard any complaint. No representation nor suggestion has ever been made that any sample article has been changed from one tenderer to another.

108. *By the Chairman:* Have you ever heard that they have never been examined at all? No; no complaints of the present system have ever reached me.

109. Are you aware what the practice is in Victoria? I am not.

110. *By Mr. Egan:* I suppose you are aware that previous to responsible Government parties were always requested to be in attendance? No, I was not. One of the Boards that investigated the matter of the Colonial Store, suggested the alteration of having a set of sealed patterns, sealed with the official seal, which should be kept in the office as a permanent sample, which could not be changed or altered.

111. *By the Chairman:* Is any number appointed as a quorum of this Board? They all attend; that is, four; and if one is absent from sickness, the head of another department is called in.

112. As an usual thing, it is not regular to accept a tender unless the whole number are there? No.

113. *By Mr. Egan:* In Victoria do you know whether the tenders are not published, and the prices of the accepted tender? I do not know, but I think we publish ours too.

114. *By Mr. Wilson* : Not the unaccepted ones? No; we publish the accepted tenders.
115. *By Mr. Egan* : And the price? Yes. If we publish the one accepted, all the other tenderers can judge for themselves.
116. Was the tender for handcuffs, that has been spoken of, ever advertised? Yes.*
117. And the name of the person? I do not know.*
118. *By the Chairman* : Is it, in your opinion, the regular thing to advertise them? I am not quite sure on that point, but I think it is.
119. *By Mr. Egan* : You say that some goods urgently required the head of the department is allowed to purchase? I do not think the simple tenders are ever published; contracts are published; we publish contracts extending over a period.
120. My question was about the supply of any article? No, we do not publish the tenders where there are no contracts.
121. To what extent is the head of the department authorized to purchase without tender—what do you think has been the practice? I could not say.
122. To what amount do you consider the head of the department ought to be allowed to purchase without tender? I should say he ought to be limited to a very small amount.
123. Do you know whether it is the practice, in cases where goods are required without tender, that a list of these articles is forwarded to persons who deal in them, and they put the prices opposite? I am not aware.
124. Do you know that was not the practice previous to responsible Government? I do not know.
125. Do you know whether it is the practice of the Government, in any case where sums are voted for any public expenditure, that, if the head of the department considers that he can purchase what is required within the amount of the vote, no tenders are called for at all, and all the articles are purchased without tender? I am not aware of the circumstance.
126. You understand my question—that where a sum has been voted for the performance of any work, the party who had to see that work executed would undertake to purchase it without tender, because he thought he could obtain it for the amount voted? I do not think that is the practice. I am not aware that it prevails in my department.
127. *By Mr. Gray* : Have you ever heard of such a thing being done? No.
128. *By Mr. A. Campbell* : You stated that when tenders were asked for, and no tenders are sent in or accepted, the head of the department had liberty then to go and purchase where he liked? Yes, as a matter of necessity.
129. To what amount is that discretion or authority allowed? I could not tell the exact amount now.
130. To what extent do you consider such an authority ought to be given? I should say in all cases the system of tender ought to be pursued, but it is impossible to say what limit an emergency may render necessary.
131. *By the Chairman* : Supposing there were no particular emergency, and the Colonial Storekeeper pursued this course, if he exceeded what limit would you think it right to interfere and ask for an explanation why he had not called for tenders? It would not come under my cognizance at the time; a transaction of that kind would be done by the Colonial Storekeeper in the ordinary discharge of his duty.
132. Under whose control and supervision does the Storekeeper's department come? Under mine.
133. Supposing he purchased in this way without a tender, in what case, in the excess of what limit, there being no immediate emergency, would you think it your duty to interfere with him or ask for an explanation why he acted in that way? I cannot state any sum, but if I ever became aware that he was doing it as a practice to any amount, or even as a practice at all, I should interpose; but I could not say whether I should object to his doing it to the extent of £5 or £10.
134. Would you think £50 more than he ought to expend in that way? Yes, I should think, unless an emergency required it, articles to the amount of £50 should be called for by tender.
135. *By Mr. A. Campbell* : Do I understand you to say that nothing should be purchased to the extent of more than £5, without tender, except in great emergency? I do not say £5.
136. £20? £20; but then I think that expenditures of £20 should not be continued from day to day, because by that means the whole supply of the service might be carried on without tender; it should only be done in special cases, and the circumstances of each case must justify the departure from the ordinary rule.
137. In fact, then, the system of tender is resorted to in all cases where practicable? Yes.
138. And any head of a department purchasing to the amount of £50 or £100, without tender, would abuse the discretion allowed? Yes, in my department certainly.
139. There are purchases without your knowledge at all? Yes.
140. When no tenders are sent in, what is done? We repeat the advertisement perhaps once and again, and then, as I stated before, we are driven to go and buy in the open market; failing to obtain tenders, after repeated efforts by public advertisement, there is no alternative.
141. Have you ever known a case in which a tender sent in after the time appointed has been accepted; for instance, where no tenders have been found in the box, have you ever known a tender to come in an hour or two afterwards and that tender to be accepted? I do not know such a case.
142. And it is not the practice to do so? It is not the practice. The practice is, as I stated just now, certainly to exclude a tender that comes in late, where there are others in the

The Hon.
E. C. Weekes,
Esq., M.P.
24 Oct., 1860.

* NOTE (*by witness on revision*):—This is a misconception of the question, as shewn by following answers.

The Hon.
E. C. Weekes,
Esq., M.P.

24 Oct., 1860.

the box; but in the case of a tender coming in at half-past twelve, there being none at all at twelve, and nobody, therefore, being in a position to be prejudiced if it were accepted, I am not quite clear what the practice would be.

143. *By the Chairman:* Have you ever known of such a case? No, I am not aware of such a case; but I do not see any harm that would ensue in such a case; no one would be prejudiced.

144. But supposing two or three kept their tenders back, and then sent them in after the time? It does not follow that because a tender comes in it should be accepted. I think, in most cases, when there is only one tender, another advertisement would be issued; it would show that sufficient publicity had not been given, or that there had been some combination, which a fresh appeal to the public might set aside.

145. You do not think it a proper course to pursue to accept a single tender? I do not say that in all cases; I think we should be guided by the tender itself; it might be a very reasonable tender, which it would be for the benefit of the public service to accept; but if a solitary tender is accompanied by a very high price, then I think it is a suspicious circumstance.

146. *By Mr. A. Campbell:* You have stated that the parties tendering are not required to be in attendance at the time the Board are considering the tenders? No.

147. Are you aware that the parties are required to be in attendance when the Commissariat tenders are opened? I am not aware what their practice is.

148. Having in view the large powers conferred on this Board, and the discretion allowed them, do you think that gentlemen in subordinate capacities, like Mr. Lane and the Colonial Storekeeper, are the very best persons to be on such a Board continually, bearing in mind that these persons must necessarily be under the direct influence of the Government of the day, and bearing in mind also that the interests of the public and of individuals are largely at stake and committed to these gentlemen? Yes, I think it is placing no more faith in their fidelity and uprightness than is due to gentlemen of their standing. The Government must place confidence somewhere, and I think it cannot place it better than in officers who have been a considerable time in the public service. I should be very sorry to throw out even such an insinuation against their integrity as I think your question conveys.

149. Have you ever had occasion to suppose the large discretion allowed these officers has ever been abused? I never had any reason to believe it.

150. I understand there has been a very serious investigation into the Colonial Storekeeper's Department, has that been connected with an abuse of power? Not as connected with the operations of this Board as a Board.

151. *By the Chairman:* You say that you do not in any way consider yourself responsible if improper parties tender—that you chiefly direct your attention to the price of the article? Well, I do not recognise the term improper parties—who are improper parties?

152. Supposing the Members of the Board tendered themselves? There is no doubt they would be considered improper persons, but the improper persons referred to in a previous question were Members of the Assembly. In that case I do not feel bound to interpose, or to suppose a man of a certain name is a Member of the Assembly.

153. *By Mr. A. Campbell:* In answer to a previous question you stated that you considered a tender signed A. B., and directing the answer to be sent to a box at the Post Office, would be one that would be dealt with? I think the Board would deal with a question of that sort.

154. Are you and the Board in the habit of dealing with anonymous tenders? You mean a tender put in with merely the letter A or B by way of signature.

155. Yes? That would not be accepted.

156. I thought you said such a tender would be dealt with—I understood that an element in the consideration of tenders is the respectability and responsibility of the parties tendering, in every instance—is it so, or is it not? Perhaps it may be in contracts extending over time, where the parties are bound with sureties for due performance; in such cases we should look to the respectability of the tenderers, and their ability to carry out their contracts. In the case of a contract for the supply of provisions extending over a period of twelve months, or for the carrying out of a great public work, I think we may fairly consider the respectability of the tenderer and look into the probability of his being able to carry out properly what he proposes to undertake; but where it is a mere supply of goods, ordered to-day and coming in to-morrow, I do not see that the respectability of the party has much to do with it. The quality of the goods and the price are the chief points to be looked to, and whether they are supplied by one party or another I do not see that it makes much difference, provided it is not accompanied by some other circumstances which would throw a doubt on the propriety of this particular party being a tenderer. I may refer particularly to the investigation in the Colonial Stores. In that case there is no doubt but what a clerk in the Colonial Store was continuously a very large tenderer.

157. In a name not known to the Government? Not known to the Government, but known I believe to his superior.

158. What I want to arrive at is this, whether you are in the habit of dealing with tenders when you do not know anything at all about the names or position of the parties tendering? The tenders only come to me after they pass through the Board.

159. I mean the Board—whether the Board you allude to deal with tenders under names that may be fictitious? I do not think they have any means of verifying the names. There is a great distinction between contractors and merely suppliers of goods; the transaction is over in 24 hours perhaps; the tender is accepted, the order given, and the goods go in.

160. In cases to a small amount; but supposing the amount was large, would they put the position of the party out of consideration? Supposing I were to call for a tender for a cargo of rice, to supply prisoners in gaol, I should not care whether the man offering to supply

supply it was a doubtful character or not; if his rice were the best and the cheapest, then I say the public interest would be consulted by taking his tender, whether his character was bad or good.

The Hon.
E. C. Weekes,
Esq., M.P.

161. But would you accept a tender for a large amount without knowing whether the party had the means of supplying it at all? In the case of tenders coming in like that I should not hesitate to take anybody's at the lowest price. It is very different between contractors for a period, or contractors for a work, and mere suppliers of goods from hand to mouth.

24 Oct., 1860.

162. *By Mr. Gray*: You never pay the money before the goods are delivered? Certainly not.

163. *By Mr. Arnold*: Is this the case with regard to tenders, that in a contract extending over a period of time you look principally to the sureties? Yes.

164. The sureties must be responsible parties? Yes.

165. And in other cases you are satisfied if the goods are of the quality agreed to be supplied, and if they are supplied? Yes; then we do not want a contract at all.

166. *By Mr. A. Campbell*: I wish to elicit this, whether the Government deal with anonymous tenders, or tenders which may not be *bona fide*? How are we to know. Supposing a friend of yours, at your suggestion, tendered to the Government in his own name, why should we say we have some doubts whether you are not acting for Mr. Campbell.

167. If you knew that friend you would have no right to ask any questions; but supposing a man tendered under the name of Smith or Brown—A, B, or C—would you accept his tender without any inquiry at all? For the supply of goods that were wanted immediately, certainly.

168. The Chairman asked you some questions with reference to two cases which have lately attracted some attention—I mean the tenders of Mr. J. W. Weekes and Mr. Rayment Audsley; when did you become aware of those tenders having been sent in and accepted? I could not tell the exact date; it was some considerable time after they were sent in.

169. Did you become aware of it before the letter signed "Joe Hume" appeared in the newspaper? Yes.

170. *By the Chairman*: Could you state how long? No; my attention was first called to it when the investigation was going on into the Colonial Storekeeper's Department. Mr. Lane called my attention to it; I think he said Mr. Buchanan had said that some member of my firm had tendered for some goods. It took me by surprise, and I told him I believed he was mistaken. However, on looking to the book I found the name of "J. W. Weekes."

171. *By Mr. A. Campbell*: What steps did you take in your own establishment to ascertain what had been done? I inquired into it from my son, who has the management of my business.

172. In what capacity is Mr. Audsley employed by you? As clerk.

173. Book-keeper or shopman? Book-keeper.

174. *By the Chairman*: May I ask what salary he has? I think £175 a year.

175. Has he any trading privileges besides his salary? No.

176. You are not aware of any other case where he has purchased goods and sold them to other parties? No.

177. *By Mr. A. Campbell*: Has he in fact any right to trade at all? As long as he gives me the hours I require of him he may do as he likes.

178. Is there any understanding between you and him that he should not trade on his own account? No understanding.

179. *By the Chairman*: Have your firm a box in the Post Office? Yes.

180. In the name of the firm or numbered in the usual way? Numbered I think, I am not sure.

181. *By Mr. A. Campbell*: You say the goods this gentleman tendered for came out of your stock? Yes; so I am informed.

182. Was the tender alluded to the only one sent in by Mr. Audsley? So far as I am aware it was; I take it for granted or it would have been brought to light.

183. *By Mr. Arnold*: Is it very unusual for a subordinate in a mercantile establishment to enter into little trading transactions on his own account? I am not aware whether it is common or not, but it is a thing I should never think of interfering with.

184. You do not know whether it is common or not? No, I am not aware.

185. *By Mr. Campbell*: You stated that tenders are published as accepted? Contracts I believe are.

186. Do you not think it would be a great improvement and check on many abuses which might creep into the tender system, to make public the names of tenderers and the prices—do you not think it would be a check on improper dealing with tenders by subordinates? I see no objection to it, excepting the increased expense of the advertisements.

187. Do you not think the expense would be more than covered by the check afforded? A great deal turns upon the quality of the articles. A man might write very indignantly and say I could have supplied so and so at such a price while you have accepted a higher one; but when you came to compare the articles, the accepted tender would be obviously the best. However, I see no objection to everything being published.

188. Do you see any objection to the tenders being opened in the presence of the parties tendering? In some cases that would be a matter of impossibility. In the case of the Post Office, for instance, there are perhaps 150 tenders, and to have 150 tenderers coming into a room would scarcely be agreeable.

189. Are you not aware that the tenders in Melbourne are opened in the presence of the public? I am not aware of the practice in Melbourne. I do not know whether it is the effect of the system, but publicity does not seem to have preserved them from extensive corruption.

- The Hon. E. C. Weckes, Esq., M.P.
24 Oct., 1860.
190. *By the Chairman*: How long has your second son been in the Commercial Bank? I could not tell exactly.
191. Do you recollect whether he went into it last year or this year? I think it was last year. But he was not in the Commercial Bank at the time of this tender, and he was not in my employ.
192. That was the time of the first contract? Yes.
193. Did he, between the time of the first contract and the time when Mr. Rayment Audsley tendered, go into the bank? I cannot say; a comparison of dates with these purposes would not strike my attention.
194. *By Mr. Campbell*: Does it often happen that you find people tendering for articles in which they are not in the habit of dealing at all? I take it a man may tender for whatever he likes; if he deals in soft goods there is nothing to prevent him from tendering for hardware.
195. Supposing you found the Chairman, who is a lawyer, tendering for such an article as salt fish, would you not think that very extraordinary? If the Chairman thought proper to do it, it would not be my business to say he should not; and perhaps the country might be much advantaged by his taking up the trade in so useful an article.
196. Did you ever know a lawyer to tender for supplies of merchandise to the public service? I am not aware of any circumstance of that kind; but I do not see why a lawyer should not sometimes take to trade when he finds his own business rather slack; I do not see why he should not go into trade and reap the benefit of his legal acuteness, which might be very useful to him.
197. *By the Chairman*: You alluded just now, speaking of cases of emergency, to handcuffs and pistols; have ever pistols been supplied in the way these handcuffs were? I cannot say.
198. I thought you had some case in your mind? I said that because I thought there might be some case of emergency, some outbreak in a gaol, or something of that kind, where the supply would require to be immediately furnished.
199. *By Mr. Arnold*: Was not a supply of pistols advertised for by this Government on account of New Zealand? Yes.
200. *By Mr. Campbell*: Do you recollect who got the contract? A dozen people. We swept the town of all Colt's revolvers that were to be had, and also sent to Melbourne for them.
201. *By the Chairman*: Did any of these articles come out of your establishment? I cannot say whether any person had bought them at any time before this; but I had no articles of the kind on hand then.
202. You do deal in such articles? Yes.
203. *By Mr. Arnold*: Do you remember whether any revolvers were then bought from Mr. B. C. Rodd? Yes.
204. Was he a lawyer? Yes; he is one of those lawyers who occasionally stoops to trade. By-the-bye, Mr. Rodd has a very extraordinary taste in that way; he gets possession of some of the rarest things imaginable.
205. However, in that case, a lawyer did tender for the supply of an article of ironmongery? I do not think there was a tender; it was an offer, I think, not in reply to an advertisement; he wrote to say he had a large assortment of these valuable revolvers, which he could put in at a certain price.
206. Is Mr. Rodd a relative of the Premier's? I believe he is.
207. Did you look upon it as a very suspicious circumstance, when you received this tender from Mr. Rodd? It did not strike me; but the minds of some persons might be open to an insinuation of this kind; but, nevertheless, as the articles were good, and at a reasonable price, I still ventured to take Mr. Rodd's offer.
208. Notwithstanding he was a lawyer and a relative of the Premier's? Notwithstanding the combination of those alarming circumstances.
209. *By the Chairman*: Do you know where he bought the pistols? No.
210. *By Mr. A. Campbell*: Do you recollect the price? No.
211. *By Mr. Arnold*: Do you know of any other suspicious cases of that kind? No; in fact I am not on the look out for these suspicious cases.
212. *By Mr. A. Campbell*: Did it strike you as a very odd thing that a lawyer should tender for pistols? I did not think it odd coming from Mr. Rodd, because I knew he was an eccentric gentleman who deals in very extraordinary things.
213. *By Mr. Egan*: Do you know whether the Board attend on the day the goods are delivered to see whether they are in accordance with the samples shewn to them when the tender was accepted? No; that falls to the Colonial Storekeeper.
214. The Board knows nothing about the delivery of the goods at all? No. Every operation of the Government might as well be watched by a Board of officers as that; you might carry it out into every department of the service; trust nobody, but send a Board to see all articles delivered into store and out of store; in fact, have a constantly itinerating Board.
215. *By Mr. Gray*: You hold the Colonial Storekeeper responsible for the reception of these articles? Of course, as head of the department, it is his particular duty to see to it.
216. *By Mr. A. Campbell*: Does the Colonial Storekeeper give any security? I believe so.
217. A bond? A bond. All public accountants do—those who have to account to the Government, and, I believe, the Colonial Storekeeper is no exception to the rule.

APPENDIX.

The Hon.
E. C. Weekes,
Esq., M.P.
24 Oct., 1860.

I A.

POLICE DISTRICT OF SYDNEY.
TENDER FOR SUPPLIES FOR THE COLONIAL SERVICE.

Date _____

Sir, In conformity with the Treasury Notice, dated 29th December, 1859, I hereby Tender to furnish the undermentioned Supplies, for the Colonial Service, for the District of _____, from _____ to 31st March, 1861, at the following Rates, viz. :—

ARTICLES OF SUPPLY.	RATES.	
	Words.	Figures.
Bread { 1st quality 7 ³ lb.		
{ 2nd quality do.		
{ 3rd quality do.		
Ships' Biscuit .. do.		
Flour { 1st quality do.		
{ 2nd quality do.		
{ 3rd quality do.		
Maize Meal do.		
Oatmeal do.		

The Conditions of the Contract to be those detailed in the Notice referred to. I propose of and of as my Sureties, for the due observance of my engagement, in the event of the acceptance of this offer, and I annex a Memorandum of their willingness to be responsible for such observance, and to join me in a Bond accordingly.

I am,
Sir,
Your obedient servant,

(Signature)
(Residence)

The Under Secretary,
Treasury.

N.B.—This Tender to be delivered at the Treasury, on or before 12 o'clock of the day appointed to receive the Tenders.

All names and prices to be stated at length.

No Tender can be taken into consideration which is not accompanied by the following Memorandum, duly signed.

MEMORANDUM.

In the event of the acceptance of the accompanying Tender of _____ we hereby engage to be responsible for the due observance of the Contract, and we undertake severally in that event to execute and deliver, within one month from the usual notification of acceptance, a Bond to Her Majesty, in the penal sum of £150, for securing such performance.

Signature of person tendering
Residence
Sureties { Signature
 { Residence
 { Signature
 { Residence

I B.

POLICE DISTRICT OF SYDNEY.
TENDER FOR SUPPLIES FOR THE COLONIAL SERVICE.

Date _____

Sir, In conformity with the Treasury Notice, dated _____ I hereby Tender to furnish the undermentioned Supplies, for the Colonial Service, in the Police District of Sydney, from _____ to _____ at the following rates :—

ARTICLES OF SUPPLY.	RATES.	
	Words.	Figures.
Fresh Beef 7 ³ lb.		
Salt Beef do.		
Salt Pork do.		
Fresh Mutton do.		
Suet do.		
Lard do.		

The Conditions of the Contract to be those detailed in the Notice referred to. I propose of and of as my Sureties for the due observance of my engagement, in the event of the acceptance of this offer, and I annex a Memorandum of their willingness to be responsible for such observance, and to join me in a Bond accordingly.

I am,
Sir,
Your obedient servant,

(Signature)
(Residence)

The Secretary to the Treasury.

N.B.—

N.B.—This Tender to be delivered at the Treasury, on or before 12 o'clock of the day appointed to receive the Tenders.

All names and prices to be stated at length.

No Tender can be taken into consideration which is not accompanied by the following Memorandum, duly signed.

MEMORANDUM.

In the event of the acceptance of the accompanying Tender of _____ we hereby engage to be responsible for the due observance of the Contract, and we undertake severally in that event to execute and deliver, within one month from the usual notification of acceptance, a Bond to Her Majesty, in the penal sum of £150, for securing such performance.

Signature of person tendering
 Residence
 Sureties { Signature
 { Residence
 { Signature
 { Residence

I c.

POLICE DISTRICT OF SYDNEY.

TENDER FOR SUPPLIES FOR THE COLONIAL SERVICE.

Date _____

Sir,

In conformity with the Treasury Notice, dated _____ I hereby Tender to furnish the undermentioned Supplies, for the Colonial Service, in the Police District of Sydney, from _____ to _____ at the following Rates, viz. :—

ARTICLES OF SUPPLY.	RATES.	
	Words.	Figures.
Currants	lb.	
Raisins	do.	
Arrowroot	do.	
Treacle	do.	
Sago	do.	
Rice	do.	
Tea	do.	
Sugar, Soft	do.	
Ditto, Loaf	do.	
Salt	do.	
Pepper	do.	
Mustard	do.	
Yellow Soap	do.	
Starch	do.	
Soda	do.	
Blue	do.	
Pearl Barley	do.	
Tobacco { American	do.	
{ Colonial	do.	
Tobacco Pipes	gross.	
Salt Butter	lb.	
Lime Juice	quart.	
Port Wine	doz.	
Rum	gall.	
Colonial Ale	do.	
Yeast	quart.	
Vinegar	gall.	

The Conditions of the Contract to be those detailed in the Notice referred to.

I propose _____ of _____, and _____ of _____ as my Sureties for the due observance of my engagement, in the event of the acceptance of this offer, and I annex a Memorandum of their willingness to be responsible for such observance, and to join me in a Bond accordingly.

I am, Sir, Your obedient servant,

(Signature)
(Residence)

The Secretary to the Treasury.

N.B.—This Tender to be delivered at the Treasury, on or before 12 o'clock of the day appointed to receive the Tenders.

All names and prices to be stated at length.

No Tender can be taken into consideration which is not accompanied by the following Memorandum, duly signed.

MEMORANDUM.

In the event of the acceptance of the accompanying Tender of _____ we hereby engage to be responsible for the due observance of the Contract, and we undertake severally in that event to execute and deliver, within one month from the usual notification of acceptance, a Bond to Her Majesty, in the penal sum of £150, for securing such performance.

Signature of person tendering
 Residence
 Sureties { Signature
 { Residence
 { Signature
 { Residence

I D.

I D.

(SECTION 4.)

POLICE DISTRICT OF SYDNEY.

TENDER FOR SUPPLIES FOR THE COLONIAL SERVICE.

Date 1860.

Sir, In conformity with the Treasury Notice, dated 13, I hereby Tender to furnish the undermentioned Supplies, for the Colonial Service, in the Police District of Sydney, from the 1861, at the following Rates, viz. :—

ARTICLES OF SUPPLY.	RATES.	
	Words.	Figures.
Sperm Oil	Imp. Gallon.	
Common Oil	do.	
Sperm Candles	lb.	
Mould do.	do.	
Cotton Wick	do.	
Patent Wicks	Each.	

The Conditions of the Contract to be those detailed in the Notice referred to.

I propose of and of as my Sureties for the due observance of my engagement, in the event of the acceptance of this offer, and I annex a Memorandum of their willingness to be responsible for such observance, and to join me in a Bond accordingly.

I am,
Sir,
Your obedient servant,

(Signature)
(Residence)

The Secretary to the Treasury.

N.B.—This Tender to be delivered at the Treasury, on or before 12 o'clock of the day appointed to receive the Tenders.

All names and prices to be stated at length.

No Tender can be taken into consideration which is not accompanied by the following Memorandum, duly signed.

MEMORANDUM.

In the event of the acceptance of the accompanying Tender of we hereby engage to be responsible for the due observance of the Contract, and we undertake severally in that event to execute and deliver, within one month from the usual notification of acceptance, a Bond to Her Majesty, in the penal sum of £150, for securing such performance.

Signature of person tendering
Residence
Sureties .. { Signature
 { Residence
 { Signature
 { Residence

I E.

(SECTION 5.)

POLICE DISTRICT OF SYDNEY.

TENDER FOR SUPPLIES FOR THE COLONIAL SERVICE.

Date 1860.

Sir, In conformity with the Treasury Notice, dated I, I hereby Tender to furnish the undermentioned Supplies, for the Colonial Service, in the Police District of Sydney, from the to the 31st March, 1861, at the following Rates, viz. :—

ARTICLES OF SUPPLY.	RATES.	
	Words.	Figures.
Reach Lime	bushel.	
Firewood	100lbs.	
Charcoal	bushel.	
Vegetables	lb.	
Milk	quart.	
Water	100 gals.	

The Conditions of the Contract to be those detailed in the Notice referred to.

I propose of and of as my Sureties for the due observance of my engagement, in the event of the acceptance of this offer, and I annex a Memorandum of their willingness to be responsible for such observance, and to join me in a Bond accordingly.

I am,
Sir,
Your obedient servant,

(Signature)
(Residence)

The Secretary to the Treasury.

N.B.—This Tender to be delivered at the Treasury, on or before 12 o'clock of the day appointed to receive the Tenders.

All names and prices to be stated at length.

No Tender can be taken into consideration which is not accompanied by the following Memorandum, duly signed.

MEMORANDUM.

In the event of the acceptance of the accompanying Tender of we hereby engage to be responsible for the due observance of the Contract, and we undertake severally in that event to execute and deliver, within one month from the usual notification of acceptance, a Bond to Her Majesty, in the penal sum of £150, for securing such performance.

Signature of person tendering
Residence
Sureties .. { Signature
 { Residence
 { Signature
 { Residence

I F.
(SECTION G.)
POLICE DISTRICT OF SYDNEY.
TENDER FOR FORAGE.

Date 1860.

Sir, In conformity with the Treasury Notice, dated 18, I hereby Tender to furnish the undermentioned Supplies of Forage, required in the Police District of Sydney, from the 31st March, 1861, at the following Rates, viz. :—

ARTICLES OF SUPPLY.	RATES.	
	Words.	Figures.
Daily ration of Forage	℥ Ration.	
According to the new scale	do.	
Maize	℥ Bushel.	
Bran	do.	
Gram	do.	
Hay	℥ Ton.	
Straw	℥ Cwt.	

The Conditions of the Contract to be those detailed in the Notice referred to.

I propose of and of as my Sureties for the due observance of my engagement in the event of the acceptance of this offer, and I annex a Memorandum of their willingness to be responsible for such observance, and to join me in a Bond accordingly.

I am,
Sir,
Your obedient servant,

(Signature)
(Residence)

The Secretary to the Treasury.

N.B.—This Tender to be delivered at the Treasury, on or before 12 o'clock of the day appointed to receive the Tenders.

All names and prices to be stated at length.

No Tender can be taken into consideration which is not accompanied by the following Memorandum, duly signed.

MEMORANDUM.

In the event of the acceptance of the accompanying Tender of we hereby engage to be responsible for the due observance of the Contract, and we undertake severally in that event to execute and deliver, within one month from the usual notification of acceptance, a Bond to Her Majesty, in the penal sum of £150, for securing such performance.

Signature of person tendering
Residence
Sureties .. { Signature
 { Residence
 { Signature
 { Residence

I O.
COCKATOO ISLAND.
TENDER FOR SUPPLIES FOR THE COLONIAL SERVICE.

Date _____

Sir, In conformity with the Treasury Notice, dated _____ I hereby tender to furnish the undermentioned Supplies, required for the service of the Penal Establishment at Cockatoo Island, from _____ to _____ at the following Rates, viz. :—

RATIONS AND ARTICLES OF SUPPLY.	RATES.	
	Words.	Figures.
Ration to Prisoners	Ⓕ Ration.	
Ration to Superintendent, Assistant Do., Clerk, Dispenser, Military Guard, and Constables	do.	
Ration to Wife of Dispenser	do.	
Do. children of do., above 7 years	do.	
Do. do., under 7 years	do.	
Sperm Oil	Ⓕ Imp. Gal.	
Common Oil	do.	
Mould Candles	Ⓕ lb.	
Dipped do.	do.	
Cotton Wick	do.	
Arrowroot	do.	
Treacle	do.	
Sago	do.	
Rice	do.	
Tea	do.	
Sugar	do.	
Oatmeal	do.	
Soap	do.	
Starch	do.	
Soda	do.	
Blue	do.	
Pearl Barley	do.	
Tobacco (Colonial)	do.	
Lard	do.	
Salt Butter	do.	
Gelatine	do.	
Vegetables	do.	
Milk	Ⓕ Quart.	
Lime Juice	Ⓕ Gallon.	
Yeast	Ⓕ Quart.	
Port Wine	Ⓕ Dozen.	
Rum	Ⓕ Gallon.	
Colonial Ale	do.	
Vinegar	do.	
Roach Lime	Ⓕ Bushel.	
Charcoal	do.	
Straw	Ⓕ Cwt.	
Tobacco Pipes	Ⓕ Gross.	
Water	Ⓕ 100 Gals.	

The Conditions of the Contract to be those detailed in the Notice referred to.

I propose _____ of _____ and _____ of _____ as my Sureties for the due observance of my engagement, in the event of the acceptance of this offer, and I annex a Memorandum of their willingness to be responsible for such observance, and to join me in a Bond accordingly.

I am,
 Sir,
 Your obedient servant,

(Signature)
 (Residence)

The Under Secretary
 to the Treasury.

N.B.—This Tender to be delivered at the Treasury, on or before 12 o'clock of the day appointed to receive the Tenders.

All names and prices to be stated at length.

No Tender can be taken into consideration which is not accompanied by the following Memorandum, duly signed.

MEMORANDUM.

In the event of the acceptance of the accompanying Tender of _____, we hereby engage to be responsible for the due observance of the Contract, and we undertake severally in that event to execute and deliver, within one month from the usual notification of acceptance, a Bond to Her Majesty, in the penal sum of £150, for securing such performance.

Signature of person tendering
 Residence

Sureties .. {
 Signature
 Residence
 Signature
 Residence

I. H.
LUNATIC ASYLUM, TARBAN CREEK.

Date _____

Sir,
In conformity with the Treasury Notice, dated _____ I hereby Tender to furnish the undermentioned Supplies, required for the service of the Lunatic Asylum, Tarban Creek, from _____ to _____ at the following Rates, viz. :—

RATIONS AND ARTICLES OF SUPPLY.	RATES.	
	Words.	Figures.
Rations to Attendants	per Ration.	
<i>Rations to Patients.</i>		
A.—Full Diet	per Ration.	
B.—Half Diet	do.	
C.—Low Diet	do.	
D.—Fever Diet	do.	
Forage	do.	
Firewood	per 100lbs.	
Best Clarified Sperm Oil	per Imp. Gal.	
Common do.	do.	
Mould Candles	per lb.	
Dipped do.	do.	
Cotton Wick	do.	
Patent Wicks	Each.	
Fresh Beef	per lb.	
Salt Beef	do.	
Salt Pork	do.	
Fresh Mutton	do.	
Suet	do.	
Bread	{ 1st quality do. 2nd do. do. 3rd do. do.	
Ship Biscuit	do.	
Flour	{ 1st quality do. 2nd do. do. 3rd do. do.	
Maize Meal	do.	
Raisins	do.	
Arrowroot	do.	
Treacle	do.	
Sago	do.	
Rice	do.	
Tea	do.	
Sugar	do.	
Oatmeal	do.	
Salt	do.	
Pepper	do.	
Soap	do.	
Starch	do.	
Soda	do.	
Blue	do.	
Pearl Barley	do.	
Tobacco { American do. Colonial do.		
Lard	do.	
Salt Butter	do.	
Gelatine	do.	
Vegetables	do.	
Milk	per Quart.	
Yeast	do.	
Lime Juice	do.	
Port Wine	per Dozen.	
Rum	per Gallon.	
Colonial Ale	do.	
Vinegar	do.	
Roach Lime	per Bushel.	
Charcoal	do.	
Straw	per Cwt.	
Tobacco Pipes	per Gross.	
Hay	per Ton.	
Maize	per Bushel.	
Bran	do.	
Gram	do.	
Loaf Sugar	per lb.	
Water	per 100 Gals.	

The Conditions of the Contract to be those detailed in the Notice referred to.

I propose _____ of _____ and _____ of _____ as my Sureties for the due observance of my engagement, in the event of the acceptance of this offer, and I annex a Memorandum of their willingness to be responsible for such observance, and to join me in a Bond accordingly.

I am,
Sir, Your obedient servant,

The Under Secretary
of the Treasury.

(Signature)
(Residence)

N.B.—

N.B.—This Tender to be delivered at the Treasury, on or before 12 o'clock of Tuesday, the day appointed for receiving the Tenders.

All names and prices to be stated at length.

No Tender can be taken into consideration which is not accompanied by the following Memorandum, duly signed.

MEMORANDUM.

In the event of the acceptance of the accompanying Tender of we hereby engage to be responsible for the due observance of the Contract, and we undertake severally in that event to execute and deliver, within one month from the usual notification of acceptance, a Bond to Her Majesty, in the penal sum of £250, for securing such performance.

Signature of person tendering
 Residence
 Sureties .. { Signature
 { Residence
 { Signature
 { Residence

II B.

(1st April to 31st July, 1860.)

The Treasury, New South Wales,
 29th December, 1859.

CONTRACTS FOR SYDNEY, COCKATOO ISLAND, AND TARBAN CREEK.

TENDERS will be received at this Office, until 12 o'clock of Tuesday, the 21st February next, for furnishing the Supplies undermentioned, in such quantities as may be required, during twelve months, from the 1st April, 1860, upon the conditions hereafter specified.

The Provisions and other Articles required are—

<p>No. 1. { Bread { 1st quality 7/8 lb. { 2nd quality do. { 3rd quality do. { Ship Biscuit do. { Flour { 1st quality do. { 2nd quality do. { 3rd quality do. { Maize Meal do. { Oatmeal do.</p>	<p>No. 2. { Fresh Beef do. { Salt Beef do. { Salt Pork do. { Fresh Mutton do. { Suet do. { Lard do.</p>	<p>No. 3. { Currants do. { Raisins do. { Arrowroot do. { Treacle do. { Sago do. { Rice do. { Tea do. { Sugar, Soft do. { Ditto, Loaf do. { Salt do. { Pepper do. { Mustard do. { Yellow Soap do. { Starch do. { Soda do. { Blue do. { Pearl Barley do. { Tobacco { American do. { Colonial do. { Tobacco Pipes 7/8 gross. { Salt Butter 7/8 lb. { Lime Juice 7/8 quart. { Port Wine 7/8 dozen. { Rum 7/8 gallon. { Colonial Ale do. { Yeast 7/8 quart. { Vinegar 7/8 gallon.</p>	<p>No. 4. { Sperm Oil 7/8 gallon. { Common Oil do. { Colza Oil do. { Sperm Candles 7/8 lb. { Mould ditto do. { Cotton Wick do. { Patent Wicks Each.</p>	<p>No. 5. { Beach Lime 7/8 bushel. { Firewood 7/8 100 lbs. { Charcoal 7/8 bushel. { Vegetables 7/8 lb. { Milk 7/8 quart. { Water 7/8 100 gals.</p>	<p>No. 6.—The Rations of Forage for Horses and Oxen:— { 8 lbs. maize or barley, or 10lbs. oats. } { 4 lbs. bran } per { 12 lbs. oat or cultivated grass hay .. } ration. { 4 lbs. wheat straw } Or, { 12 lbs. gram } { 8 lbs. hay } per { 4 lb. straw } ration. for each horse daily, and half of these quantities for each bullock. Maize 7/8 bushel. Bran do. Gram do. Hay 7/8 ton. Straw 7/8 cwt.</p>	<p>No. 7.—For the Penal Establishment, Cockatoo Island. The Ration to the Prisoners, consisting of— { 20 oz. wheat bread } { 8 oz. maize meal } per { 16 oz. fresh meat } ration. { 1/2 oz. salt } { 1 oz. sugar } { 1/2 oz. soap } The Ration to the Superintendent, Assistant Superintendent, Clerk, Dispenser, Military Guard, and Constables, consisting of— { 24 oz. best wheat flour } { 16 oz. fresh meat } { 1/2 oz. salt } per { 1/2 oz. tea } ration. { 2 1/2 oz. sugar } { 1/2 oz. tobacco } { 1/2 oz. soap } The Ration to the Wife of the Dispenser:— { 8 oz. bread } per { 8 oz. fresh meat } ration. To the Children of the Dispenser:— Above 7 years { 5 1/2 oz. bread } per { 5 1/2 oz. meat } ration. Under 7 years { 4 oz. bread } per { 4 oz. meat } ration. Sperm Oil 7/8 imp. gal. Common Oil do. Mould Candles 7/8 lb. Dipped Candles do. Cotton Wick do. Arrowroot do. Treacle do. Sago do. Rice do. Tea do. Sugar do. Oatmeal do. Soap do. Starch do.</p>
---	--	--	---	---	--	---

Soda.....	do.
Blue.....	do.
Pearl Barley.....	do.
Tobacco (Colonial).....	do.
Lard.....	do.
Salt Butter.....	do.
Gelatine.....	do.
Vegetables.....	do.
Milk.....	quart.
Lime Juice.....	gallon.
Yeast.....	quart.
Port Wine.....	dozen.
Rum.....	gallon.
Colonial Ale.....	do.
Vinegar.....	do.
Roach Lime.....	buschel.
Charcoal.....	do.
Straw.....	cwt.
Tobacco Pipes.....	gross.
Water.....	100 gals.

Fever diet :—	
8 oz. bread, 1st quality.....	} per ration.
½ oz. tea.....	
1½ oz. sugar.....	
1 gill milk.....	

(With sago, arrowroot, pudding, and other extras as occasion may require.)

Forage ration :—	
8 lbs. maize or barley, or	} per ration.
10 lbs. oats.....	
4 lbs. bran.....	
12 lbs. oat or cultivated grass hay ..	
4 lbs. wheat straw.....	

Firewood.....	100lbs.
Best Clarified Sperm Oil.....	imp. gal.
Common Oil.....	do.
Mould Candles.....	lb.
Dipped Candles.....	do.
Cotton Wick.....	do.
Patent Wicks.....	Each.
Fresh Beef.....	lb.
Salt Beef.....	do.
Salt Pork.....	do.
Fresh Mutton.....	do.
Suet.....	do.
Bread { 1st quality.....	do.
{ 2nd quality.....	do.
{ 3rd quality.....	do.
Ship Biscuit.....	do.
Flour { 1st quality.....	do.
{ 2nd quality.....	do.
{ 3rd quality.....	do.
Maize Meal.....	do.
Raisins.....	do.
Arrowroot.....	do.
Treacle.....	do.
Sago.....	do.
Rice.....	do.
Tea.....	do.
Sugar.....	do.
Oatmeal.....	do.
Salt.....	do.
Pepper.....	do.
Soap.....	do.
Starch.....	do.
Soda.....	do.
Bluc.....	do.
Pearl Barley.....	do.
Tobacco { American.....	do.
{ Colonial.....	do.
Lard.....	do.
Salt Butter.....	do.
Gelatine.....	do.
Vegetables.....	do.
Milk.....	quart.
Yeast.....	do.
Lime Juice.....	dozen.
Port Wine.....	dozen.
Rum.....	gallon.
Colonial Ale.....	do.
Vinegar.....	do.
Roach Lime.....	buschel.
Charcoal.....	do.
Straw.....	cwt.
Tobacco Pipes.....	gross.
Hay.....	ton.
Maize.....	buschel.
Bran.....	do.
Gram.....	do.
Loaf Sugar.....	lb.
Water.....	100 gals.

No. 8.—For the Lunatic Asylum, Tarban Creek.

The Ration to the Attendants :—	
16 oz. fresh beef or mutton.....	} Daily } per ration.
16 oz. bread, first quality..	
1 oz. rice.....	
½ oz. salt.....	
16 oz. vegetables.....	} Weekly } per ration.
1 gill milk.....	
4 oz. tea.....	
32 oz. sugar.....	

The Rations to the Patients; full diet :—	
On Sundays and Thursdays.....	} per ration.
16 oz. mutton.....	
20 oz. bread, 1st quality.....	
16 oz. vegetables.....	
{ ½ oz. tea.....	} per ration.
{ 1½ oz. sugar.....	
{ 1 gill milk.....	
{ 16 oz. meat.....	
On Mondays, Wednesdays, and Saturdays.....	} per ration.
16 oz. bread, 1st quality.....	
1 oz. rice.....	
16 oz. vegetables.....	
{ ½ oz. tea.....	} per ration.
{ 1½ oz. sugar.....	
{ 1 gill milk.....	
{ 16 oz. meat.....	
On Tuesdays and Fridays.....	} per ration.
16 oz. bread, 1st quality.....	
½ oz. suet.....	
6 oz. flour, 1st quality.....	
{ ½ oz. tea.....	} per ration.
{ 1½ oz. sugar.....	
{ 1 gill milk.....	
{ 16 oz. meat.....	
On Christmas Day and the Queen's Birthday.....	} For every 100 full rations.
8 oz. flour, 1st quality..	
4 oz. raisins.....	
1 oz. suet.....	
1 oz. pepper.....	} For every 100 full rations.
25 oz. salt... }	
{ 8 oz. meat.....	
{ 16 oz. bread, 1st quality.....	
{ 8 oz. vegetables.....	} per ration.
{ ½ oz. tea.....	
{ 1½ oz. sugar.....	
{ 1 gill milk.....	
{ 1 pint broth.....	} per ration.
{ 1 oz. pepper.....	
{ 25 oz. salt... }	
{ 25 oz. salt... }	
Low diet :—	} per ration.
4 oz. meat.....	
5 oz. bread, 1st quality.....	
4 oz. vegetables.....	
{ ½ oz. tea.....	} per ration.
{ 1½ oz. sugar.....	
{ 1 gill milk.....	
{ 4 pint broth.....	
{ 1 oz. pepper.....	} For every 100 full rations.
{ 25 oz. salt... }	

Separate tenders will be required for the articles enumerated under Nos. 1, 2, 3, 4, 5, 6, 7, and 8, respectively.

CONDITIONS.

1. All the articles required by this notice are to be of the best quality of their several kinds.
2. The flour and bread must be the produce of clean sound Colonial wheat, from which, when forming part of the ration to prisoners of the Crown, 10 per cent., and in all other cases 20 per cent., has been extracted in bran and waste; except for those who are authorized to receive the best bread or flour.
3. Beef and mutton to be issued in such proportions as may be required for the ration to immigrants and patients in the Lunatic Asylum; and when the quantity admits of it, this, as well as the convict ration of beef, to be delivered in fore and hind quarters alternately.
4. The maize meal to be similar in quality to the wheat meal, and to be twice ground.
5. The vegetables to be supplied are—potatoes, greens, pumpkins, onions, &c., &c.; or, in the case of issues to the Immigration Department, to consist entirely, or in part only, of potatoes, at the option of the Immigration Agent.
6. All supplies (no exception whatever being allowed) for the Penal Establishment at Cockatoo Island and the Lunatic Asylum at Tarban Creek, are to be delivered at those establishments by the contractors,

contractors, without further charge to the public than may be included in the prices asked for the several articles. In respect of the supplies for other services, delivery must be made with the same understanding, at such fixed stations within the city or district, as may be pointed out by the officer in charge. The contractors will be bound to furnish any of the articles tendered for, for any service, in such quantities as may be required, when called upon to do so by the Government.

7. In the event of a difference of opinion between the contractor and the party receiving the supplies, as to the quality, the same is to be decided, in cases where the article is not of a perishable nature, by a Board of Survey. The party objecting shall name one person as arbitrator; the contractor or his agent, another; and these two will (previously to any other proceeding on their part) concur in naming a third as umpire; who, in the event of the arbitrators not agreeing in opinion, will be called upon for his decision, which shall be final.

8. If the Board, arbitrators, or umpire, shall decide that the article is not of proper quality, it must be immediately replaced by the contractor, failing of which it will be procured by the department requiring it, and the expenses charged to the contractor.

9. In the event of any unnecessary delay or failure of the contractor to supply the articles when required, they will be otherwise procured and charged in like manner.

10. In cases where the articles are of a perishable nature, or from some other cause injury would be sustained, either by the parties to whom they are due, or to the contractor, by waiting for a Board of Survey, the head of the department, or officer in charge of the party or parties for whom the articles are to be received, shall have power to reject, at the place of delivery, such article or articles as are obviously of inferior quality; it being distinctly understood that he will be responsible to the Government for so doing, and that the contractor will have a right to appeal to the Government, although in the meantime he must take back the rejected article and supply good in its stead; failing of which it will be obtained by the officer or party requiring it, and the expense charged to the contractor.

11. A repetition of irregularity in the quality or quantity of the supplies, or of any delay in delivery or replacing them when required, will also subject the contractor, upon the report of the officer in charge of the parties or establishment, to such mulct, not exceeding one-fourth the amount of his monthly account, as the Government may direct. It will also be in the power of the Government, upon such repetition, to terminate the contract forthwith.

12. It will be in the power of either party to limit the duration of the contract, by giving, in writing, a notice of three full calendar months to the opposite party, and to end the contract at the expiration of that period; it being understood that such notice can be given only from the first day of a month, and within the period for which the contract is made or agreed to be made.

13. The contractor will be required to prepare his own cash account, monthly or quarterly, in the prescribed form, which he will deliver in a complete state to the officer receiving the supplies. In these cases where advances are made to heads of departments for that purpose, the contractor will receive payment through the department; when such is not the case, the account will be forwarded by the officer receiving the supplies, to the *Under Secretary of the Treasury*.

14. The value of all packages to be included in the prices demanded.

15. Printed forms of tender may be obtained at this office; and at the foot of every tender there must be a memorandum signed by the party tendering, and two responsible persons as sureties, agreeing to be responsible for the due performance of the contract, in the event of the tender being accepted, and undertaking, in that event, that they will severally execute and deliver, within one month from the usual notification of acceptance, a bond to Her Majesty for securing such performance, otherwise such tender will not be taken into consideration.

16. The tenders to contain the names of the tenderers and their sureties, and places of residence, at length.

17. Each tender must be in the form referred to in paragraph 15, and enclosed in a separate envelope, marked "*Tender for Provisions, &c.*"

18. Further particulars and information may be obtained on application at this office, to the *Under Secretary to the Treasury*, and to the several establishments for which the supplies are required.

19. The party tendering, or an agent authorized in writing to act for him, is requested to attend at this office, at the time appointed for receiving the tenders, to afford such explanation or information as may be required.

SAUL SAMUEL.

II B.

LUNATIC ASYLUM, TARBAN CREEK.

SCHEDULE OF TENDERS received for supplying the undermentioned Articles for the service of the Lunatic Asylum, Tarban Creek, New South Wales, for the period from the 1st April, 1860, to the 31st March, 1861, pursuant to Treasury Notice, dated 29 December, 1859, which Tenders were opened on the 21st February, 1860.

ARTICLES OF SUPPLY.	Prices under present Contract.	THREE TENDERS.		
		P. Hayes.	J. Devlin, jr.	H. W. Johnson.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Rations to Attendants 7 ¹ / ₂ Ration.	0 0 9 ¹ / ₄	0 0 9	0 0 9	0 0 8
<i>Rations to Patients.</i>				
A.—Full Diet 7 ¹ / ₂ Ration.	0 0 7 ¹ / ₂	0 0 7	0 0 7 ¹ / ₂	0 0 6 ³ / ₄
B.—Half Diet do.	0 0 6 ¹ / ₄	0 0 6	0 0 6	0 0 5 ¹ / ₄
C.—Low Diet do.	0 0 5 ¹ / ₄	0 0 5	0 0 5	0 0 4 ¹ / ₄
D.—Fever Diet..... do.	0 0 3	0 0 3 ¹ / ₂	0 0 3	0 0 3
Forage 7 ¹ / ₂ Ration.	0 2 6	0 2 4	0 2 3	0 1 9
Firewood 7 ¹ / ₂ 100lbs.	0 0 6	0 0 6	0 0 6	0 0 6 ¹ / ₂
Best Clarified Sperm Oil..... 7 ¹ / ₂ Imp. Gall.	0 8 0	0 7 0	0 8 0	0 8 0
Common do. do.	0 6 0	0 4 9	0 6 0	0 6 0
Mould Candles 7 ¹ / ₂ lb.	0 0 8	0 0 8	0 0 8	0 0 8
Dipped do. do.	0 0 8	0 0 8	0 0 8	0 0 8
Cotton Wick do.	0 2 8	0 2 0	0 2 8	0 2 8
Patent Wi ks..... Each.	0 0 1	0 0 1	0 0 1	0 0 1
		*0 0 1 ¹ / ₄		

* Appears in the Tender in figures, and differing from those in words.

ARTICLES OF SUPPLY.	Prices under present Contract.	THREE TENDERS.			
		P. Hayes.	J. Devlin, jr.	H. W. Johnson.	
		£ s. d.	£ s. d.	£ s. d.	£ s. d.
Fresh Beef	73 lb. 0 0 3	0 0 2	0 0 3	0 0 2½	
Salt Beef	do. 0 0 4	0 0 4	0 0 4	0 0 3	
Salt Pork	do. 0 0 8	0 0 8	0 0 8	0 0 8	
Fresh Mutton	do. 0 0 4	0 0 3½	0 0 4½	0 0 3½	
Suet	do. 0 0 6	0 0 6	0 0 6	0 0 6	
Bread .. { 1st Quality	do. 0 0 3	0 0 2	0 0 3	0 0 2½	
{ 2nd do.	do. 0 0 3	0 0 2	0 0 2½	0 0 2	
{ 3rd do.	do. 0 0 2½	0 0 1½	0 0 2	0 0 2	
Ship Biscuit	do. 0 0 3½	0 0 3	0 0 3½	0 0 3	
Flour .. { 1st Quality	do. 0 0 3½	0 0 2½	0 0 3	0 0 2½	
{ 2nd do.	do. 0 0 3	0 0 2½	0 0 2½	0 0 2	
{ 3rd do.	do. 0 0 2½	0 0 2	0 0 2	0 0 2	
Maize Meal	do. 0 0 2½	0 0 1½	0 0 2½	0 0 1½	
Raisins	do. 0 0 8½	0 0 8	0 0 8½	0 0 8	
Arrowroot	do. 0 0 8	0 0 10	0 0 8	0 0 8	
Treacle	do. 0 0 4	0 0 4	0 0 4	0 0 3	
Sago	do. 0 0 8	0 0 6	0 0 8	0 0 8	
Rice	do. 0 0 3	0 0 2	0 0 3	0 0 2	
Tea	do. 0 2 0	0 1 8	0 2 0	0 1 6	
Sugar	do. 0 0 4	0 0 4	0 0 4	0 0 3½	
Oatmeal	do. 0 0 6	0 0 4	0 0 6	0 0 4	
Salt	do. 0 0 1	0 0 1	0 0 1	0 0 1	
Pepper	do. 0 1 0	0 1 0	0 1 0	0 1 0	
Soap	do. 0 0 4½	0 0 4	0 0 4½	0 0 3½	
Starch	do. 0 0 7	0 0 8	0 0 7	0 0 7	
Soda	do. 0 0 3	0 0 2½	0 0 3	0 0 2	
Blue	do. 0 1 8	0 1 6	0 1 8	0 1 4	
Pearl Barley	do. 0 0 4	0 0 4½	0 0 4	0 0 4	
Tobacco .. { American	do. 0 4 0	0 5 0	0 4 6	0 5 0	
{ Colonial	do. 0 1 4	0 1 6	0 1 4	0 1 4	
Lard	do. 0 0 10	0 0 8	0 0 10	0 0 6	
Salt Butter	do. 0 1 6	0 1 6	0 1 6	0 1 3	
Gelatine	do. 0 5 0	.....	0 5 0	.....
Vegetables	do. 0 0 0½	0 0 1	0 0 1	0 0 0½	
Milk	73 Quart. 0 0 5	0 0 6	0 0 5	0 0 5	
Yeast	do. 0 0 9	0 1 6	0 1 6	0 0 9	
Lime Juice	do. 0 2 6	0 1 6	0 2 6	0 1 0	
Port Wine	47 Dezen. 1 10 0	1 8 0	1 10 0	1 10 0	
Rum	47 Gallon. 0 12 0	0 12 0	0 12 0	0 11 0	
Colonial Ale	do. 0 1 7	0 1 7	0 1 7	0 1 6	
Vinegar	do. 0 3 0	0 3 0	0 3 0	0 3 0	
Roach Lime	47 Bushel. 0 1 9	0 1 9	0 1 9	0 1 6	
Charcoal	do. 0 1 0	0 1 0	0 1 0	0 1 0	
Straw	47 Cwt. 0 7 0	0 6 0	0 7 0	0 5 0	
Tobacco Pipes	47 Gross. 0 6 0	0 3 0	0 6 0	0 4 0	
Hay	47 Ton. 8 0 0	8 0 0	8 0 0	9 0 0	
Maize	47 Bushel. 0 5 0	0 3 9	0 5 0	0 3 6	
Bran	do. 0 2 0	0 1 6	0 2 0	0 1 8	
Gram	do. 0 6 0	0 3 6	0 6 0	.....
Loaf Sugar	47 lb. 0 0 8	0 0 7	0 0 8	0 0 7	
Water	47 100 Galls. ....	.....	0 5 0	.....

The Tender of Mr. H. W. Johnson being the lowest, and considered to be reasonable, is recommended for acceptance.

JNO. MLERIE, I.G.P.
H. H. BROWNE, I.A.
HENRY LANE.

The Treasury, New South Wales,
22nd February, 1860.

Approved—S. S.
February 23rd, 1860.

In all three Tenders, opened 21 February, 1860.
No. 1.—H. H. B. J. M'L.

II B.

LUNATIC ASYLUM, TARBAN CREEK.

Date, 21 February, 1860.

Sir,

In conformity with the Treasury Notice, dated 29 December, 1859, I hereby Tender to furnish the undermentioned Supplies, required for the Service of the Lunatic Asylum, Tarban Creek, from 1 April, 1860, to 31 March, 1861, at the following Rates, viz. :—

RATIONS AND ARTICLES OF SUPPLY.	RATES.	
	Words.	Figures.
<i>Rations to Attendants</i> $\frac{3}{4}$ Ration.	Ninepence	0 0 9 $\frac{1}{4}$
<i>Rations to Patients.</i>		
A.—Full Diet $\frac{3}{4}$ Ration.	Sevenpence	0 0 7 $\frac{1}{2}$
B.—Half Diet do.	Sixpence	0 0 6 $\frac{1}{2}$
C.—Low Diet do.	Fivepence	0 0 5
D.—Fever Diet do.	Threepence-halfpenny	0 0 3 $\frac{1}{2}$
Forage do.	Two shillings and fourpence	0 2 4
Firewood $\frac{1}{2}$ 100lbs.	Sixpence	0 0 6
Best Clarified Sperm Oil $\frac{3}{4}$ Imp. Gal.	Seven shillings	0 7 0
Common do. do.	Four shillings and ninepence	0 4 9
Mould Candles $\frac{3}{4}$ lb.	Eightpence	0 0 8
Dipped do. do.	Eightpence	0 0 8
Cotton Wick do.	Two shillings	0 2 0
Patent Wicks Each.	One penny	0 0 1 $\frac{1}{4}$
Fresh Beef $\frac{3}{4}$ lb.	Twopence	0 0 2
Salt Beef do.	Fourpence	0 0 4
Salt Pork do.	Threepence	0 0 3
Fresh Mutton do.	Threepence-halfpenny	0 0 3 $\frac{1}{2}$
Suet do.	Sixpence	0 0 6
Bread { 1st Quality do.	Twopence	0 0 2
.. .. . { 2nd do. do.	Twopence	0 0 2
.. .. . { 3rd do. do.	One penny seven-eighths	0 0 1 $\frac{7}{8}$
Ship Biscuit do.	Threepence	0 0 3
Flour { 1st Quality do.	Twopence-halfpenny	0 0 2 $\frac{1}{2}$
.. .. . { 2nd do. do.	Twopence one-eighth	0 0 2 $\frac{1}{4}$
.. .. . { 3rd do. do.	Twopence	0 0 2
Maize Meal do.	One penny-halfpenny	0 0 1 $\frac{1}{2}$
Raisins do.	Eightpence	0 0 8
Arrowroot do.	Tenpence	0 0 10
Treacle do.	Fourpence	0 0 4
Sago do.	Sixpence	0 0 6
Rice do.	Twopence	0 0 2
Tea do.	One shilling and eightpence	0 1 8
Sugar do.	Fourpence	0 0 4
Oatmeal do.	Fourpence	0 0 4
Salt do.	One penny	0 0 1
Pepper do.	One shilling	0 1 0
Soap do.	Fourpence	0 0 4
Starch do.	Eightpence	0 0 8
Soda do.	Twopence-halfpenny	0 0 2 $\frac{1}{2}$
Blue do.	One shilling and sixpence	0 1 6
Pearl Barley do.	Fourpence-halfpenny	0 0 4 $\frac{1}{2}$
Tobacco { American do.	Five shillings	0 5 0
.. .. . { Colonial do.	One shilling and sixpence	0 1 6
Lard do.	Eightpence	0 0 8
Salt Butter do.	One shilling and sixpence	0 1 6
Gelatine do.	One penny	0 0 1
Vegetables do.	Sixpence	0 0 6
Milk $\frac{3}{4}$ Quart.	One shilling and sixpence	0 1 6
Yeast do.	One shilling and sixpence	0 1 6
Lime Juice do.	One shilling and sixpence	0 1 6
Port Wine $\frac{3}{4}$ Dozen.	Twenty-eight shillings	1 8 0
Rum $\frac{3}{4}$ Gallon.	Twelve shillings	0 12 0
Colonial Ale do.	One shilling and sevenpence	0 1 7
Vinegar do.	Three shillings	0 3 0
Boach Lime $\frac{3}{4}$ Bushel.	One shilling and ninepence	0 1 9
Charcoal do.	One shilling	0 1 0
Straw $\frac{3}{4}$ Cwt.	Six shillings	0 6 0
Tobacco Pipes $\frac{3}{4}$ Gross.	Three shillings	0 3 0
Hay $\frac{3}{4}$ Ton.	Eight pounds	8 0 0
Maize $\frac{3}{4}$ Bushel.	Three shillings and ninepence	0 3 9
Bran do.	One shilling and sixpence	0 1 6
Gram do.	Three shillings and sixpence	0 3 6
Loaf Sugar $\frac{3}{4}$ lb.	Sevenpence	0 0 7
Water $\frac{1}{4}$ 100 Galls.		

I propose Thomas Jackson, of Sydney, and William Day, of Pymont, as my Sureties for the due observance of my engagement, in the event of the acceptance of this offer, and I annex a Memorandum of their willingness to be responsible for such observance, and to join me in a Bond accordingly.

I am,

Sir,
Your obedient servant,The
Secretary to the Treasury.(Signature)
(Residence)PATRICK HAYES,
Parramatta.

N.B.

N.B.—This Tender to be delivered at the Treasury, on or before 12 o'clock of Tuesday, the day appointed for receiving the Tenders.

All names and prices to be stated at length.

No Tender can be taken into consideration which is not accompanied by the following Memorandum, duly signed.

MEMORANDUM.

In the event of the acceptance of the accompanying Tender of Patrick Hayes, we hereby engage to be responsible for the due observance of the Contract, and we undertake severally in that event to execute and deliver, within one month from the usual notification of acceptance, a Bond to Her Majesty, in the penal sum of £250, for securing such performance.

Signature of person tendering.....PATRICK HAYES.
 Residence.....
 Sureties .. { SignatureTHOMAS JACKSON,
 { Residence Pitt-street, Sydney.
 { SignatureWILLIAM DAY,
 { Residence Pymont.

II B.

No. 2.—H. H. B. J. M'L.

LUNATIC ASYLUM, TARBAN CREEK.

Date, 21 February, 1860.

Sir,

In conformity with the Treasury Notice, dated the 29th of December, 1859, I hereby Tender to furnish the undermentioned Supplies, required for the Service of the Lunatic Asylum, Tarban Creek, from 1st April, 1860, to 31st March, 1861, at the following Rates, viz. :—

RATIONS AND ARTICLES OF SUPPLY.			RATES.		
			Words.		Figures.
					£ s. d.
<i>Rations to Attendants</i>	.. ..	7/ Ration.	Ninepence .. ..	.. ..	0 0 9
<i>Rations to Patients.</i>					
A.—Full Diet..	.. ..	7/ Ration.	Sevenpence four-eighths .. ..	.. ..	0 0 7½
B.—Half Diet..	.. ..	do.	Sixpence .. ..	.. ..	0 0 6
C.—Low Diet..	.. ..	do.	Fivepence .. ..	.. ..	0 0 5
D.—Fever Diet	.. ..	do.	Threepence .. ..	.. ..	0 0 3
Forage .. ..	.. ..	do.	Two shillings and threepence .. ..	.. ..	0 2 3
Firewood .. ..	.. ..	7/ 100 lbs.	Sixpence .. ..	.. ..	0 0 6
Best Clarified Sperm Oil	.. ..	7/ Imp. Gal.	Eight shillings .. ..	.. ..	0 8 0
Common do.	.. ..	do.	Six shillings .. ..	.. ..	0 6 0
Mould Candles .. ..	.. ..	7/ lb.	Eightpence .. ..	.. ..	0 8 0
Dipped do.	.. ..	do.	Eightpence .. ..	.. ..	0 8 0
Cotton Wick .. ..	.. ..	do.	Two shillings and eightpence .. ..	.. ..	0 2 8
Patent Wicks .. ..	.. ..	Each.	One penny .. ..	.. ..	0 0 1
Fresh Beef .. ..	.. ..	7/ lb.	Threepence .. ..	.. ..	0 0 3
Salt Beef .. ..	.. ..	do.	Fourpence .. ..	.. ..	0 0 4
Salt Pork .. ..	.. ..	do.	Eightpence .. ..	.. ..	0 0 8
Fresh Mutton .. ..	.. ..	do.	Fourpence-halfpenny .. ..	.. ..	0 0 4½
Suet .. ..	.. ..	do.	Sixpence .. ..	.. ..	0 0 6
Bread { 1st Quality .. ..	.. ..	do.	Threepence .. ..	.. ..	0 0 3
{ 2nd do. .. ..	.. ..	do.	Twopence-halfpenny .. ..	.. ..	0 0 2½
{ 3rd do. .. ..	.. ..	do.	Twopence .. ..	.. ..	0 0 2
Ship Biscuit .. ..	.. ..	do.	Threepence-halfpenny .. ..	.. ..	0 0 3½
Flour { 1st Quality .. ..	.. ..	do.	Threepence .. ..	.. ..	0 0 3
{ 2nd do. .. ..	.. ..	do.	Twopence-halfpenny .. ..	.. ..	0 0 2½
{ 3rd do. .. ..	.. ..	do.	Twopence .. ..	.. ..	0 0 2
Maize Meal..	.. ..	do.	Twopence-halfpenny .. ..	.. ..	0 0 2½
Raisins .. ..	.. ..	do.	Eightpence-halfpenny .. ..	.. ..	0 0 8½
Arrowroot .. ..	.. ..	do.	Eightpence .. ..	.. ..	0 0 8
Treacle .. ..	.. ..	do.	Fourpence .. ..	.. ..	0 0 4
Sago .. ..	.. ..	do.	Eightpence .. ..	.. ..	0 0 8
Rice .. ..	.. ..	do.	Threepence .. ..	.. ..	0 0 3
Tea .. ..	.. ..	do.	Two shillings .. ..	.. ..	0 2 0
Sugar .. ..	.. ..	do.	Fourpence .. ..	.. ..	0 0 4
Oatmeal .. ..	.. ..	do.	Sixpence .. ..	.. ..	0 0 6
Salt .. ..	.. ..	do.	One penny .. ..	.. ..	0 0 1
Pepper .. ..	.. ..	do.	One shilling .. ..	.. ..	0 1 0
Soup .. ..	.. ..	do.	Fourpence-halfpenny .. ..	.. ..	0 0 4½
Starch .. ..	.. ..	do.	Sevenpence .. ..	.. ..	0 0 7
Soda .. ..	.. ..	do.	Threepence .. ..	.. ..	0 0 3
Blue .. ..	.. ..	do.	One shilling and eightpence .. ..	.. ..	0 1 8
Pearl Barley .. ..	.. ..	do.	Fourpence .. ..	.. ..	0 0 4
Tobacco { American .. ..	.. ..	do.	Four shillings and sixpence .. ..	.. ..	0 4 6
{ Colonial .. ..	.. ..	do.	One shilling and fourpence .. ..	.. ..	0 1 4
Lard .. ..	.. ..	do.	Tenpence .. ..	.. ..	0 0 10
Salt Butter .. ..	.. ..	do.	One shilling and sixpence .. ..	.. ..	0 1 6
Gelatine .. ..	.. ..	do.	Five shillings .. ..	.. ..	0 5 0
Vegetables .. ..	.. ..	do.	One penny .. ..	.. ..	0 0 1
Milk .. ..	.. ..	7/ Quart.	Fivepence .. ..	.. ..	0 0 5
Yeast .. ..	.. ..	do.	One shilling and sixpence .. ..	.. ..	0 1 6
Lime Juice .. ..	.. ..	do.	Two shillings and sixpence .. ..	.. ..	0 2 6
Port Wine .. ..	.. ..	7/ Dozen.	Thirty shillings .. ..	.. ..	1 10 0

RATIONS AND ARTICLES OF SUPPLY.	RATES.		
	Words.	Figures.	
Rum	♣ Gallon.	Fourteen shillings	£ s. d. 0 14 0
Colonial Alc	do.	One shilling and sevenpence	0 1 7
Vinogar	do.	Three shillings	0 3 0
Roach Lime	♣ Bushel.	One shilling and ninepence	0 1 9
Charcoal	do.	One shilling	0 1 0
Straw	♣ Cwt.	Seven shillings	0 7 0
Tobacco Pipes	♣ Gross.	Six shillings	0 6 0
Hay	♣ Ton.	Eight pounds	8 0 0
Maize	♣ Bushel.	Five shillings	0 5 0
Bran	do.	Two shillings	0 2 0
Grain	do.	Six shillings	0 6 0
Loaf Sugar	♣ lb.	Eightpence	0 0 8
Water	♣ 100 Gals.	Five shillings	0 5 0

I propose Mr. James Devlin, of Ryde, and Mr. James Rothwell, of Sydney, as my Sureties for the due observance of my engagement, in the event of the acceptance of this offer, and I annex a Memorandum of their willingness to be responsible for such observance, and to join me in a Bond accordingly.

I am,
Sir,
Your obedient servant,
(Signature) JAMES DEVLIN, Junr.,
(Residence) Ryde.

The Under Secretary
to the Treasury.

N.B.—This Tender to be delivered at the Treasury, on or before 12 o'clock of Tuesday, the day appointed for receiving the Tenders.

All names and prices to be stated at length.

No Tender can be taken into consideration which is not accompanied by the following Memorandum, duly signed.

MEMORANDUM.

In the event of the acceptance of the accompanying Tender of Mr. James Devlin, junr., we hereby engage to be responsible for the due observance of the Contract, and we undertake severally in that event to execute and deliver, within one month from the usual notification of acceptance, a Bond to Her Majesty, in the penal sum of £250, for securing such performance.

Signature of person tendering.....JAMES DEVLIN, JUNR.,
Residence..... Ryde.

Sureties .. { (Signature.....JAMES DEVLIN,
Residence..... Ryde.
Signature.....JAMES ROTHWELL,
Residence..... 506, George-street, Sydney.

No. 3.—H. H. B. J. M'L.

II B. LUNATIC ASYLUM, TARBAN CREEK.

Date, 21 February, 1860.

Sir,

In conformity with the Treasury Notice, dated 29th December, 1859, I hereby Tender to furnish the undermentioned Supplies, required for the Service of the Lunatic Asylum, Tarban Creek, from 1st April, 1860, to 31st March, 1861, at the following Rates, viz. :—

RATIONS AND ARTICLES OF SUPPLY.	RATES.		
	Words.	Figures.	
<i>Rations to Attendants</i>	♣ Ration.	Eightpence	£ s. d. 0 0 8
<i>Rations to Patients.</i>			
A.—Full Diet	♣ Ration.	Sixpence-threefarthings	0 0 6½
B.—Half Diet	do.	Fivepence-farthing	0 0 5½
C.—Low Diet	do.	Fourpence-farthing	0 0 4½
D.—Fever Diet	do.	Threepence	0 0 3
Forage	♣ Ration.	One shilling and ninepence	0 1 9
Firewood	♣ 100lbs.	Sixpence-halfpenny	0 0 6½
Best Clarified Sperm Oil	♣ Imp. Gal.	Eight shillings	0 8 0
Common do.	do.	Six shillings	0 6 0
Mould Candles	♣ lb.	Eightpence	0 0 8
Dipped do.	do.	Eightpence	0 0 8
Cotton Wick	do.	Two shillings and eightpence	0 2 8
Patent Wicks	Each.	One penny	0 0 1
Fresh Beef	♣ lb.	Twopence-farthing	0 0 2½
Salt Beef	do.	Threepence	0 0 3
Salt Pork	do.	Eightpence	0 0 8
Fresh Mutton	do.	Threepence-halfpenny	0 0 3½

II B.

KNOW ALL MEN BY THESE PRESENTS, THAT WE, Henry William Johnson, John Hosking, and James Barker, in the Colony of New South Wales, are jointly and severally held and firmly bound under Her Most Excellent Majesty Queen Victoria, in the Penal Sum of One hundred and fifty pounds of English Money, to be paid to Her said Majesty, Her Heirs, and Successors, for which payment well and truly to be made, we bind ourselves, and each and every one of us, jointly and severally, and our and each and every of our Heirs, Executors, and Administrators, for ever, firmly, by these presents.

WHEREAS the above bounden, Henry William Johnson, hath made the Tender hereunto annexed, to furnish, under the terms and conditions of a Treasury Notice, dated the 29th December, 1859, now last past, and published in the New South Wales *Government Gazette* (of which notice a copy is also hereunto annexed), and at the prices in the said Tender mentioned, certain supplies of the descriptions in the said notice mentioned, and specified in the said Tender as required for the Colonial Public Service, in the Department of the Lunatic Asylum at Tarban, from the first day of April, in the year of Our Lord One thousand eight hundred and sixty, to the thirty-first day of March, in the year of Our Lord One thousand eight hundred and sixty-one. And whereas the above bounden, John Hosking and James Barker, have severally agreed to become and be bound to Her Majesty, Her Heirs, and Successors, for the due performance and fulfilment of the said Tender, according to the terms and conditions of the said notice, and the said Tender has been duly accepted by His Excellency the Governor General, on condition that this bond should be entered into by them the said Henry William Johnson, John Hosking, and James Barker.

Now the condition of the above bond and obligation is such that if the said Henry William Johnson shall and do well and truly perform and fulfil the said Tender, and the contract arising out of such Tender, and the acceptance thereof, as aforesaid, and all and every the terms, conditions, and stipulations in the said notice mentioned or referred to, in manner and form, and to all intents and purposes, as therein contained, then, and in such case, the above bond and obligation shall be null and void, otherwise the same shall be and remain in full force and virtue.

Scaled with our Seals, dated this fifteenth day of March, in the year of Our Lord One thousand eight hundred and sixty.

(Signed) { H. W. JOHNSON, (L.S.)
JOHN HOSKING, (L.S.)
JAS. BARKER, (L.S.)

Signed, Sealed, and Delivered }
in the presence of }
GEO. FRED. POOLE.

II c.

(1st August, 1860, to 31st March, 1861.)

The Treasury, New South Wales,
12th July, 1860.

CONTRACT FOR SUPPLIES.—LUNATIC ASYLUM, TARBAN.

THE Contractor for furnishing the Supplies required for the Lunatic Asylum, Tarban, as enumerated in the Treasury Notice of the 29th December, 1859, having, in terms of his agreement, given notice that his Contract will terminate on the 31st of August next, Notice is hereby given, that Tenders will be received at this Office, until noon of Tuesday, the 14th August, 1860, from persons willing to supply, from 1st September, 1860, to 31st March, 1861, the several articles particularized in the notice above referred to, under the conditions therein specified.

E. C. WEEKES.

II c.

The Treasury, New South Wales,
29th December, 1859.

CONTRACTS FOR SYDNEY, COCKATOO ISLAND, AND TARBAN CREEK.

TENDERS will be received at this Office, until 12 o'clock of Tuesday, the 21st February next, for furnishing the Supplies undermentioned, in such quantities as may be required during twelve months, from the 1st April, 1860, upon the conditions hereafter specified.

The Provisions and other Articles required, are—

No. 1.	Bread ..	1st quality	½ lb.	No. 3.	Starch	do.	
		2nd quality	do.		Soda	do.	
		3rd quality	do.		Blue	do.	
	Ship Biscuit	do.	Pearl Barley		do.		
	Flour ..	1st quality	do.		Tobacco ..	{ American	do.
		2nd quality	do.			{ Colonial	do.
		3rd quality	do.		Tobacco Pipes	do.	gross.
	Maize Meal	do.	Salt Butter		do.	lb.	
	Oatmeal	do.	Lime Juice		do.	quart.	
	Fresh Beef	do.	Port Wine		do.	dozen.	
Salt Beef	do.	Rum	do.	gallon.			
No. 2.	Salt Pork	do.	Colonial Ale	do.			
	Fresh Mutton	do.	Yeast	do.	quart.		
	Suet	do.	Vinegar	do.	gallon.		
	Lard	do.	Sperm Oil	do.			
	Currants	do.	Common Oil	do.			
	Raisins	do.	Colza Oil	do.			
	Arrowroot	do.	No. 4.	Sperm Candles	do.	lb.	
	Treacle	do.		Mould ditto	do.		
	Sago	do.		Cotton Wick	do.		
	Rice	do.	Patent Wicks	do.	Each.		
Tea	do.	Roach Lime	do.	bushel.			
Sugar, Soft	do.	Firewood	do.	100 lbs.			
Ditto, Loaf	do.	No. 5.	Charcoal	do.	bushel.		
Salt	do.		Vegetables	do.	lb.		
Pepper	do.		Milk	do.	quart.		
Mustard	do.	Water	do.	100 gals.			
Yellow Soap	do.						

No. 6.—The Rations of Forage for Horses and Oxen :—

8 lbs. maize or barley, or 10lbs. oats	} per ration.
4 lbs. bran	
12 lbs. oat or cultivated grass hay..	
4 lbs. wheat straw	
Or,	
12 lbs. gram.....	} per ration.
8 lbs. hay	
4 lbs. straw	

for each horse daily, and half of these quantities for each bullock.

Maize	73 bushel.
Bran	do.
Gram	do.
Hay	47 ton.
Straw	47 cwt.

No. 7.—For the Penal Establishment, Cockatoo Island :—

The Ration to the Prisoners, consisting of—

20 oz. wheat bread	} per ration.
8 oz. maize meal	
16 oz. fresh meat	
1/2 oz. salt	
1 oz. sugar	
1/2 oz. soap	

The Ration to the Superintendent, Assistant Superintendent, Clerk, Dispenser, Military Guard, and Constables, consisting of—

24 oz. best wheat flour	} per ration.
16 oz. fresh meat	
1/2 oz. salt	
1/2 oz. tea	
2 1/2 oz. sugar	
1/2 oz. tobacco	

The Ration to the Wife of the Dispenser—

8 oz. bread	} per ration.
8 oz. fresh meat	

To the Children of the Dispenser—

Above 7 years. { 5 1/2 oz. bread	} per ration.
{ 5 1/2 oz. meat	
Under 7 years. { 4 oz. bread	} per ration.
{ 4 oz. meat	

Sperm Oil	per imp. gl.
Common Oil	do.
Mould Candles	per lb.
Dipped Candles	do.
Cotton Wick	do.
Arrowroot	do.
Treacle	do.
Sago	do.
Rice	do.
Tea	do.
Sugar	do.
Oatmeal	do.
Soap	do.
Starch	do.
Soda	do.
Blue	do.
Pearl Barley	do.
Tobacco (Colonial)	do.
Lard	do.
Salt Butter	do.
Gelatine	do.
Vegetables	do.
Milk	per quart.
Lime Juice	" gallon.
Yeast	" quart.
Port Wine	" dozen.
Rum	" gallon.
Colonial Ale	do.
Vinegar	do.
Roach lime	" bushel.
Charcoal	do.
Straw	" cwt.
Tobacco pipes	" gross.
Water	" 100 gls.

No. 8.—For the Lunatic Asylum, Tarban Creek :—

The Ration to the Attendants—

16 oz. fresh beef or mutton	} Daily	} per ration.
16 oz. bread, 1st quality		
1 oz. rice		
1/2 oz. salt		
16 oz. vegetables		
1 gill milk		
4 oz. tea	} Weekly	} per ration.
32 oz. sugar		

The Ration to the Patients; full diet—

On Sundays and Thursdays.	16 oz. mutton	} per ration.		
	20 oz. bread, 1st quality			
	16 oz. vegetables			
	1/2 oz. tea			
On Mondays, Wednesdays, and Saturdays.	1 1/2 oz. sugar			
	1 gill milk			
	16 oz. meat			
	16 oz. bread, 1st quality			
On Tuesdays and Fridays.	1 oz. rice			
	16 oz. vegetables			
	1/2 oz. tea			
	1 1/2 sugar			
On Christmas Day and the Queen's Birthday.	1 gill milk			
	16 oz. meat			
	16 oz. bread, 1st quality			
	1/2 oz. suet			
On Christmas Day and the Queen's Birthday.	6 oz. flour, 1st quality	} For every 100 full rations.		
	1/2 oz. tea			
	1 1/2 oz. sugar			
	1 gill milk			
On Christmas Day and the Queen's Birthday.	8 oz. flour, 1st quality		} For every 100 full rations.	
	4 oz. raisins			
	1 oz. suet			
	1 oz. pepper			
On Christmas Day and the Queen's Birthday.	25 oz. salt			} For every 100 full rations.
	8 oz. meat			
	16 oz. bread, 1st quality			
	8 oz. vegetables			
On Christmas Day and the Queen's Birthday.	1/2 oz. tea	} For every 100 full rations.		
	1 1/2 oz. sugar			
	1 gill milk			
	1 pint broth			
On Christmas Day and the Queen's Birthday.	1 oz. pepper		} For every 100 full rations.	
	25 oz. salt			
	4 oz. meat			
	8 oz. bread, 1st quality			
On Christmas Day and the Queen's Birthday.	8 oz. vegetables			} For every 100 full rations.
	1/2 oz. tea			
	1 1/2 oz. sugar			
	1 gill milk			
On Christmas Day and the Queen's Birthday.	1 pint broth	} For every 100 full rations.		
	1 oz. pepper			
	25 oz. salt			
	4 oz. meat			
On Christmas Day and the Queen's Birthday.	8 oz. bread, 1st quality		} For every 100 full rations.	
	4 oz. vegetables			
	1/2 oz. tea			
	1 1/2 oz. sugar			
On Christmas Day and the Queen's Birthday.	1 gill milk			} For every 100 full rations.
	1 pint broth			
	1 oz. pepper			
	25 oz. salt			

Half diet—

8 oz. meat	} per ration.
16 oz. bread, 1st quality	
8 oz. vegetables	
1/2 oz. tea	
1 1/2 oz. sugar	
1 gill milk	
1 pint broth	
1 oz. pepper	
25 oz. salt	

Low diet—

4 oz. meat	} per ration.
8 oz. bread, 1st quality	
4 oz. vegetables	
1/2 oz. tea	
1 1/2 oz. sugar	
1 gill milk	
1 pint broth	
1 oz. pepper	
25 oz. salt	

Fever diet—

8 oz. bread, 1st quality	} per ration.
1/2 oz. tea	
1 1/2 oz. sugar	
1 gill milk	

(With sago, arrowroot, pudding, and other extras, as occasion may require.)

Forage Ration—

8 lbs. maize or barley, or	} per ration.
10 lbs. oats	
4 lbs. bran	
12 lbs. oat or cultivated grass hay	
4 lbs. wheat straw	

Firewood	per 100 lbs.
Best Clarified Sperm Oil	" imp. gl.
Common Oil	do.
Mould Candles	" lb.
Dipped Candles	do.
Cotton Wick	do.
Patent Wicks	Each.
Fresh Beef	per lb.
Salt Beef	do.
Salt Pork	do.
Fresh Mutton	do.
Suet	do.
Bread { 1st quality	do.
{ 2nd quality	do.
{ 3rd quality	do.
Ship Biscuit	do.
Flour { 1st quality	do.
{ 2nd quality	do.
{ 3rd quality	do.
Maize Meal	do.
Raisins	do.
Arrowroot	do.
Treacle	do.
Sago	do.
Rice	do.
Tea	do.
Sugar	do.
Oatmeal	do.
Salt	do.
Pepper	do.
Soap	do.

Starch	do.	Rum	4 ^p gallon.
Soda	do.	Colonial Ale.....	do.
Blue	do.	Vinegar.....	do.
Pearl Barley	do.	Rosach Lime	4 ^p bushel.
Tobacco (American)	do.	Charcoal	do.
Tobacco (Colonial).....	do.	Straw	4 ^p cwt.
Lard	do.	Tobacco Pipes	4 ^p gross.
Salt Butter	do.	Hay	4 ^p ton.
Gelatine	do.	Maize	4 ^p bushel.
Vegetables	do.	Bran	do.
Milk	per quart.	Gram	do.
Yeast.....	do.	Loaf Sugar	4 ^p lb.
Lime Juice	do.	Water	4 ^p 100 gals.
Port Wine.....	dozen.		

Separate Tenders will be required for the articles enumerated under Nos. 1, 2, 3, 4, 5, 6, 7, and 8, respectively.

CONDITIONS.

1. All the articles required by this notice are to be of the best quality, of their several kinds.
2. The flour and bread must be the produce of clean sound Colonial wheat, from which, when forming part of the ration to prisoners of the Crown, 10 per cent., and in all other cases 20 per cent., has been extracted in bran and waste; except for those who are authorised to receive the best bread or flour.
3. Beef and mutton to be issued in such proportions as may be required for the ration to Immigrants and patients in the Lunatic Asylum, and when the quantity admits of it, this, as well as the convict ration of beef, to be delivered in fore and hind quarters alternately.
4. The maize meal to be similar in quality to the wheat meal, and to be twice ground.
5. The vegetables to be supplied, are—potatoes, greens, pumpkins, onions, &c., &c.: or, in the case of issues to the Immigration Department, to consist entirely, or in part only, of potatoes, at the option of the Immigration Agent.
6. All supplies (no exception whatever being allowed) for the Penal Establishment at Cockatoo Island, and the Lunatic Asylum at Tarban Creek, are to be delivered at those establishments by the Contractors, without further charge to the public than may be included in the prices asked for the several articles. In respect of the supplies for other services, delivery must be made with the same understanding, at such fixed stations, within the city or district, as may be pointed out by the officer in charge. The Contractors will be bound to furnish any of the articles tendered for, for any service, in such quantities as may be required, when called upon to do so, by the Government.
7. In the event of a difference of opinion between the Contractor and the party receiving the supplies, as to the quality, the same is to be decided in cases where the article is not of a perishable nature, by a Board of Survey. The party objecting shall name one person as arbitrator, the Contractor or his agent, another, and these two will (previously to any other proceeding on their part) concur in naming a third as umpire, who, in the event of the arbitrators not agreeing in opinion, will be called upon for his decision, which shall be final.
8. If the Board, arbitrators, or umpire shall decide that the article is not of proper quality, it must be immediately replaced by the Contractor, failing of which, it will be procured by the Department requiring it, and the expenses charged to the Contractor.
9. In the event of any unnecessary delay or failure of the Contractor to supply the articles, when required, they will be otherwise procured and charged in like manner.
10. In cases where the articles are of a perishable nature, or from some other cause, injury would be sustained, either by the parties to whom they are due, or to the Contractor, by waiting for a board of survey, the head of the department, or officer in charge of the party or parties for whom the articles are to be received, shall have power to reject at the place of delivery, such articles or articles as are obviously of inferior quality, it being distinctly understood that he will be responsible to the Government for so doing, and that the Contractor will have a right to appeal to the Government, although in the meantime he must take back the rejected article and supply good in its stead, failing of which, it will be obtained by the officer or party requiring it, and the expense charged to the Contractor.
11. A repetition of irregularity in the quality or quantity of the supplies, or of any delay in delivery or replacing them, when required, will also subject the Contractor, upon the report of the officer in charge of the parties or establishment, to such mulct, not exceeding one-fourth the amount of his monthly account, as the Government may direct. It will also be in the power of the Government upon such repetition, to terminate the contract forthwith.
12. It will be in the power of either party to limit the duration of the contract, by giving in writing, a notice of three full calendar months, to the opposite party, and to end the contract at the expiration of that period, it being understood that such notice can be given only from the first day of a month, and within the period for which the contract is made or agreed to be made.
13. The Contractor will be required to prepare his own cash account, monthly or quarterly, in the prescribed form, which he will deliver in a complete state, to the officer receiving the supplies. In those cases where advances are made to heads of departments for that purpose, the Contractor will receive payment through the department; when such is not the case, the account will be forwarded by the officer receiving the supplies to the *Under Secretary of the Treasury*.
14. The value of all packages to be included in the prices demanded.
15. Printed forms of Tender may be obtained at this office; and at the foot of every tender there must be a memorandum signed by the party tendering, and two responsible persons as sureties, agreeing to be responsible for the due performance of the contract, in the event of the tender being accepted, and undertaking in that event, that they will severally execute and deliver, within one month from the usual notification of acceptance, a Bond to Her Majesty, for securing such performance, otherwise such tender will not be taken into consideration.
16. The tenders to contain the names of the tenderers and their sureties, and places of residence at length.
17. Each tender must be in the form referred to in paragraph 15, and enclosed in a separate envelope, marked "*Tender for Provisions, &c.*"
18. Further particulars and information may be obtained on application at this office, to the *Under Secretary to the Treasury*, and to the several establishments for which the supplies are required.
19. The party tendering, or an agent authorised in writing to act for him, is requested to attend at this office, at the time appointed for receiving the tenders, to afford such explanation or information as may be required.

SAUL SAMUEL.

II c.

LUNATIC ASYLUM, TARBAN CREEK.

SCHEDULE OF TENDERS received for supplying the undermentioned Articles for the service of the Lunatic Asylum, Tarban Creek, New South Wales, for the period from the 1st September, 1860, to the 31st March, 1861, pursuant to Treasury Notice, dated 12th July, 1860, which Tenders were opened on the 14th August, 1860.

ARTICLES OF SUPPLY.	Prices under present Contract.	THREE TENDERS IN ALL.		
		M. Castle.	J. Teasdell.	J. Devlin, Jun.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Rations to Attendants ¼ Ration.	0 0 8	0 0 8	0 0 8	0 0 7½
Rations to Patients.				
A.—Full Diet ¼ Ration.	0 0 6½	0 0 6½	0 0 7	0 0 6½
B.—Half Diet do.	0 0 5½	0 0 5½	0 0 5½	0 0 5
C.—Low Diet do.	0 0 4½	0 0 4½	0 0 4½	0 0 4
D.—Fever Diet do.	0 0 3	0 0 3	0 0 3½	0 0 3
Forage do.	0 1 9	0 1 9	0 2 0	0 1 9
Firewood ¼ 100 lbs.	0 0 6½	0 0 6½	0 0 6½	0 0 6
Best Clarified Sperm Oil ¼ Imp. Gal.	0 8 0	0 8 0	0 8 0	0 8 0
Common do. do.	0 6 0	0 6 0	0 5 6	0 6 0
Mould Candles ¼ lb.	0 0 8	0 0 8	0 0 8	0 0 8
Dipped do. do.	0 0 8	0 0 8	0 0 8	0 0 8
Cotton Wick do.	0 2 8	0 2 8	0 2 6	0 2 6
Patent Wicks Each.	0 0 1	0 0 1	0 0 1	0 0 1
Fresh Beef ¼ lb.	0 0 2½	0 0 2½	0 0 2½	0 0 3
Salt Beef do.	0 0 3	0 0 3	0 0 3½	0 0 2½
Salt Pork do.	0 0 8	0 0 8	0 0 8	0 0 6
Fresh Mutton do.	0 0 3½	0 0 3½	0 0 3½	0 0 3½
Suet do.	0 0 6	0 0 6	0 0 6	0 0 6
Bread .. { 1st Quality do.	0 0 2½	0 0 2½	0 0 2½	0 0 2½
2nd do. do.	0 0 2	0 0 2	0 0 2½	0 0 2½
3rd do. do.	0 0 2	0 0 2	0 0 2	0 0 2
Ship Biscuit do.	0 0 3	0 0 3	0 0 2½	0 0 3
Flour .. { 1st Quality do.	0 0 2½	0 0 2½	0 0 2½	0 0 2½
2nd do. do.	0 0 2	0 0 2	0 0 2½	0 0 2½
3rd do. do.	0 0 2	0 0 2	0 0 2½	0 0 2
Maize Meal do.	0 0 1½	0 0 1½	0 0 3½	0 0 1½
Raisins do.	0 0 8	0 0 8	0 0 8	0 0 6
Arrowroot do.	0 0 8	0 0 8	0 0 8	0 0 8
Trenche do.	0 0 3	0 0 3	0 0 4	0 0 2½
Sago do.	0 0 8	0 0 8	0 0 8	0 0 8
Rice do.	0 0 2	0 0 2	0 0 2½	0 0 2
Tea do.	0 1 6	0 1 6	0 1 10	0 1 6
Sugar do.	0 0 3½	0 0 3½	0 0 4	0 0 3½
Oatmeal do.	0 0 4	0 0 4	0 0 4	0 0 3½
Salt do.	0 0 1	0 0 1	0 0 1	0 0 1
Pepper do.	0 1 0	0 1 0	0 1 4	0 0 10
Soap do.	0 0 3½	0 0 3½	0 0 3½	0 0 3½
Starch do.	0 0 7	0 0 7	0 0 7	0 0 7
Soda do.	0 0 2	0 0 2	0 0 2½	0 0 2
Blue do.	0 1 4	0 1 4	0 1 4	0 1 3
Pearl Barley do.	0 0 4	0 0 4	0 0 4	0 0 4
Tobacco .. { American do.	0 5 0	0 5 0	0 5 0	0 4 4
Colonial do.	0 1 4	0 1 4	0 1 6	0 1 4
Lard do.	0 0 6	0 0 6	0 0 8	0 0 5½
Salt Butter do.	0 1 3	0 1 3	0 1 6	0 1 3
Gelatine do.	0 8 0	0 8 0	0 8 0	0 8 0
Vegetables do.	0 0 0½	0 0 0½	0 0 1½	0 0 0½
Milk ¼ Quart.	0 0 5	0 0 5	0 0 6	0 0 4½
Yeast do.	0 0 9	0 0 9	0 1 0	0 1 0
Lime Juice do.	0 1 0	0 1 0	0 1 0	0 1 0
Port Wine ¼ Dozen.	1 10 0	1 10 0	1 10 0	1 10 0
Rum ¼ Gallon.	0 11 0	0 11 0	0 11 0	0 11 0
Colonial Ale do.	0 1 6	0 1 6	0 1 8	0 1 6
Vinegar do.	0 3 0	0 3 0	0 3 0	0 2 6
Roach Lime ¼ Bushel.	0 1 6	0 1 6	0 1 6	0 1 6
Charcoal do.	0 1 0	0 1 0	0 1 0	0 1 0
Straw ¼ Cwt.	0 5 0	0 5 0	0 6 0	0 5 0
Tobacco Pipes ¼ Gross.	0 4 0	0 4 0	0 4 0	0 3 0
Hay ¼ Ton.	9 0 0	9 0 0	9 0 0	7 0 0
Maize ¼ Bushel.	0 3 6	0 3 6	0 4 0	0 3 6
Bran do.	0 1 8	0 1 8	0 1 6	0 1 6
Gram do.	.....	.....	.....	.....
Loaf Sugar ¼ lb.	0 0 7	0 0 7	0 0 8	0 0 6½
Water ¼ 100 Gals.	.....	.....	.....	0 2 6

The Tender of Mr. James Devlin, Junior, having, on computation in the Audit Office, been ascertained to be the lowest, and being considered reasonable, is recommended for acceptance.

(Signed) { H. H. BROWNE.
HENRY LUMSDAINE.
ARCHIBALD CAMPBELL.
HENRY LANE.

The Treasury,
14 August, 1860.

Approved.—E. C. W.,
14 Aug., /60.

In all three tenders; opened 14th August, 1860.
No. 1.—H. H. B. H. L. H. L. A. C.

II c.

LUNATIC ASYLUM, TARBAN CREEK.

Date, 14 August, 1860.

Sir,

In conformity with the Treasury Notice, dated 12th July, 1860, I hereby tender to furnish the undermentioned Supplies required for the Service of the Lunatic Asylum, Tarban Creek, from 1st of September, 1860, to 31st March, 1861, at the following Rates, viz. :—

RATIONS AND ARTICLES OF SUPPLY.	RATES.		
	Words.	Figures.	
<i>Rations to Attendants</i> ¾ Ration.	Eightpence	0 0 8	
<i>Rations to Patients.</i>			
A.—Full Diet ¾ Ration.	Sixpence five-eighths	0 0 6½	
B.—Half Diet do.	Fivepence-farthing	0 0 5½	
C.—Low Diet do.	Fourpence-farthing	0 0 4½	
D.—Fever Diet do.	Threepence	0 0 3	
Forage do.	One shilling and ninepence	0 1 9	
Firewood ¼ 100lbs.	Sixpence half penny	0 0 6½	
Best Clarified Sperm Oil .. ¼ Imp. Gal.	Eight shillings	0 8 0	
Common do. do.	Six shillings	0 6 0	
Mould Candles ¼ lb.	Eightpence	0 0 8	
Dipped do. do.	Eightpence	0 0 8	
Cotton Wick do.	Two shillings and eightpence	0 2 8	
Patent Wicks Each.	One penny	0 0 1	
Fresh Beef ¼ lb.	Twopence-farthing	0 0 2½	
Salt Beef do.	Threepence	0 0 3	
Salt Pork do.	Eightpence	0 0 8	
Fresh Mutton do.	Threepence-halfpenny	0 0 3½	
Suet do.	Sixpence	0 0 6	
Bread .. { 1st Quality do.	Twopence-farthing	0 0 2½	
	2nd do. do.	Twopence	0 0 2
	3rd do. do.	Twopence	0 0 2
Ship Biscuit do.	Threepence	0 0 3	
Flour .. { 1st Quality do.	Twopence-halfpenny	0 0 2½	
	2nd do. do.	Twopence	0 0 2
	3rd do. do.	Twopence	0 0 2
Maize Meal do.	One penny-halfpenny	0 0 1½	
Raisins do.	Eightpence	0 0 8	
Arrowroot do.	Eightpence	0 0 8	
Treacle do.	Threepence	0 0 3	
Sago do.	Eightpence	0 0 8	
Rice do.	Twopence	0 0 2	
Tea do.	One shilling and sixpence	0 1 6	
Sugar do.	Threepence threefarthings	0 0 3¾	
Oatmeal do.	Fourpence	0 0 4	
Salt do.	One penny	0 0 1	
Pepper do.	One shilling	0 1 0	
Soap do.	Threepence threefarthings	0 0 3¾	
Starch do.	Sevenpence	0 0 7	
Soda do.	Twopence	0 0 2	
Blue do.	One shilling and fourpence	0 1 4	
Pearl Barley do.	Fourpence	0 0 4	
Tobacco { American do.	Five shillings	0 5 0	
	Colonial do.	One shilling and fourpence	0 1 4
Lard do.	Sixpence	0 0 6	
Salt Butter do.	One shilling and threepence	0 1 3	
Gelatine do.	Threefarthings	0 0 0¾	
Vegetables do.	Fivepence	0 0 5	
Milk ¼ quart.	Ninepence	0 0 9	
Yeast do.	One shilling	0 1 0	
Lime Juice do.	Thirty shillings	1 10 0	
Port Wine ¼ dozen.	Eleven shillings	0 11 0	
Rum ¼ gallon.	One shilling and sixpence	0 1 6	
Colonial Ale do.	Three shillings	0 3 0	
Vinegar do.	One shilling and sixpence	0 1 6	
Roach Lime ¼ bushel.	One shilling	0 1 0	
Charcoal do.	One shilling	0 1 0	
Straw ¼ cwt.	Five shillings	0 5 0	
Tobacco Pipes ¼ gross.	Four shillings	0 4 0	
Hay ¼ ton.	Nine pounds	9 0 0	
Maize ¼ bushel.	Three shillings and sixpence	0 3 6	
Bran do.	One shilling and eightpence	0 1 8	
Gram do.	Sevenpence	0 0 7	
Loaf Sugar ¼ lb.			
Water ¼ 100 gals.			

I propose John Hosking, Esq., of Sydney, and Thomas Barker, Esq., of Sydney, as my Sureties for the due observance of my engagement, in the event of the acceptance of this offer, and I annex a Memorandum of their willingness to be responsible for such observance, and to join me in a Bond accordingly.

I am,

Sir,

Your obedient Servant,

MORRIS CASTLE,

No. 45, Bourke-street,

Sydney.

N.B.—

The
Secretary to the Treasury.

(Signature)
(Residence)

N.B.—This Tender to be delivered at the Treasury, on or before 12 o'clock of Tuesday, the day appointed for receiving the Tenders.

All names and prices to be stated at length.

No Tender can be taken into consideration which is not accompanied by the following Memorandum duly signed.

MEMORANDUM.

In the event of the acceptance of the accompanying Tender of Morris Castle, of Sydney, we hereby engage to be responsible for the due observance of the Contract, and we undertake severally in that event to execute and deliver, within one month from the usual notification of acceptance, a Bond to Her Majesty, in the penal sum of £250, for securing such performance.

Signature of person tendering MORRIS CASTLE,
Residence No. 45, Bourke-street, Sydney.
Sureties .. { Signature JOHN HOSKING,
Residence Sydney.
Signature THOS. BARKER,
Residence Sydney.

II c.

No. 2.—H. H. B. H. L. H. L. A. C.

LUNATIC ASYLUM, TARBAN CREEK.

Sir,

Date, 14 August, 1860.

In conformity with the Treasury Notice, dated 12th day of July, 1860, I hereby tender to furnish the undermentioned Supplies, required for the service of the Lunatic Asylum, Tarban Creek, from 1st September, 1860, to 31st March, 1861, at the following Rates, viz. :—

RATIONS AND ARTICLES OF SUPPLY.	RATES.		
	Words.	Figures.	
<i>Rations to Attendants</i>	£ Ration.	Eightpence	0 0 8
<i>Rations to Patients.</i>			
A.—Full Diet	£ Ration.	Sevenpence	0 0 7
B.—Half Diet	do.	Fivepence five-eighths	0 0 5½
C.—Low Diet	do.	Fourpence seven-eighths	0 0 4½
D.—Fever Diet	do.	Threepence two-eighths	0 0 3½
Forage	do.	Two shillings	0 2 0
Firewood	£ 100 lb.	Sixpence four-eighths	0 0 6½
Best Clarified Sperm Oil	£ Imp. Gal.	Eight shillings	0 8 0
Common do.	do.	Five shillings and sixpence	0 5 6
Mould Candles	£ lb.	Eightpence	0 0 8
Dipped do.	do.	Eightpence	0 0 8
Cotton Wick	do.	Two shillings and sixpence	0 2 6
Patent Wicks	Each.	One penny	0 0 1
Fresh Beef	£ lb.	Twopence-halfpenny	0 0 2½
Salt Beef	do.	Threepence-halfpenny	0 0 3½
Salt Pork	do.	Eightpence	0 0 8
Fresh Mutton	do.	Threepence-halfpenny	0 0 3½
Suet	do.	Sixpence	0 0 6
Bread .. { 1st Quality	do.	Twopence-halfpenny	0 0 2½
2nd do.	do.	Twopence-farthing	0 0 2¼
3rd do.	do.	Twopence	0 0 2
Ship Biscuit	do.	Twopence-halfpenny	0 0 2½
Flour .. { 1st Quality	do.	Twopence three-farthings	0 0 2½
2nd do.	do.	Twopence-farthing	0 0 2¼
3rd do.	do.	Twopence one-eighth	0 0 2¼
Maize Meal	£ lb.	Three halfpence four-eighths	0 0 1½
Raisins	do.	Eightpence	0 0 8
Arrowroot	do.	Eightpence	0 0 8
Treacle	do.	Fourpence	0 0 4
Sago	do.	Eightpence	0 0 8
Rice	do.	Twopence four-eighths	0 0 2½
Tea	do.	One shilling and tenpence	0 1 10
Sugar	do.	Fourpence	0 0 4
Oatmeal	do.	Fourpence	0 0 4
Salt	do.	One penny	0 0 1
Pepper	do.	One shilling and fourpence	0 1 4
Soap	do.	Threepence three-farthings	0 0 3¾
Starch	do.	Sevenpence	0 0 7
Soda	do.	Twopence-halfpenny	0 0 2½
Blue	do.	One shilling and fourpence	0 1 4
Pearl Barley	do.	Fourpence	0 0 4
Tobacco .. { American	do.	Five shillings	0 5 0
Colonial	do.	One shilling and sixpence	0 1 6
Lard	do.	Eightpence	0 0 8
Salt Butter	do.	One shilling and sixpence	0 1 6
Gelatine	do.	Nothing .. .. .	...
Vegetables	do.	One penny one-eighth	0 0 1½
Milk	£ Quart.	Sixpence	0 0 6
Yeast	do.	One shilling	0 1 0
Lime Juice	do.	One shilling	0 1 0
Port Wine	£ Dozen.	One pound ten shillings	1 10 0
Rum	£ Gallon.	Eleven shillings	0 11 0
Colonial Ale	do.	One shilling and eightpence	0 1 8
Vinegar	do.	Three shillings	0 3 0
Roach Lime	£ Bushel.	One shilling and sixpence	0 1 6
Charcoal	do.	One shilling	0 1 0
Straw	£ Cwt.	Six shillings	0 6 0
Tobacco Pipes	£ Gross.	Four shillings	0 4 0
Hay	£ Ton.	Nine pounds	9 0 0
Maize	£ Bushel.	Four shillings	0 4 0
Bran	do.	One shilling and sixpence	0 1 6
Gram	do.	do.	do.
Loaf Sugar	£ lb.	Eightpence	0 0 8
Water	£ 100 Gals.	do.	do.

I propose Richard Teasdell, of Parramatta, and Harry Knight, of Parramatta, as my Sureties for the due observance of my engagement, in the event of the acceptance of this offer, and I annex a Memorandum of their willingness to be responsible for such observance, and to join me in a Bond accordingly.

I am,
Sir,
Your obedient Servant,
The Secretary to the Treasury. (Signature) JOSEPH TEASDELL,
(Residence) Parramatta.

N.B.—This Tender to be delivered at the Treasury, on or before 12 o'clock of Tuesday, the day appointed for receiving the Tenders.

All names and prices to be stated at length.

No Tender can be taken into consideration which is not accompanied by the following Memorandum, duly signed.

MEMORANDUM.

In the event of the acceptance of the accompanying Tender of Joseph Teasdell, we hereby engage to be responsible for the due observance of the Contract; and we undertake severally, in that event, to execute and deliver within one month from the usual notification of acceptance, a Bond to Her Majesty, in the penal sum of £250, for securing such performance.

Signature of person tendering JOSEPH TEASDELL,
Residence Parramatta.
Sureties .. { Signature RICHARD TEASDELL,
Residence Parramatta.
Signature HARRY KNIGHT,
Residence Parramatta.

No. 3.—H. H. B. H. L. H. L. A. C.

H. C.

LUNATIC ASYLUM, TARBAN CREEK.

Date, 13 August, 1860.

Sir,

In conformity with the Treasury Notice, dated 12th July, 1860, I hereby tender to furnish the undermentioned Supplies, required for the service of the from
1st September, 1860, to 31st March, 1861, at the following Rates, viz. :—

RATIONS AND ARTICLES OF SUPPLY.	RATES.	
	Words.	Figures.
Rations to Attendants 7/ Ration.	Sevenpence five-eighths	£ 0 0 7½
Rations to Patients.		
A.—Full Diet do.	Sixpence three-farthings	0 0 6½
B.—Half Diet do.	Fivepence	0 0 5
C.—Low Diet do.	Fourpence	0 0 4
D.—Fever Diet do.	Threepence	0 0 3
Forage 7/ Ration.	One shilling and ninepence	0 1 9
Firewood 100lbs.	Sixpence	0 0 6
Best Clarified Sperm Oil 1/ Imp. Gal.	Eight shillings	0 8 0
Common do. do.	Six shillings	0 6 0
Mould Candles 1/ lb.	Eightpence	0 0 8
Dipped do. do.	Eightpence	0 0 8
Cotton Wick do.	Two shillings and sixpence	0 2 6
Patent Wicks Each.	One penny	0 0 1
Fresh Beef 1/ lb.	Threepence	0 0 3
Salt Beef do.	Twopence one-farthing	0 0 2½
Salt Pork do.	Sixpence	0 0 6
Fresh Mutton do.	Threepence seven-eighths	0 0 3¾
Suet do.	Sixpence	0 0 6
Bread .. { 1st Quality do.	Twopence farthing	0 0 2½
{ 2nd do. do.	Twopence one-eighth	0 0 2¼
{ 3rd do. do.	Twopence	0 0 2
Ship-Biscuit do.	Threepence	0 0 3
Flour .. { 1st Quality do.	Twopence three-farthings	0 0 2½
{ 2nd do. do.	Twopence-halfpenny	0 0 2½
{ 3rd do. do.	Twopence	0 0 2
Maize Meal do.	One penny-halfpenny	0 0 1½
Raisins do.	Sixpence	0 3 6
Arrowroot do.	Eightpence	0 0 8
Treacle do.	Twopence three-farthings	0 0 2½
Sago do.	Eightpence	0 0 8
Rice do.	Twopence	0 0 2
Tea do.	One shilling and sixpence	0 1 6
Sugar do.	Threepence-halfpenny	0 0 3½
Oatmeal do.	Threepence-halfpenny	0 0 3½
Salt do.	One penny	0 0 1
Pepper do.	Tenpence	0 0 10
Soap do.	Threepence three-farthings	0 0 3¾
Starch do.	Sevenpence	0 0 7
Soda do.	Twopence	0 0 2
Blue do.	One shilling and threepence	0 1 3
Pearl Barley do.	Fourpence	0 0 4
Tobacco. { American do.	Four shillings and fourpence	0 4 4
{ Colonial do.	One shilling and fourpence	0 1 4
Lard do.	Fivepence-halfpenny	0 0 5½

RATIONS AND ARTICLES OF SUPPLY.	RATES.	
	Words.	Figures.
Salt Butter do.	One shilling and threepence	£ s. d. 0 1 3
Gelatine do.	Eight shillings	0 8 0
Vegetables do.	Three-farthings	0 0 0 ³ / ₄
Milk ¼ Quart.	Fourpence seven-eighths	0 0 4 ¹ / ₂
Yeast do.	One shilling	0 1 0
Lime Juice do.	One shilling	0 1 0
Port Wine ¼ Dozen.	Thirty shillings	1 10 0
Rum ¼ Gallon.	Eleven shillings	0 11 0
Colonial Ale do.	One shilling and sixpence	0 1 6
Vinegar do.	Two shillings and sixpence	0 2 6
Roach Lime ¼ Bushel.	One shilling and sixpence	0 1 6
Charcoal do.	One shilling	0 1 0
Straw ¼ Cwt.	Five shillings	0 5 0
Tobacco Pipes ¼ Gross.	Three shillings	0 3 0
Hay ¼ Ton.	Seven pounds	7 0 0
Maize ¼ Bushel.	Three shillings and sixpence	0 3 6
Bran do.	One shilling and sixpence	0 1 6
Gram do.		
Loaf Sugar ¼ lb.	Sixpence three-farthings	0 0 6 ³ / ₄
Water ¼ 100 Galls.	Two shillings and sixpence	0 2 6

I propose Mr. P. Devlin, of Ryde, and Mr. James Devlin, of Ryde, as my Sureties for the due observance of my engagement, in the event of the acceptance of this offer, and I annex a Memorandum of their willingness to be responsible for such observance, and to join me in a Bond accordingly.

I am,

Sir,

Your obedient servant,

(Signature) JAMES DEVLIN, JUNR.,
(Residence) Ryde.

The Secretary to the Treasury.

N.B.—This tender to be delivered at the Treasury, on or before 12 o'clock of the day appointed to receive the Tenders.

All names and prices to be stated at length.

No tender can be taken into consideration which is not accompanied by the following Memorandum, duly signed.

MEMORANDUM.

In the event of the acceptance of the accompanying tender of Mr. James Devlin, Junr., we hereby engage to be responsible for the due observance of the Contract, and we undertake severally in that event to execute and deliver, within one month from the usual notification of acceptance, a Bond to Her Majesty, in the penal sum of £150, for securing such performance.

Signature of person tendering
Residence
Sureties { Signature PATRICK DEVLIN,
Residence Ryde.
Signature JAMES DEVLIN,
Residence Ryde.

II c.

KNOW ALL MEN BY THESE PRESENTS, THAT WE, James Devlin, junior, Patrick Devlin, and James Devlin, all of Ryde, near Sydney, in the Colony of New South Wales, are jointly and severally held and firmly bound unto Her Most Excellent Majesty Queen Victoria, in the Penal Sum of One hundred and fifty pounds of English Money, to be paid to Her said Majesty, Her Heirs, and Successors, for which payment well and truly to be made, we bind ourselves, and each and every one of us, jointly and severally, and our and each and every of our Heirs, Executors, and Administrators, for ever, firmly, by these presents.

WHEREAS the above bounden James Devlin, junior, hath made the Tender hereunto annexed to furnish, under the terms and conditions of a Treasury Notice, dated the twelfth day of July now last past, and published in the New South Wales Government Gazette (of which notice a copy is also hereunto annexed) and at the prices in the said Tender mentioned, certain supplies, of the descriptions in the said notice mentioned, and specified in the said Tender as required for the Colonial Public Service, in the Police District of Sydney, for the Lunatic Asylum at Tarban Creek, from the first day of September, in the year of Our Lord One thousand eight hundred and sixty, to the thirty-first day of March, in the year of Our Lord One thousand eight hundred and sixty-one. And whereas the above bounden Patrick Devlin and James Devlin have severally agreed to become and be bound to Her Majesty, Her Heirs, and Successors, for the due performance and fulfilment of the said Tender, according to the terms and conditions of the said notice, and the said Tender has been duly accepted by His Excellency the Governor General, on condition that this bond should be entered into by them the said James Devlin, junior, Patrick Devlin, and James Devlin.

Now the condition of the above bond and obligation is such that if the said James Devlin, junior, shall and do well and truly perform and fulfil the said Tender, and the contract arising out of such Tender, and the acceptance thereof, as aforesaid, and all and every the terms, conditions, and stipulations in the said notice mentioned or referred to, in manner and form, and to all intents and purposes, as therein contained, then, and in such case, the above bond and obligation shall be null and void, otherwise the same shall be and remain in full force and virtue.

Scaled with Our Seals, dated this thirty-first day of August, in the year of Our Lord One thousand eight hundred and sixty.

(Signed) { JAMES DEVLIN, JR. (L.S.)
PATRICK DEVLIN. (L.S.)
JAMES DEVLIN. (L.S.)

Signed, Sealed, and Delivered }
in the presence of }
GEO. FRED. POOLE, Sydney.

III.

(Form of Bond.)

KNOW ALL MEN BY THESE PRESENTS, THAT WE in
the Colony of New South Wales, are jointly and severally held and firmly bound unto
Her Most Excellent Majesty Queen Victoria, in the Penal Sum of One hundred and fifty
pounds of English Money, to be paid to Her said Majesty, Her Heirs, and Successors, for
which payment well and truly to be made, we bind ourselves, and each and every one of
us, jointly and severally, and our and each and every of our Heirs, Executors, and
Administrators, for ever, firmly, by these presents.

WHEREAS the above bounden hath made
the Tender hereunto annexed to furnish, under the terms and conditions of a Treasury Notice, dated
the now last past,
and published in the New South Wales *Government Gazette* (of which notice a copy is also hereunto
annexed) and at the prices in the said Tender mentioned, certain supplies, of the descriptions in the
said notice mentioned, and specified in the said Tender as required for the Colonial Public Service, in
the Police District of from
the first day of , in the year of Our Lord One thousand eight hundred
and fifty- , to the thirty-first day of March in the Year of Our Lord One thousand
eight hundred and fifty- . And whereas the above bounden

have severally agreed to become and be
bound to her Majesty, Her Heirs, and Successors, for the due performance and fulfilment of the said
Tender, according to the terms and conditions of the said notice, and the said Tender has been duly
accepted by His Excellency the Governor General, on condition that this bond should be entered into
by them the said

Now the condition of the above bond and obligation is such, that if the said
shall and do well and truly perform
and fulfil the said Tender, and the contract arising out of such Tender, and the acceptance thereof, as
aforesaid, and all and every the terms, conditions, and stipulations in the said notice mentioned or
referred to, in manner and form, and to all intents and purposes, as therein contained, then, and in such
case, the above bond and obligation shall be null and void, otherwise the same shall be and remain in
full force and virtue.

Scaled with Our Seals, dated this day of
in the year of Our Lord One thousand eight hundred and fifty-

Signed, Sealed, and Delivered }
in the presence of }

IV.

TENDER FOR

Sydney, 18 .

do hereby Tender to supply the undermentioned Articles, upon the
terms expressed in the Treasury Notice, dated and to deliver the same into
the Government Store within after receipt of notification of the acceptance of this
offer. Except where otherwise expressed, the Stores to correspond in pattern and quality with the
samples on view at the Colonial Store: As Witness hand, this
18 day of

To Henry Lane, Esq.,
Secretary to the Treasury.

DESCRIPTION OF ARTICLES TENDERED.	PRICE.	REMARKS.

William Munnings Arnold, Esquire, Secretary for Public Works, a Member of the Com-
mittee, examined in his place:—

218. *By the Chairman:* I believe the greater portion of the tenders for contracts for the public service come under the supervision of your department? Yes, the bulk in value. W. M. Arnold,
Esq.
219. For the public works? For the public works.
220. Does any particular Board inspect these tenders in your department, or is it the same Board that inspects the tenders in other departments? The tenders are opened in my department by a Board composed of the Under Secretary and the heads of the branches concerned in the tenders, attended by the chief clerk in the office. 24 Oct., 1860.
221. *By Mr. Parkes:* Suppose there were a tender for harbors or rivers, who would that be opened by? By the Under Secretary for Public Works and the Chief Engineer for Harbors and Rivers, attended by the chief clerk in the office, and by any other heads of branches who happened to have tenders coming in on the same day for works in their branches.
222. *By Mr. Wilson:* Supposing there were no other tenders coming in on the same day, the Board would then consist of only of these three Government officers? Yes.
223. *By the Chairman:* Is the system pursued with regard to calling for tenders the same as in other departments? I do not know.

- W. M. Arnold, Esq.
24 Oct., 1860.
224. Would you then just state briefly the system in your department—on a sum being voted by Parliament for any specific object, what is the mode pursued? A plan and specification are prepared, and advertisements inserted in the *Gazette* and newspapers calling for tenders on a certain day; there is a box in which all tenders are deposited, and they are opened on that day by the officers I have named in the presence of the chief clerk; they are numbered and initialled by the officers, and the clerk then makes out a schedule of them, and calculations are made to ascertain which is the lowest; these calculations are sometimes very elaborate; the tenders are then referred to the head of the branch, who reports upon them; and then the Minister for Works approves of any tender that he thinks proper, or he rejects the whole.
225. Who has charge of this box? It is kept locked, and I think a key is in charge of each of the officers—the Under Secretary for Works and the heads of the different branches.
226. Then do I understand that, after the tenders are opened, the head of the branch, under whose peculiar supervision the work lies, reports upon them? Yes, after they are scheduled and made up he reports to the Secretary for Public Works, making a recommendation.
227. Then he substantially decides? Yes, the Minister decides; but it is not the usual practice to do otherwise than confirm the recommendation of the head of the branch, because his recommendation is usually an obviously correct one.
228. Who is the gentleman performing that duty now—Captain Martindale? No, he makes no recommendation except in matters under his immediate charge.
229. The head of the branch, I mean? Mr. Whitton, Mr. Dawson, Mr. Moriarty, Captain Mann, Mr. Bennett, and Mr. Cracknell, are the heads of the respective branches; the two latter gentlemen being, however, immediately subordinate to Captain Martindale.
230. What have the Board really to do? Simply to open and schedule the tenders and initial them; they see that everything is done fairly and openly.
231. Then the head of the department virtually points out the tender which is to be accepted? He determines everything, and is responsible. It is not incumbent on the head of the department to take the recommendation of the head of the branch, and it is not *always* the case that he does.
232. And what is done when the tenders are accepted or rejected? It is intimated to the persons who have tendered, whether their tenders are accepted or not.
233. And in case the tenders are rejected? It is the same in both cases, whether they are accepted or rejected.
234. They are not present when the tenders are opened? Not necessarily.
235. They are not invited to attend? I think they are; but in many cases the tenders come from great distances—from Melbourne, for instance.
236. Are you aware of any instances where contracts have been accepted, in which complaints have arisen of delay in payment for the work done? Yes, I think there have been cases where complaints have been made of delay in payment.
237. What is the course pursued with regard to payment? The parties are paid on the vouchers of the proper officers; for instance, if we have a court house building, say at Wellington, the Colonial Architect is the superintending officer in that case; he sends a Clerk of Works there to report, and on his being satisfied with the report of the Clerk of Works, and on receipt of the necessary vouchers, he makes the payments, as they become due, to the contractor, and the delay complained of very often occurs from the difficulty of procuring the necessary vouchers, on account of the distance of the work from head quarters.
238. *By Mr. Daniel:* You name Wellington—has such a thing taken place there? I name it, because it is a long way off. It may not happen that we have any Clerk of Works there, and the delay often occurs in this way, that there are several buildings going on in the same neighborhood in different stages, one being finished before another, and in that case the Colonial Architect may not think it necessary to send a Clerk of Works to each of these buildings as soon as it is finished, but comprehends them all in one visit, if this can be done without undue delay. In some small cases, where there is no Clerk of Works on the spot or near, the matter is intrusted to the local authorities; in fact, we have to get the work done in the best way we can, consistently with economy and efficiency.
239. *By the Chairman:* Does it ever happen that work is done without tender, in the mode pursued, as you have just heard from the Minister, in the department of Finance? Work is sometimes done in that way. We have a variety of modes of getting work done by contract; some contracts are taken for general works for the whole year on a schedule of prices; for instance, one man tenders to do all the mason's work at certain rates specified in his tender, and other tradesmen, in other descriptions of work, do the same, and whatever work of the kind is required that work is done by them. Separate tenders are not always called for, unless the works are of sufficient magnitude; and sometimes work is done without tender at all.
240. In what cases? In the case, for instance, of a railway accident, or a stoppage of the railway from flood or any cause, we get a lot of men and set to work at once and repair it, without waiting for a tender; but then very often it is done under a schedule of prices by some contractor. In cases of that kind we must do it the best way we can, without waiting for tenders.
241. How is it determined who is to be applied to in these cases? The head of the branch would determine and report to the head of the department what he had done.
242. Then the head of the branch would do it on his own responsibility? He would immediately report that he was about to do so and so, and if the head of the department sanctioned it on his own responsibility then it would be proceeded with.
243. *By Mr. Gray:* In inviting tenders for public works has any fresh form been adopted by you, different from that used by your predecessors in office—in the acceptance of tenders
do

do you deviate at all from that which others have done before? I hardly know what the head of the department has done before. W. M. Arnold,
Esq.

244. Have you established any fresh mode of dealing with tenders? No.

245. *By Mr. Egan*: Supposing a sum of £400 or £500 were voted for the performance of any public work, would that be done by a schedule of prices instead of calling for tenders? 24 Oct., 1860.
Sometimes.

246. Take, for instance, the Aviary in the Botanic Gardens, for which £400 was voted—was that work done without tender? Yes.

247. Do you consider that a correct mode of carrying on the works of the country? Yes, I believe that work could not have been done for anything like the price by contract. The Government sometimes have a quantity of material on hand, perhaps derived from the pulling down of some old building or from some alterations; the Colonial Architect reports that he has this material, that it will come in for the projected work, and that it is of no use, lumbering up the yard; the work can then be done under a schedule of prices, which is practically under contract; and the work is urgent perhaps.

248. *By Mr. Parkes*: Is that kind of work always done under a schedule of prices which have been previously tendered for? Generally.

249. *By Mr. Egan*: No statement of that kind is ever made by the Minister when the money is voted, that the work will be done by schedule of prices in consequence of the Government having old material on hand? Very often statements of this kind are made as recommending an expenditure or explaining an amount. Besides that, in the work to which you have alluded, most of the stonework was done in the Gaol and cost nothing at all. Now if we had called for contracts we certainly should not have got anybody to tender for any portion of the work at nothing. Some of the other stonework was given to it; and, in various ways, it was done cheaper than it could have been done by contract.

250. It must have come within your knowledge that one of the largest items connected with that Aviary was the wire—do you know whether that was purchased by contract? I do not.

251. Do you know whether it was the largest item? I do not.

252. Do you know what it cost? No; the head of the department knows nothing of these details, unless on special inquiry.

253. *By the Chairman*: Who can give the information? The Colonial Architect.

254. *By Mr. Egan*: When a sum is voted for a work, is it entirely under the control of the head of the department as to how it is to be carried out? Entirely.

255. The Minister has nothing to do with it? The Minister has everything to do with it; he is the head of the department; the thing is entirely under his control.

256. You appear to know nothing about this? I know everything about it; I know it was ordered to be done; but the Minister does not go to every shop and buy the wire.

257. Do you think it is right to leave £400 or £500 in the hands of the head of a department to go and buy where he likes; do you think he ought to do that? The head of the department does not do it.

258. I mean the head of the department where the work is performed? The head of the branch.

259. Well, the head of the branch? I hardly know how else you could do it.

260. Do you not believe it would be more for the benefit of the public service to have the articles tendered for than to leave it in the hands of a person to go and purchase where he thinks proper, and to give such prices as he thinks proper? I do not think that is the case, that they purchase where they think proper. In the purchase of small articles, which is sometimes necessary, I presume the position of an officer like the Colonial Architect is considered some guarantee for the proper performance of his duty.

261. Supposing this wire cost £50 or £100, would you think that ought not to be tendered for? I have always made it a rule, as far as possible, to carry out the principle of tender and contract, and, therefore, I have always refused to agree to any proposal for doing work under private arrangement where it could be avoided.

262. Then you do consider the best mode is by contract? I think it is the best mode in this respect, that it keeps the heads of the department free from any kind of suspicion, which is often made to attach to their acting; but my experience shews me that it is not the cheapest way of getting the public works done in all cases.

263. If a contract is offered, under which you think the work will not be performed at the cheapest rate, you are not bound to accept it? I am satisfied of this, that very often private arrangements are made, by which work is done infinitely cheaper than it would be by contract; and in some cases we have resorted to it when we have found the tenders so exorbitantly high that we were not justified in accepting them.

264. *By Mr. Gray*: Did you make the arrangement in the case of the Railway between Maitland and Lochinvar? I was not in the Government at the time; but it was the case that a good deal of that work was done under private arrangement.

265. *By Mr. Egan*: Do you know whether it is the practice of the Colonial Architect, when a sum of money is voted for any specific work, that if he thinks proper he can perform that work without calling for tenders at all, if he thinks he can do it under the amount voted by Parliament? No, I think not.

266. Was not that the course adopted in the case of the supply of furniture to Government House by Mr. Lenehan? That was not in my time.

267. Surely you must be aware of that case? No, not of the circumstances.

268. Well, it was arranged that if the articles could be got at the sum voted they were to be taken? I was under an opposite impression.

269. It was the line of defence set up? I do not know anything about that case.

270. However, it is the case that many of the public works are performed without contract?

No,

W. M. Arnold, Esq. No, it is quite the exception. I hardly know any cases where, in some way or other, the work is not done under competition. It may be sometimes that a work is not performed strictly under contract; but I hardly know a case where the price has not been tested by competition.

21 Oct., 1860.

271. Do you not think it desirable that in the event of a contract being accepted it should be published—the name of the party and the price? It is very difficult to say what the price is sometimes.

272. You know the price when you accept a tender? No, we do not invariably know the exact price when we accept a tender.

273. How can you accept a tender if you do not know the price? In this way: Tenders for public works, say a bridge —

274. I mean articles? That is a mere bagatelle compared to our other expenditure.

275. No doubt, but still it is an item of expenditure? There may be a few pounds spent in wire, or something of that sort; but all these things are, comparatively, extremely small.

276. I am alluding to articles supplied by tender. Do you not think the name of the tenderer and the price of the articles should be published? I have already said that in respect to some of our tenders, we cannot say what the price is, because our tenders for large works are sent in in this way: they send in a bulk sum for which they will complete the work. Take the case of a large bridge, such as the Glebe Island Bridge. In such a case as that, the contractor would send in a bulk sum for which he would complete the work, according to the specification; but that is not necessarily the price at which the contract is taken; because, in addition to the bulk sum, he sends in a schedule of prices for every part of the work. It may be that the specification is in some respect incomplete—that is to say, some articles are not included; or, it may be, that the work will be found to require to be done in some other way than is provided in the specification; so that the Government protect themselves against extravagant demands for extras. They can order any deviation which is rendered necessary by circumstances in the course of construction, and then they pay under the schedule of prices for such deviations or extras. The bulk sum therefore may afford no precise information at first view; and it might be that the tender accepted would show a bulk sum greater than a tender that was refused.

277. Supposing a tender were out for two thousand pairs of blankets——? We do not deal with blankets.

278. I am not speaking about your department in particular—I am asking you whether, when such a tender was accepted, the name of the party tendering and the amount of his tender should not be made public, the same as in Melbourne? Well, I have not considered whether it ought to be; the information is always accessible, there is no difficulty in obtaining it. I should think it might be undesirable in some respects to publish it; my impression is, without considering the matter very much, that it would be undesirable, inasmuch as it would be a sort of guide to people tendering in future, as to the price the Government would give. I do not think there would be much gained, but it strikes me as a practice of no great importance either way. But if all this information were afforded to tenderers, they might be inclined to tender, not at what they could do the work for, but at what they had reason to believe they can get from the Government. Now, the Government estimate of the value of a work is generally concealed; for instance, we never make public the estimate of our engineers for their various works. It often happens that the tenders are very much below the estimates of our engineers, and if they are very much above them, we do not accept them generally speaking. It can hardly be conceived, the extraordinary difference in the amounts of tenders. We sometimes have for instance a large sum, say £2,000, voted for a work, for which the bulk of the tenders will come in, all ranging within a few pounds of the sum voted, while it may be that some tender will come in for a sum not more than twenty per cent., or one-fifth, of the sum voted. I think I have known an instance where the highest tender was near £2,000, and the lowest not much above £200. I would therefore suppose that the persons making the highest tenders are guided by some knowledge of the amount available, while the lowest tenderers have known nothing about the amount available, but have tendered at the price at which they could execute the work—perhaps from some local knowledge that they have.

FRIDAY, 26 OCTOBER, 1860.

Present:—

Mr. DANIEL,
Mr. EGAN,
Mr. GRAY,

Mr. PARKES,
Mr. PLUNKETT,
Mr. WILSON.

ALEXANDER CAMPBELL, ESQ., IN THE CHAIR.

Archibald Campbell, Esq., called in and examined:—

A. Campbell, Esq. 279. *By the Chairman:* You are now Acting Colonial Storekeeper? Yes.

280. How long have you been in the Colonial Store? Eight years last February, I think.

281. During that time, or any part of that time, was it your business to attend particularly to tenders and contracts? Not until I was appointed Acting Colonial Storekeeper, during Mr. Buchanan's suspension.

26 Oct., 1860.

282. When was that? On the 1st of February this year.

283.

283. Since the 1st of February you have been acting in Mr. Buchanan's place? Yes.
284. And since that time the tenders and contracts made by the Government for your department have been under your cognizance and supervision? Yes.
285. Have you been since that time one of the Board appointed to open tenders and decide upon them, in the place of Mr. Buchanan? On my first appointment I opened the tender box, but took no active part with respect to the tenders. For about a month after I had been acting I did not sign the schedules. I kept one key and opened the box, but had no responsibility as to recommending tenders.
286. Have you been one of the Board at all? Since about March I have been one of the Board.
287. And have performed those duties that were previously performed by Mr. Buchanan? Yes.
288. You were summoned to produce some papers—have you brought them? I have.
289. *By Mr. Parkes*: What papers are those? Two schedules and tenders for handcuffs, bags, and buckets.
290. *By the Chairman*: You exhibit the documents connected with certain tenders for handcuffs? Yes.
291. Will you state the dates of those tenders? 22nd February, 1859, and 27th September, 1859; those are the dates on which they were approved. (*The witness exhibited the original documents, and handed in certified copies. Vide Appendix.*)
292. *By Mr. Plunkett*: What are the amounts? The amount in each case is £40.
293. *By the Chairman*: There are two tenders here, dated in February, one from Hawley and Co., and one from Mr. J. W. Weekes? Hawley and Co.'s tender appears to have been an irregular one, received after date, and therefore not acted on; as will be seen minuted on the tender itself by Mr. Robert Campbell.
294. *By Mr. Gray*: Was he Colonial Treasurer at that time? Yes.
295. *By the Chairman*: Mr. J. W. Weekes' tender was accepted? Yes.
296. There is another tender here from Mitchell and Co.? Yes, that is in the second schedule—Mitchell and Co. and Mr. Rayment Audsley.
297. There seems to be no report on this? Not on the tender itself; it is upon the schedule. In the case of Hawley and Co., the tender being irregular, the report was on the tender itself.
298. It appears that no offer for buckets having been received, the Treasurer directed that they should be obtained from Hawley and Co., at the price named in their tender? Yes; no offer was received that could be considered as a tender by the Board, Hawley and Co.'s having come in late.
299. The tender is the same? The tender is the same, but it was sent wrong; it was sent to Mr. Weston, who received it at the Colonial Stores and forwarded it on to the Colonial Treasurer, who opened it and made that minute upon it.
300. This tender of Hawley and Co.'s seems to have been addressed to the Honorable the Secretary for Finance and Trade? Yes, but it was handed to Mr. Weston, at the Colonial Store, not having been sent in in time, by mistake of the person intrusted to deliver it. The red ink memorandum was put on it previous to its being opened by the Treasurer.
301. There is no date to this? No, but the date of the tender itself is the same as the others.
302. The buckets then were purchased by private contract? They were purchased from Hawley and Co., at the price specified in their tender received too late, according to Mr. Robert Campbell's recommendation—theirs being the only offer for buckets.
303. What is the system in the Colonial Store with regard to purchasing goods privately—do you get any special order? We give an order.
304. What power have you, I mean, to purchase goods privately? I have no specific instructions. If things are required urgently, and the amount is not large, I am at liberty to buy them.
305. To what amount? I should say within £50 worth; but there is no precise order. There was at one time an order that all amounts over £50 should be certified by two merchants; but that has been done away with some time.
306. How long has it been done away with? I cannot tell the exact date.
307. However, at one time there was an order and a practice, by which all goods supplied to the Government, by private contract, were to be certified to as to price by two merchants, the same as in the Commissariat service? Yes.
308. That system has been done away with? It has not been in use for a long time; I do not know whether there were any orders to discontinue it.
309. How long is it since that system has been given up? I cannot recollect; I had nothing to do with the contracts previous to the beginning of this year.
310. In no case would you, as head of the Colonial Store, be authorized to buy things privately, excepting in case of emergency? I believe not. The requisitions come in in such an irregular manner and at such different dates, that things are bought by dribs and drabs—in small amounts at a time; they mount up in the aggregate to good sums, but the individual orders are very small; the service will not admit of waiting in all cases till they accumulate to a sufficient amount to call for tenders.
311. Any amounts above £50 you would consider it in excess of your authority to order without tender? Yes.
312. And up to that amount you consider yourself justified in purchasing at once without any hesitation? If the cases will not admit of delay; but if they will at all admit of it, I prefer tendering for everything.
313. Have you any practice by which the parties tendering shall attend at the time the tenders are decided upon? No, it is left to their own option.

A. Campbell,
Esq.
26 Oct., 1860.

- A. Campbell, Esq.** 314. Are they invited to attend? In the case of large tenders they are invited by the advertisement to attend to give any information, but they merely wait in the waiting room; they are not with the Board when the tenders are opened.
315. Never? I have never seen them.
316. *By Mr. Gray:* They are not present when the tenders are opened? No.
317. Is the box opened previous to the Board's meeting? No, never. The box has two separate locks, of which I hold one key and Mr. Lane the other.
318. *By the Chairman:* From your experience, can you state whether there is any dissatisfaction expressed with the present mode of tendering for Government supplies—whether parties tendering frequently make complaints that they are not fairly treated? I have heard of but one instance of complaint since I have had anything to do with it.
319. Will you name it? It was in the case of some oil purchased from Griffiths, Fanning, and Co., for which Mr. Harbottle tendered at the same time.
320. Can you state the circumstances under which their tender was accepted and his rejected? The samples were examined by the Board, of which Captain Browne was one. The oil was specially for the lighthouses, and as they are immediately under Captain Browne's control, he was supposed to have more voice in the matter than anyone else. We examined the samples; Griffiths, Fanning, and Co.'s looked good, but was two-pence a gallon dearer; the other was clearer, but did not look quite so good; we had some argument about it, and the majority were in favor of Griffiths, Fanning, and Co.'s sample. I mentioned at the time that I believed there would be more waste in that oil than in the other. This was the first contract I had been called upon to sign.
321. Were the samples tried in that case? No, they were not used in a lamp.
322. Merely looked at? Merely looked at.
323. And Griffiths, Fanning's was accepted from preference given to its quality on inspection? Yes.
324. Is that the only case in which you have heard complaints? That is the only one.
325. Since March last at any rate? Yes.
326. In receiving those tenders do you generally look to the person who signs the tender, or are you merely guided by the price and quality? By price and quality.
327. You make no reference at all to the persons who tender? Questions are asked; it is generally preferred to know who it is; the Board frequently ask me if I know the person. I have known every one who has tendered since I have had anything to do with it. Generally the same class of people tender.
328. If a strange name comes before you, do you consider it necessary to make inquiry? For my own satisfaction I always do, but I have no orders to do so; but the quality and price of the goods are the principal things; a man's name does not go for much.
329. You have had some investigation into the Colonial Storekeeper's department lately? Yes, it has extended over the whole time I have been acting.
330. In what did it originate? In questions as to the late Colonial Storekeeper importing goods and tendering under a fictitious name. I believe that was the first charge against him.
331. And out of that the inquiry arose? Yes; in fact it was for acting with Mr. Weston, and both of them tendering for goods.
332. Did not that inquiry arise out of fictitious tenders being sent in? Yes, that was it.
333. The result of that investigation of course is known, and is to be laid before the House; but that was the origin of it, that persons connected with the department were tendering under fictitious names? Yes.
334. *By Mr. Gray:* You are now one of the Board for opening tenders? Yes.
335. Perhaps you would state to the Committee the mode of procedure when you open the tenders? A notice is first published in the *Government Gazette*, inviting tenders, and attention is called to that notice in the daily papers besides. On the day fixed the Board meets—generally three persons, sometimes four, but three are enough. The Board meets at the Treasury; I take one key of the tender box, and Mr. Lane has the other; we then open the two locks in the presence of the whole Board; the tenders are taken out then, and handed to one of the Board, who opens them and signs his name in full upon the first tender, marks it number one tender, and initials and numbers the rest; the remainder of the Board do the same. If there are several tenders they are then put into schedule, after having been registered at the Treasury.
336. Who puts them into schedule? That is done either by myself or some one in my department, if they are stores for my department.
337. Do you do that while the Board are present? No, they are taken away—the original documents.
338. And scheduled by clerks? Yes.
339. Then the Board have never investigated the tenders before they again come to them in schedule? No, not in reference to samples.
340. Would it be possible for any of the clerks to alter the figures, or in any way alter the tenders, previous to their having been first seen by the Board and the Board giving their decision? No, I think not.
341. How so? The original tenders are always kept in the schedule; they are all kept together.
342. But you say they are out of the presence of the Board; that they pass through the hands of clerks previous to their first inspection by the Board and the Board giving a decision on them; you say they are merely initialled by the Board? They are not passed to clerks previous to their first inspection.
343. I know, but between the first opening and inspection and the Board's decision on them they are passed to clerks to be scheduled and calculated also? Yes.

344. Then the Board in reality never calculates the tenders when they inspect them first? A. Campbell, Esq.
- They do if it is not a very elaborate calculation.
345. Are you aware that complaints have been made that some of the clerks, in scheduling these tenders, have made erasures? I never heard of it; I never heard it hinted before.
346. Do you think it is possible that, while scheduling these tenders, they might make an alteration, such as would alter the amount and appearance of the tender—is it not possible for them to do so? It is just possible, but very improbable. They must be in collusion with the party tendering in the first instance.
347. Suppose that: provided they are in collusion with the party tendering, is it possible for some alteration to be made by some of the clerks, so as to make a particular tender appear the lowest? I hardly think it is possible.
348. *By Mr. Wilson:* Does the same party always schedule the tenders? In my department always the same; if I do not do it myself, the next clerk does.
349. Does he know whether he will have the duty? He generally knows that if I do not do it he will have to do it. There may be an exception.
350. *By Mr. Gray:* You are not of course aware how the business is done in other departments? No, I have nothing to do with that.
351. *By Mr. Egan:* When any goods are tendered, I presume samples are always forwarded? Yes, where it is necessary they are called for.
352. And the samples are inspected by the Board? By the whole Board.
353. By whom is the delivery of the whole quantity inspected? By the store clerk; he is responsible for the delivery.
354. It is left to the store clerk to see to the description of goods delivered? Yes, according to sample.
355. He might receive a very inferior quality of goods compared with the sample? The storekeeper generally sees them.
356. He could, if he liked, receive a very inferior article? I do not think he could, without its being subsequently discovered. The parties receiving inferior goods would be certain to complain.
357. Is it not often the case that a sample pair of blankets are sent in, and that the bales sent to the Colonial Store are never opened until they reach the place where they are intended for use? They are examined; a bale is taken here and there, if they are bales of the same mark.
358. Do you mean to say that bales have not been received that have not been opened at all? A great many.
359. That have never been examined? Not each individual bale. It would be impossible to open them all without damaging the goods, if they were to be stored for some time.
360. I do not see that it would damage the goods much just to rip the package and see that they were the same as the sample? It would occupy a great deal of time.
361. Do you not think that for want of this examination the system is open to fraud? I think not; in all my experience for eight years I never heard anything of the sort.
362. *By the Chairman:* In such a case as Mr. Egan has just mentioned, would not a dishonest person, of whom you know nothing and who might be worth nothing, have the door open to fraud in a very large contract. If you were dealing with a dishonest person, or a person whose business was to buy damaged goods at auction, would it be possible to commit a fraud under such a system as that? It is just possible; but if a person were unknown more care would be taken in the examination.
363. Then in point of fact you do look to the character of the tenderer as well as to the quality of the goods? Yes, we do in receiving the goods; but in accepting the tenders we scarcely look to the respectability of the person.
364. But it does form an element in the consideration of the whole matter? Decidedly.
365. *By Mr. Egan:* Do you not make any inquiry as to the person at all. Suppose a tender is received signed William Jones, do you not inquire who he is? During my experience I have known every one who tendered.
366. Supposing a person tendered that you did not know? Then I should decidedly inquire for my own satisfaction.
367. *By Mr. Daniel:* Who is the supposed head of your department? I am at present.
368. But beyond you again? The Treasurer.
369. Does he give you orders direct from himself, or does the Under Secretary? The Under Secretary.
370. Mr. Lane in fact is the principal? Yes.
371. When you have to go and purchase two hundred handcuffs, for instance, do you make a point of going to one particular establishment? We generally inquire the price, when it is done without tender, and take the lowest. We send round the town generally to all the respectable dealers in the articles. For small supplies we generally hold to one; it prevents confusion.
372. *By the Chairman:* You have no particular shops or stores where you deal? No, but for small supplies we go to those who we know are the cheapest. We generally get the prices before any considerable order is given.
373. *By Mr. Plunkett:* Who are the members of the Board for opening tenders? They are not always the same. The Colonial Storekeeper is on the Board when the tenders relate to stores, and the Under Secretary for Finance is invariably another; but the third is not always the same; in most cases Captain Browne.
374. By whom are the members of the Board appointed? By the Under Secretary for Finance and Trade; he sends a circular round requesting attendance.
375. You say there are sometimes four persons, who is the fourth? Mr. Lumsdaine, of the Distilleries, has been one of the Board sometimes lately, and Mr. Trickett, of the Mint.

- A. Campbell, 376. In what cases? It is very lately we have had four; I think it is as an extra check.
 Esq. 377. Do you know how the members of the Board are appointed, are you apprised of any reason for a change? No.
- 26 Oct., 1860. 378. Do these gentlemen act instead of Captain Browne? Sometimes if he is indisposed or away on any business.
 379. Is there any perquisite to anyone? No.
 380. *By the Chairman*: Do you not think the Board, as constituted, have very large powers conferred upon them? No, I do not think they have.
 381. Are they bound by any rules? The general rule is to take the lowest tender unless the sample is inferior.
 382. They have great powers in determining on the samples? No doubt.
 383. Do you think the Board you have named are the best parties to judge of merchandise—for instance, Captain Browne and Captain McLerie? They may be by experience now, but I do not think they knew much of it before they were on the Board. I think the Colonial Storekeeper, the person who generally has the handling of the stores, knows more about them.
 384. Do you think it is a desirable thing to have the Colonial Storekeeper and the Under Secretary always and in every case members of this Board, which you admit have very large discretionary powers—do you think they are the parties most likely to be disinterested and unbiassed? I think they are; I do not see who could be more so; I think on the part of the Government these two should be there.
 385. In a former part of your evidence, you state that a charge of importing goods and tendering under a fictitious name to the Government has been brought against one of these officers? Yes.
 386. Under such circumstances, do you think parties put in that position are the best possible persons to be appointed to decide in matters of this kind? Speaking of it in that light, I should say the Colonial Storekeeper was not; I mentioned it merely in the light of his experience and knowledge of the articles required.
 387. I am not talking of experience—I am talking of a person to decide without bias? Then I should say that another party would be better than the storekeeper.
 388. These two officers are always under the direct influence of the Government of the day? Yes.
 389. Then do you not come to the conclusion that parties not under that influence would be more likely to do justice? I think there should be a majority on the side of the Government—that two officers of the Government should be on the Board.
 390. But in this case all are officers of the Government? Yes.
 391. Do you think it would be a satisfactory mode of informing the public of what was going on in respect to tenders, to advertise the tenders accepted, with the name of the person and the price of the article—as in the case of these handcuffs, to have advertised that the tender of Mr. J. W. Weekes, dated such a day, for so many pairs of handcuffs, at such a price, had been accepted—do you think that would be a check? I think it would, and I think it would be satisfactory to the public.
 392. That would save an immense deal of importunity that the Government have to put up with now from persons requiring reasons? I think it would be very satisfactory.
 393. Do you think it would be satisfactory also that the parties tendering should be invited to be present in the room when all the tenders are opened and scheduled? I think it would; there could be no objection to it that I could see, and it would do away with any feeling of underhand influence they might have. I think it would be a very good plan.*
 394. *By Mr. Plunkett*: Are the sittings of this Board frequent? On the average nearly every week.
 395. How are they called together? By notice from the Treasury.
 396. *By the Chairman*: Supposing you saw the name of a Member of Parliament coming in as a tenderer, would that excite your attention or suspicion in any way? It would. In any transactions we always avoid having anything to do with Members of Parliament.
 397. You make that a point in all your transactions? Yes, as much as possible to avoid any dealings with them.
 398. Supposing I had a store in town, and supposing you were told to come to my store and buy tea or sugar, would you hesitate in doing so? I should, decidedly.
 399. Or supposing you saw my clerk or any dependent upon me sending in a tender, would that excite your suspicion? It would.
 400. What would you do? I could do nothing but report it to the Treasury, for my authority is very limited.
 401. *By Mr. Plunkett*: You would not reject the tender? I could not; my authority would not be sufficient.
 402. *By the Chairman*: Have you ever known a case where a Member of Parliament has been tendering? I do not know of a direct tender.
 403. An indirect one, then? Only from hearsay—these we have been speaking of.
 404. You do not know of any other? No.
 405. *By Mr. Egan*: Have you ever made any purchases under the £50 system from Members of Parliament? In very few cases, where we have had a special request to get the goods there.
 406. *By the Chairman*: What were those cases? There was one case the other day, where I sent a small order to Mr. Weekes' shop, because the Harbor Master said the tools and things required could be selected there to advantage; he selected them himself.

407.

* NOTE (by witness upon revision):—I recollect here stating—"That persons tendering should not be present when samples were compared and the decision arrived at."—A. C.

407. What was the nature of that order? Tools for boat-building—for repairs to the boats. A. Campbell, Esq.
 408. Is that the only case? That is the only case.*
 409. From anybody? From anybody.
 410. *By Mr. Plunkett*: What was the amount of that order? Under £12.
 411. *By the Chairman*: I thought Mitchell and Co. were the people you dealt with for such things? For ship chandlery we do; this was for tools for boat-building. In my own case I have always avoided sending to Members of Parliament.
 412. In fact you know it is known in the service that Members of Parliament are precluded from tendering either directly or indirectly? Yes, it is well known.

26 Oct., 1860.

APPENDIX.

(True Copy.)

ARCHIBALD CAMPBELL.

SCHEDULE of Tenders received in pursuance of Notice, dated 14th February, 1859, published in the *Government Gazette*, and opened in the presence of the undersigned, for supplying the under-mentioned articles required for the Public Service.

DESCRIPTION AND QUANTITY.	No. 1. J. W. WEEKES.	No. 2. F. MITCHELL.
Handcuffs—Police 200 pairs.	4s.	4s. 6d.
Buckets—galvanized iron..... 100 „	No offer.	No offer.

22 February, 1859.

The tender of Mr. J. W. Weekes being the lower, and considered not unreasonable, is recommended for acceptance. No offer for the buckets having been received, it is recommended that they be procured by private arrangement.

JNO. BUCHANAN,
 JNO. M'LERIE,
 HENRY LANE.

In all two tenders.—No. 1. 22 February, 1859.—J. B. H. L. J. M'L.

(True Copy.)

ARCHIBALD CAMPBELL.

398, *George-street*,
22 February, 1859.

Sir,

I beg to tender for the supply of 200 pairs of Police handcuffs (as per sample left at Colonial Store), at the rate of 4s. (four shillings) $\frac{1}{2}$ pair.

I remain, &c.,
 J. W. WEEKES.

The Hon. the Colonial Treasurer.

No. 2. 22 February, 1859.—J. B. H. L. J. M'L.

(True Copy.)

ARCHIBALD CAMPBELL.

Circular Quay, Sydney,
17 February, 1859.

The Honorable Colonial Treasurer.

Sir,

I beg to tender to supply for the Public Service 200 pairs of Police handcuffs, at four shillings and sixpence (4s. 6d.) $\frac{3}{4}$ pair.

I have, &c.,
 FRANCIS MITCHELL,
Pro T. W. MITCHELL.

(True Copy.)

ARCHIBALD CAMPBELL.

458, *George-street*,
22 February, 1859.

Sir,

We beg to submit for your consideration our tender for handcuffs, &c., advertised in *Government Gazette* of 15th instant.

We have, &c.,
 ALF. HAWLEY & CO.,
Pro JOHN MACPHERSON.

200 pairs Police handcuffs, @ 3s. 10d. per pair.
 100 galvanized iron buckets (strongest make), @ 46s.
 „ Colonial ditto, made of Morewood and Rose's best iron, @ 39s.

The Hon. the Secretary for Finance and Trade.

(MEMO. on Envelope of above Tender.)

Delivered to me this morning by Mr. Holdsworth, who stated that the person to whom he had intrusted it to place in the Tender box had omitted to do so.—J. WESTON.
 See Minute on the enclosure of this letter.—25th. Rr. C.

I

* *NOTE (by witness upon revision)*:—I now recollect another case—I bought £8 worth of steel pens of Mr. Piddington, because I could not obtain them elsewhere.—A. C.

A. Campbell, Esq. I have opened this Tender. The circumstance of its not being delivered until after the time mentioned will account for its not being registered. I observe it contains a Tender for the buckets alluded to by Mr. B., and therefore, perhaps, should the price and quality be approved, they may be taken.—Rr. C. 25 February.

26 Oct., 1860.

The Board concur in the recommendation proposed by the Colonial Treasurer.

JNO. M'LERIE.
JNO. BUCHANAN.
H. LANE.

A. 12.—No. 1.

(True Copy.)

ARCHIBALD CAMPBELL.

No. of Abstract No. } Voucher No.
to Warrant No. of 18 }

THE DEPARTMENT OF THE COLONIAL STOREKEEPER,

Dr. to J. W. WEEKES.

DATE.	For the undermentioned Articles supplied for the Public Service, viz:—	AMOUNT.
1859.		£ s. d.
Mar. 1.....	200 pr. Police handcuffs, @ 4s. p. pr.	40 0 0
	TOTAL.....	£ 40 0 0

I certify that the quantities of the above-mentioned articles were duly supplied, as stated, by the above-named individual, and that they were conformable to the samples stipulated for, and of good and sufficient quality. I further certify that they were necessarily required for the Public Service, and that the prices charged were the most reasonable for which the same could be procured, at the time of purchase; and, furthermore, that they were ordered upon approved requisitions.

J. WILLIAM JENKINS.

JNO. BUCHANAN, C. S.

RECEIVED on the 14th day of March, 1859, from JOHN BUCHANAN, Esquire, Colonial Storekeeper, the sum of Forty Pounds sterling, in full payment of the above Account, for which I have signed Duplicate Receipts of the same tenor and date, pursuant to Warrant of Government, No. dated

JNO. W. WEEKES.

Witness—A. R. JONES.

(True Copy.)

ARCHIBALD CAMPBELL.

SCHEDULE of Tenders received in pursuance of Notice, dated 19th September, 1859, published in the *Government Gazette*, and opened in the presence of the undersigned, for supplying the undermentioned articles required for the Public Service.

DESCRIPTION AND QUANTITY.	No. 1.	No. 2.	RECOMMENDATION.
	RAYMENT AUDSLEY.	MITCHELL AND Co.	
Handcuffs—Police 400 prs.	4/-	4/-	{ The prices being the same, it is recommended that half the supply be taken from each tenderer.
Bags—hempen cloth, } 3ft. by 2ft. .... }	.....	3/6 each.	{ Recommended to be rejected as not conforming to pattern—inferior cotton material being proposed to be substituted for hempen.

Treasury, 27 September, 1859.

JNO. BUCHANAN.
HENRY LANE.

(True Copy.)

ARCHIBALD CAMPBELL.

The Treasury, New South Wales,
19 September, 1859.

TENDER FOR STORES.

TENDERS will be received at this office, till noon, of Tuesday, the 27th instant, from persons willing to supply—

400 pairs of Police handcuffs.
400 hempen cloth bags, 3 feet by 2 feet.

Printed forms of tender can be obtained at the Colonial Storekeeper's office, Lower George-street, and any further particulars required.

Tenders to be indorsed, "Tender for Stores."

E. C. WEEKES.

In all two Tenders—No. 1. 27 September, 1859.—J. B. H. L.

A. Campbell,
Esq.

(True Copy.)

ARCHIBALD CAMPBELL.

TENDER FOR STORES.

Sydney, 27 September, 1859.

26 Oct., 1860.

I, Rayment Audsley, do hereby tender to supply the undermentioned articles, upon the terms expressed in the Treasury Notice, dated 20th September, and to deliver the same into the Government Store within ten days after receipt of notification of the acceptance of this offer. Except where otherwise expressed, the stores to correspond in pattern and quality with the samples on view at the Colonial Store. As witness my hand, this twenty-seventh day of September, 1859.

RAYMENT AUDSLEY.

To Henry Lane, Esq.,
Secretary to the Treasury.

DESCRIPTION OF ARTICLES TENDERED.	PRICE.	REMARKS.
400 pairs Police handcuffs	At Four Shillings per pair.	

Address,—
Rayment Audsley,
Post Office.

No. 2. 27 September, 1859.—J. B. H. L.

(True Copy.)

ARCHIBALD CAMPBELL.

TENDER FOR STORES.

Sydney, 26 September, 1859.

We do hereby tender to supply the undermentioned articles, upon the terms expressed in the Treasury Notice, dated 19th September, and to deliver the same into the Government Store within four days after receipt of notification of the acceptance of this offer. Except where otherwise expressed, the stores to correspond in pattern and quality with the samples on view at the Colonial Store. As witness our hands, this twenty-sixth day of September, 1859.

MITCHELL & CO.

To Henry Lane, Esq.,
Secretary to the Treasury.

DESCRIPTION OF ARTICLES TENDERED.	PRICE.	REMARKS.
Handcuffs—Police	400 pairs.	4s. 4 ^p pair.
Bags—canvas (off sample)	200 @s	2s. 6d. each.
Do, do, do	200 @s	3s. 6d. each.
		3 ft. x 2 ft.
		3 ft. x 3 ft.

(True Copy.)

ARCHIBALD CAMPBELL.

A 12.—No. 1.

No. of Abstract No. }
to Warrant No. of 18 }

Voucher No.

THE DEPARTMENT OF THE COLONIAL STOREKEEPER,

Dr. to RAYMENT AUDSLEY.

DATE.	For the undermentioned Articles supplied for the Public Service, viz. :—	AMOUNT.
1859.		
Oct. 5	200 pairs chain handcuffs, at 4s. per pair	£ 8 0 0
		40 0 0
	TOTAL.....	48 0 0

I certify that the quantities of the above-mentioned articles were duly supplied, as stated, by the above-named individual, and that they were conformable to the samples stipulated for, and of good and sufficient quality. I further certify that they were necessarily required for the Public Service, and that the prices charged were the most reasonable for which the same could be procured, at the time of purchase; and, furthermore, that they were ordered upon approved requisitions.

J. WILLIAM JENKINS.

JOHN BUCHANAN, C.S.

RECEIVED on the Tenth day of October, 1859, from JOHN BUCHANAN, Esquire, Colonial Storekeeper, the sum of Forty Pounds sterling, in full payment of the above account, for which I have signed Duplicate Receipts of the same tenor and date, pursuant to Warrant of Government, No. dated

Witness—JOHN WESTON.

RAYMENT AUDSLEY.

Mr.

Mr. John Weston called in and examined:—

- Mr. J. Weston. 413. *By the Chairman:* You were a long time in the Colonial Store? Five or six years; I left the Colonial Secretary's Office to go there.
- 26 Oct., 1860. 414. What was the general system pursued with regard to tenders when sent to you from the Treasury? They were put in schedule.
415. At the Colonial Store? At the Colonial Store, and the recommendation and approval were attached.
416. By whom? The recommendation by the Colonial Storekeeper.
417. Is there not a Board? The Board merely opened the tenders, numbered them, and then sent them down for the schedule to be prepared. The Colonial Storekeeper prepares the schedules and examines the samples; the Board do not examine the samples.
418. I believe the Board consisted of Captain McLerie, Captain Browne, Mr. Buchanan, and Mr. Lane—these were the gentlemen who had to open the tenders? Mr. Buchanan and Mr. Lane generally were on the Board, in matters connected with their own department; seldom Captain Browne, but occasionally I believe he was one; I do not think Captain Browne was always one.
419. Then the recommendation was left to the Colonial Storekeeper? It was left to the department for which the supplies were required.
420. Without any Board? They sign the recommendation afterwards, before it goes to the Minister.
421. Then the functions of the Board are simply confined to opening the tenders? That is as it appears to me.
422. When these tenders were sent down to the Colonial Store and scheduled, the Colonial Storekeeper then proceeded to decide upon them? Yes.
423. By himself? No, not by himself; there is a paid person in the department whose duty it is to examine the quality of the stores.
424. What did Mr. Lane do in these matters? He simply opened the tenders in conjunction with the other members of the Board, and initialled the tenders.
425. He never attended to the final examination of the tenders upon the sample? No.
426. Nor Captain Browne nor Captain McLerie? No, I never saw them.
427. Did you ever see these gentlemen at the Colonial Store? Not on that business.
428. Then the sole power of rejecting or accepting the tenders resided in Mr. Buchanan? He put the recommendation to the schedule, and that was invariably adopted, except in one or two cases.
429. You have heard about two cases in which certain articles were tendered for by a Mr. Weekes and a Mr. Audsley? Yes, I saw the documents and prepared the schedules.
430. Under what circumstances? Mr. Weekes, the son of the present Treasurer, tendered in his own name, and Mr. Audsley tendered in his own name also. When I wanted Mr. Audsley's address, when he came down about it, he equivocated, and said we were to send the answer to the Post Office. I could not get out what he was doing; he merely said he had a few handcuffs, and that he tendered for them at the cost price; his manner was hurried altogether.
431. *By Mr. Egan:* He made it appear that they were articles he wanted to get rid of? Just so. They were not a very saleable article—handcuffs.
432. *By the Chairman:* When parties tendered, was it the practice to inquire who they were? No.
433. Then supposing the three gentlemen sitting here were to tender, you would take no notice of that? Certainly not.
434. *By Mr. Egan:* Did anything strike you when this man equivocated? It occurred to me afterwards, because I ascertained what he was and where he was, and then I could account for his hesitation.
435. To whom was the money for these articles paid? To Mr. Audsley.
436. In what way? By cheque. All payments are made by cheque except trifling petty expenses; any amount over one pound is paid by cheque.
437. Do you know any case during your employment as a clerk in the Colonial Store in which Members of the House of Assembly, or of the other House, have been in the habit of tendering for supplies? Only this case of Mr. Audsley that I could trace anything direct, and another case which I cannot understand, Mr. B. C. Rodd's case.
438. He is not a Member? No, he is not a Member, but the circumstances altogether are so queer.
439. What are the circumstances? In the first place tenders were called for, for revolvers, twice; in reply to the first notice Mr. Harbottle tendered, and we got four at £7 15s., I think; the notice was re-published, and no further tenders were sent in, but the next morning Mr. Rodd's tender came down through the Treasurer, so I believe, with no initials or anything on it. I cannot understand how he became possessed of revolvers.
440. *By Mr. Egan:* Was the number great? Thirteen, I think; the amount was £117 at £9 each. This tender of Mr. Rodd's was put on my desk by Mr. Buchanan. I asked him how he got it, and he said Mr. Lane had given it him, and that he had got it from Mr. Weekes. The thing is unusual, because there is no notation of any kind upon it.
441. *By the Chairman:* Not by Mr. Lane even? Not by Mr. Lane.
442. What did Mr. Buchanan do then? I suppose he recommended it. It was an offer; but what induced the offer?
443. Did you see the tender? Yes.
444. Was it written in the ordinary way, by Mr. Rodd himself? Yes.
445. On foolscap paper? No, on letter paper, I think; I cannot speak positively.
446. Where is the document? It ought to be in the Colonial Store; it is an office document.
- 447.

447. *By Mr. Egan*: These were 25s. or 30s. dearer than the others? 25s. Mr. J. Weston.
448. *By the Chairman*: Was that the only offer Mr. Rodd made? The only offer in my 26 Oct., 1860.
time.
449. Did he never tender before? No.
450. Nor since? I cannot say since; I have not been in the office for some time.
451. Did you ever hear complaints of injustice being done from publicity not being given? No; we always forwarded written notice as to the fate of a tender, whether accepted or rejected.
452. Do you think it would be a very wholesome check if the tenders accepted were published, with the prices and the names of the parties? I think they generally are; but there is no rule.
453. Do you think it a proper mode of informing the public of what is going on? Yes, I think it would be useful.
454. How long have you been out of the department? About twelve months.
455. *By Mr. Egan*: You resigned, I think? Yes.
456. The Colonial Storekeeper would appear, from what you say, to have very large powers placed in his hands? Yes, it appears to me so. The Board did not see the samples during my time at the office; in some cases they may have; Mr. McLerie may have come down and seen them sometimes, when his approval was required, but I think that was very seldom.
457. *By Mr. Daniel*: During your time, after the tenders had been received, whose duty was it to see to the delivery of the goods, and that they were according to sample? The foreman of warehouse.
458. What mode of doing so was adopted—supposing they were blankets, were the bales stripped? That I cannot say.
459. Was it possible that they might be different to sample? I do not think it.
460. Did you look to the character of the persons supplying the goods? Character goes a great way.
461. That has been a portion of the system? It has.
462. *By the Chairman*: When goods were bought privately, were you in the habit of dealing with particular individuals, or did you get them wherever they were to be had at the cheapest rate? We got them at the cheapest rate we could. For small parcels of ironmongery we generally dealt with Hawley & Co., because their prices were always very moderate. They used to tender sometimes.
463. Did they not tender up to the time you left? Yes. The requisitions came in thicker at the end of the year; on other occasions the supplies required were not worth tendering for.
464. At the time these pistols were tendered for, were pistols very scarce? Yes; because in reply to the first advertisement we only got four; and to the second advertisement we did not get any offer; but the offer came in on the following morning from Mr. Rodd. He stated that he had imported them, and offered them to the Government at invoice price.
465. Gentlemen are often very liberal to the Government—they never charge more than invoice price? Well, it struck me as odd, coming from Mr. Rodd at all.
466. *By Mr. Daniel*: He is an eccentric person? Yes, I believe he is.

1861.

TUESDAY, 19 FEBRUARY, 1861.

Present:—

MR. DANIEL,
MR. DICKSON,
MR. EGAN,MR. PARKES,
MR. SHEPHERD,
MR. WINDEYER.

WILLIAM CHARLES WINDEYER, Esq., IN THE CHAIR.

Charles Wye Weekes, Esq., called in and examined:—

- C.W. Weekes, Esq. 467. *By the Chairman:* Your father is the Colonial Treasurer? He is.
468. And you are his eldest son? I am.
469. And partner in his business? Yes.
- 19 Feb., 1861. 470. This Committee has been appointed for the purpose of inquiring into the present system of tendering for the public services; and with reference to a matter which came under the notice of the Committee in the previous evidence your father told us that you would probably be able to give us information. It is a matter relating to the sale of some handcuffs to the Government. Perhaps you will be kind enough to state what you know about the transaction? With regard to the first transaction, that in which my brother tendered for some handcuffs, he happened to be knocking about town doing nothing, and he saw that a tender was called for for some handcuffs; he spoke to me about it, and found out what he could purchase them at from me; he then tendered, got the contract, and paid me for them. That is all I know of that transaction. He paid me a certain price for them and got his profit on it.
471. You allude to your brother, Mr. John Weekes? Yes.
472. *By Mr. Parkes:* Did Mr. John Weekes speak to you first about them? I really cannot recollect now. He spoke to me several times about it; I suspect he did speak to me first about it; he was very frequently at the shop, looking at the *Gazette* when it came in, and and he spoke about anything he noticed.
473. *By the Chairman:* Do you recollect the second transaction? I do.
474. Will you state what you know of the circumstances connected with that? My brother was not any party to that at all; it happened to be one of our clerks. I saw a tender was called for, and called his attention to it. I told him we had formerly supplied some to a party who had tendered to the Government, and that I would supply him at a certain rate if he would tender for them; he tendered, got the contract, and purchased them from me. That is the whole transaction.
475. The Colonial Treasurer suggested that you would bring your books, have you them here on the present occasion? I have brought one book; I do not know if any of the other books will be of service. This is a rough cash book (*produced*), which shows the receipt of the cash at the time. As it was a cash transaction it is not entered anywhere else. That is one entry. Two or three of these books are kept on the counter, and just as the cash is received it is entered in this way by the party who receives it.
476. In whose handwriting is this entry? That is mine; of course I should be most likely to receive it being a large amount.
477. This is an entry, in your handwriting, dated Monday, March 14th, 1859, "Handcuffs, 200 pairs, £38 6s. 8d."? Yes.
478. Is this the entry of the first or second transaction? That is the first transaction I think from the date. You will find the other is entered in the same way.
479. In whose handwriting are the other entries under this date? Different persons at the same counter—two or three who happened to be at the same counter.
480. Can you state from whom you received that sum of £38 6s. 8d.? Well, I cannot state positively, but I have very little doubt it was from my brother.
481. You say he was knocking about town—that I think was your expression—was he doing anything in the shop at all? No.
482. Are any of these entries in his handwriting? No; he had nothing to do with the shop at that time, nor for eighteen months before.
483. What book do you call this? That is a rough cash book.
484. Does this entry appear in any other book? In a rough order book, where we put down memoranda.
485. Was that entry posted from that book into this, or from this into any other? That entry is made on receipt of the cash.
486. Then the first entry of the transaction would be in the rough order book? Yes.
487. Have you brought that up? No, they are in use at the counter and it was not convenient to bring them away, but if it is very particular I can let you see them.
488. Does this entry appear in any other book? Only as a memorandum.
489. In the rough order book? Just so.

490.

NOTE (*correction by witness on revision*):—One of the "unemployed" at that time.

490. Are not these entries generally entered into any other book? No, not at all; only the amount of cash is entered at the end of the day from all the cash books. C. W. Weekes,
Esq.
491. Is every amount, however large, if paid in the shop, only entered in this book? If paid as a cash amount. 19 Feb., 1861.
492. It does not appear in the ledger? No, certainly not.
493. Do you know whether you were paid that sum of £38 6s. 8d. by cheque, or in what way? Well, I cannot recollect—it is according to how he received it himself. If he got it in cash, he would pay me in cash; or, if by cheque, he would pay me by cheque.
494. *By Mr. Shepherd*: You are not certain it was your brother? I have very little doubt of it.
495. You might have received a draft from the Treasury yourself? No, I should have remembered that.
496. *By Mr. Egan*: Are the entries made in this book not copied into any other book? No.
497. How then can you ever know the state of the stock? That is a matter of our business; we keep our books in our own way.
498. *By the Chairman*: Do you keep your books by double entry? No, we do not.
499. What books have you in your office? All sorts of books—ledgers, journals, and so on.
500. Will you name those you use in the ordinary course of business? Ledgers, journals, consignment books, cash books, rough books, day books—that is all I can call to mind.
501. Were all these books used at the time this transaction took place? Only one of these books is used for a transaction of that nature.
502. Were all these books in use in the business at the time this transaction took place? Certainly.
503. Do you not recollect at all how that money was paid? No, I cannot recollect—it is a long time ago. I do not profess to recollect every cheque I receive two years after I have it.
504. What was the price at which these handcuffs were sold by you to your brother? The entry will tell you that best—I forget now. You can soon calculate it.
505. Is the entry of the second transaction in this book? Yes.
506. Is this it under the date of October 10th—"Handcuffs, £39 3s. 4d."? Yes.
507. In whose handwriting is that? In mine, too; most of the large amounts are in my handwriting.
508. You say that on that occasion you told Mr. Audsley that you had formerly sold some handcuffs to a gentleman who had sold them to the Government, and you suggested his purchasing these in the same way? I told him there was a tender called for, and he might tender if he wished, and I would sell them to him at a certain price.
509. Do you recollect whether any other conversation passed at the time? No, there would be no occasion for any particular conversation; it was a matter of every-day business.
510. How many handcuffs did you sell for that sum? I think it was the same number as in the former case; if I recollect right, there were 400 pairs called for that time, and he only got the tender for half the quantity, because somebody else tendered at the same price.
511. Do you recollect who paid you that sum of £39 3s. 4d.? Mr. Audsley.
512. Do you recollect how he paid it? If I remember right he gave me the Treasury cheque, and I gave him the difference in cash.
513. Then was the Treasury cheque paid in to the account of the firm at the Bank? Oh, yes, certainly it would be.
514. Then the sum of £39 3s. 4d. was paid after the tender was accepted, and paid by the Treasury cheque? Yes, of course it would be paid after he got the money if he gave me the cheque.
515. Was there any previous entry of this transaction in any of your books before this? I cannot say positively—there would be no occasion for it, unless I had it in a rough memorandum book of my own; he would only purchase them conditionally on his getting the order.
516. Then there was no transfer of the property in these handcuffs until his tender was accepted? There was a conditional transfer; in the same way as a man may come into the shop any day, and say, "I am going to tender for so and so, what rate will you supply them at?" I tell him; he tenders, and if successful he purchases from me. A gentleman came in to-day, and said he was going to tender for a large amount of goods; I told him what I would supply them at, and if he gets the tender, of course I expect he will purchase them of me.
517. *By Mr. Parkes*: Do you consider yourself bound to supply them to him at the price named? Yes, if he comes for them.
518. *By Mr. Dickson*: Do you consider yourself bound to hold the goods? Not beyond a certain time.
519. If a customer came in for the same goods in the meantime, would you sell them? Yes.
520. *By Mr. Shepherd*: In the day book who do you enter these goods against? We make merely a rough memo. of such things as these; we do not look upon it as a regular entry unless it goes into the ledger; of course everything that is a regular credit sale goes into the journal, and into the ledger.
521. But I imagine this was not a cash sale—the question is who did you enter them against? Most likely there would be merely a rough memorandum; I might have a memorandum of my own only in such a case as this.
522. I imagine if I went to your shop and made an arrangement with you, you would enter these goods against me? Undoubtedly, if you made an arrangement.
523. *By the Chairman*: If any one had come to the shop and offered you four shillings a pair for these handcuffs, you would have sold them to him? Certainly—of course I would.
- 524.

- C. W. Weekes, Esq.
19 Feb., 1861.
524. Is Mr. Audsley in the habit of receiving letters at your establishment? I really cannot say. All the letters that come to our establishment addressed to us would come into my hands.
525. Addressed to Mr. Audsley I mean? I have never received any addressed to him.
526. Do they come to your shop for him? I cannot say I have seen any come. Any that come addressed to our shop are put into our private box at the Post Office, and of course I get them.
527. Is he in the habit of getting his letters there? He cannot get them from the private box; the Post Office authorities will only deliver them to the parties holding the box.
528. Is he in the habit of having his letters directed there? I cannot say positively; I do not recollect. I do not recollect receiving letters for him, and I always get the letters from the box.
529. You do not recollect any instance? I do not; still I cannot say positively; there may be letters for him; letters come for all the people in the shop sometimes in the box.
530. Was the arrangement with regard to the sale to your brother of the same nature as that with Mr. Audsley—conditional upon his getting the contract? Undoubtedly; he would not want 200 pair of handcuffs if he had not got a market for them.
531. And you would have sold them in the same way as you say you considered yourself at liberty to have sold these of Mr. Audsley's? Certainly, if I had got a better price for them.
532. *By Mr. Parkes*: If Mr. Weekes had not been Colonial Treasurer, should you have tendered yourself for the handcuffs when you saw tenders invited in the *Gazette*? No, I should not, because he has expressed himself averse to it; I wanted to do so several times, and he objected to it.
533. If he were not in Parliament you would do it, I suppose? If he were not in Parliament I should tender for everything we might have in stock. But this I do not look upon as a regular tender. The clerks from the Colonial Store* come nearly every day, at all events every week, inquiring the price of articles; they say they are going round to see where they can get them cheapest; I give them my price, and sometimes I get the order, sometimes I do not.
534. Tenders were invited in the ordinary manner for these handcuffs? Well, I suppose you can call it a tender; they were advertised for.
535. *By the Chairman*: Do you know whether Mr. Audsley is in the habit of carrying on any business on his own account? Not that I am aware of.
536. Have you ever known him to carry on business on his private account of the same nature as yours? That is a matter I would not inquire about at all, unless it interfered with my business.
537. Have you ever known him to do it? No; I never took any notice.
538. He has not had any transactions of the same character as this with any other party through you? Not that I am aware of.
539. If he came and purchased goods in the same way you would be aware? Certainly.
540. You have never known him to do that? No, not for the public service; I do not suppose he has ever purchased anything at all.
541. Did I understand that you drew Mr. Audsley's attention to the advertisement in the *Gazette*? Yes. I looked upon it as a matter of business; my duty is to sell whatever I can to any party.
542. If he had not got the contract there would have been no sale? No sale, undoubtedly; it was the same kind of transaction as the one I was telling you of that happened to-day; the gentleman will not want the goods unless he gets the contract, and if he does get it, I expect he will buy them from me, because I believe I can sell them cheaper than the same kind of goods can be bought anywhere else.
543. *By Mr. Shepherd*: Supposing he could get them cheaper elsewhere, should you consider him bound to take them from you? No, I should not indeed; I say he would get them from me because I do not think he can get them cheaper anywhere else.

THURSDAY, 21 FEBRUARY, 1861.

Present:—

MR. DANIEL,	|	MR. MORRIS,
MR. EGAN,	|	MR. PARKES.

WILLIAM CHARLES WINDEYER, ESQ., IN THE CHAIR.

Mr. Rayment Audsley called in and examined:—

- Mr. R. Audsley.
21 Feb., 1861.
544. *By the Chairman*: You are engaged in the firm of E. O. Weekes & Co.? Yes.
545. How long have you been with that firm? Upwards of three years.
546. You are not a partner in the firm? No.
547. What is your position with reference to the firm? Clerk.
548. Are you managing clerk? No, not exactly; I do not know that there is any difference in our grades; there are two or three others.
549. Do you recollect the circumstance, some time in 1859, of some handcuffs being tendered for to the Government? The transaction with which I was connected?
550. Yes? I do.

551.

* NOTE (correction by witness on revision):—Government Offices.

551. Will you be kind enough to state to the Committee what you know of that transaction? As near as I can recollect, at this distance of time, Mr. Charles Weekes called my attention to an advertisement in the *Gazette* requiring tenders for 400 pairs of handcuffs, and stated that I could have them at 47s. a dozen, if I chose to tender. He also stated that his brother had done so once before. Of course I was to fix my own price to the Government. I ascertained what they would be worth and sent a tender in, to which I received an answer some days afterwards, stating that only half the quantity was required from me in consequence of another party having tendered at the same price.

Mr. R.
Andsley.
21 Feb., 1861.

552. So that 200 pairs of the handcuffs were accepted instead of 400 for which you originally tendered? Yes.

553. Had you ever had before this any transaction of a similar kind? No.

554. And the one of which you have been speaking was suggested to you by Mr. Charles Weekes? Yes, Mr. Charles Wye Weekes.

555. Do you know when the Colonial Treasurer first became acquainted with that transaction? I am not aware that he was acquainted with it at all.

556. Not at the time you mean? Not at the time.

557. Did any conversation take place between you and Mr. Charles Weekes as to the mode in which you should send in your tender? No, it was left to my discretion.

558. Are you in the habit of receiving correspondence at the place of business of the firm? No, I have always been in the habit of having letters addressed to the Post Office,* both from the Colonies and from Home.

559. The firm has a box, I believe, at the Post Office? Yes; but as near as my recollection will carry me, Mr. Charles Weekes requested me to have this addressed to the Post Office,* in order that his father might not see it.

560. Do I understand that he gave that as his reason? He did not give that as a reason, but he said, "You can have your answer addressed to the Post Office." That was also what I was in the habit of doing.

561. Are they a salable article—handcuffs? No, not very; they are scarcely a thing required for private consumption.

562. Do you recollect who paid you for the handcuffs? I do not know the individual's name; I received a cheque from the Colonial Storekeeper's Department, from the accountant or cashier, or whatever he may be.

563. Were you asked any questions at the time you tendered, or during the negotiation with the Government, as to where the handcuffs came from? No.

564. *By Mr. Daniel:* Are you in the habit of drawing cheques for the firm? No, Mr. Charles Weekes does that.

565. *By the Chairman:* In what books of the firm would the sale of these articles appear? They were entered in a counter cash book, when the cash was received, and there was a rough memorandum in the day book.

566. Which entry was made first? That in the day book I should say, but I have nothing to do with the transactions in the shop, my duties are in the office, and I could not state positively. I know there is a memorandum in the day book, because Mr. Charles Weekes was referring to the entries this morning.

567. Did you see it? Yes.

568. What was the nature of it? Merely a note of the sale of the goods. Mr. Charles Weekes said he regretted he had not brought the books up with him when he was here, but he was not aware of this entry; it is not always made in a transaction of this kind.

569. Is there any name attached to the memorandum? I believe there is, but I did not observe it particularly. If you desire to see the books you can do so I have no doubt.

570. *By Mr. Daniel:* Have you any trading privileges besides your salary? That would depend upon circumstances, as to whether I had an opportunity of doing anything in my own time.

571. I mean during the business hours? No.

572. *By Mr. Morris:* Supposing your tender had been accepted for the whole four hundred pairs of handcuffs, what would have been the profit to you? About 35s.

573. Do you consider that a sufficient profit? If I could make it by half-an-hour's work I should be happy to do it every week in the year. There was no trouble involved in the transaction.

574. Is this the only tender of the kind you ever put in? Yes.

575. *By Mr. Egan:* In the event of the tender not being accepted, there was an end to the transaction between you and Mr. Charles Weekes? Certainly.

576. The handcuffs would not have been considered yours at all if the tender had not been accepted? No; my purchase was only conditional on my obtaining the opportunity of selling them.

577. Then in reality they were delivered to the Government before they were yours? They were mine when my tender was accepted; I did not buy them until I knew I could sell them. I believe that is usually the case in tenders of this description; the party ascertains the price, and tenders before he buys the goods.

578. Then in reality there never was a sale of the goods until such time as you paid for them? Oh! yes; I bought them conditionally at first, and finally when my tender was accepted.

579. The goods had been delivered to the Government before you paid for them? The goods had been delivered to the Government before I paid for them, but not before I had bought them.

580.

* *Nota (by witness on revision):*—Addressed to me, at the Post Office.

- Mr. R. Audsley.
21 Feb., 1861.
580. *By the Chairman:* What was the object in this condition of affairs in making the entry into the rough day book you have spoken of? The entry was made by Mr. Charles Weekes; I had nothing to do with that portion of the transaction.
581. Can you state whether or not it is entered as a sale to you in this rough day book? I cannot state; I have no doubt Mr. Charles Weekes would produce the book; he said this morning he was sorry he had not brought it up with him.
582. *By Mr. Morris:* Do Weekes & Co. deal with other persons unconnected with their office in the same way that they dealt with you in this matter, those other persons wishing to tender, and first coming and ascertaining the price of the goods that are called for—do they keep open the goods at the price until a person so applying ascertains whether his tender is accepted—is that the custom? I said before my business lies principally in the office, and I cannot say positively; but I believe it is frequently the case that a person comes in and ascertains the price of an article and does not buy it till he is certain of effecting a sale.
583. Is the article, in such a case, kept open for that party for the number of days necessary? You are supposing we have only enough in stock to supply his tender, but in most cases we should have sufficient in stock to supply twenty, so that there is no necessity for keeping it open.
584. If you could sell it at a higher price would you be bound to keep it open? That I cannot say.
585. *By the Chairman:* Do you recollect what time elapsed between the time you sent in your tender and the time you were paid the cheque? I do not.
586. Did you pay the cheque over to Mr. Charles Weekes before the handcuffs left the place? No, I had not received it then.

William Harbottle, Esq., called in and examined:—

- W. Harbottle, Esq.
21 Feb., 1861.
587. *By the Chairman:* You are an oil and colour merchant? I am.
588. Have you been any time carrying on that business? About four years.
589. You are probably aware that this is a Committee appointed to examine into the present system of tendering for the public service—have you ever in the course of your business had occasion to observe the present system? Yes; I have had some little experience by having something to do with tenders.
590. Have you formed a favourable or unfavourable, and generally, what is your opinion as to the present system? I think it would be much better to have larger Boards instead of two or three individuals constantly to decide upon the tenders. Larger Boards must be an advantage.
591. Are there any particular instances on which you have founded your opinion as to the advisability of altering the present system—have you, as a merchant, had any reason to be dissatisfied as to the mode in which your tenders have been treated? I have no particular grievance to complain of. I once tendered for about 5,000 gallons of Chinese oil, which the Government did not take, and which I sold at a higher price afterwards; but I have this to complain of that they took an article at 2d. a gallon more, which was in no way better than mine, as I am prepared to prove. I supposed, of course, that the lowest tender would have been accepted.
592. *By Mr. Morris:* Other things being equal? Assuming that they were equal of course. I look upon it as the only safe principle, to take the lowest tender, because the Government always make it a condition to have a suitable article supplied, or an article equal to sample, and it is always in their power to reject an inferior article. This transaction of the oil was the subject of some correspondence with the Treasury. In the first instance, I heard that the Government were about to purchase or were negotiating for the purchase, privately, of a quantity of oil, and as I had tendered and supplied the Government before, and had then a large stock on hand—in fact there was only one other house, Griffiths, Fanning, and Co., that had any quantity—I dropped a note to the Treasury to ask if they were likely to require any oil, and stating that if so I was in a position to tender for any quantity they might require. This led to some correspondence, and the result was that they called for tenders by a notice dated 15th May. I tendered, and after the lapse of a considerable time, eight or ten days, I heard by some means or other that my tender was the lowest, and consequently I made no doubt about my tender being accepted, when I got a note from the Colonial Storekeeper to say that my tender was declined. I then wrote, on the 30th May, this note to the Treasury, asking on what grounds my tender was declined. (*The witness read and handed in the same. Vide Appendix A.*) I did not get an answer for several days, so concluded it was not intended to take any notice of my inquiry, and I wrote again, saying that I intended placing the matter in the hands of a Member of the Assembly, as my tender was the lowest and had not been accepted. I must tell you that the notice in the *Gazette* calling for tenders stated that a sample of two gallons of the article would be required in order to be tested by burning; I sent three samples of two gallons each, which never were tested. Well, not having received an answer to the note I have just read, I wrote again to the Treasury, on the 7th June. This is the letter. (*The witness read and handed in the same. Vide Appendix B.*) The very day that they must have got this letter I received an answer to the first note. The letters could not have crossed, because I posted my second letter the night before, and I received an answer to the first at mid-day on the following day, the 8th of June. I may say I felt rather sore about the matter, because I thought a decided case of favouritism had been shewn. I had previously heard that
the

the Chairman of the Board, Captain Browne, the Immigration Agent, was the individual who had recommended the Government to purchase a large supply of China oil from Griffiths, Fanning, and Co.'s when I made my first offer; in fact it was on hearing this that I wrote to the Treasury. I am not in a position to prove this, but having heard that the same person was Chairman of this particular Tender Board, I had some reason to think there was some favouritism in the matter. But as I say I did not care about it personally, because I sold my oil at from sixpence to a shilling a gallon more, privately. I must explain also that Chinese oil has lately come into use. It is an excellent article, and has never been imported by Colonial merchants on their own account; all that has hitherto arrived here has been on consignment; and, as Captain Smith was sending the "Agnes" for a cargo of tea, I made arrangements for a consignment of it. That was how I happened to have such a large quantity on hand. I had sent my own casks for it, so that I could get it in the cheapest way. However, having posted my letter of the 7th June, which I have just read, about mid-day on the 8th, I received this letter, replying to my letter of the 30th May. (*The witness read and handed in the same. Vide Appendix C.*) Well, on getting that letter, I was determined not to be put down that way, because it was saying that my oil was of inferior quality. I therefore called a survey, at which Mr. Stuart, of Towns and Co., who have a good deal of oil passing through their hands, and Captain Williamson, of the firm of Mitchell and Co., who knows, from long experience, the quality of oils and what the article is. These gentlemen acted as my surveyors. We tried the oil from the same samples that I had sent in with my tender, which we got back from the Colonial Stores for the purpose, in three different lamps, employing argand or sperm burners, which afford the severest test, and a report was drawn up by the two gentlemen I have named, which I beg to hand in. (*The witness read and handed in the same. Vide Appendix D.*) I sent that report to the Treasury, with a letter, dated 23rd June. (*The witness read and handed in the same. Vide Appendix E.*)

W. Harbottle,
Esq.
21 Feb., 1861.

593. *By the Chairman:* How long afterwards did you sell the oil at the advanced price you spoke of? I sold upwards of 500 gallons to Captain Williamson, at 4s. 11d., immediately after he had signed that survey—the same day or the day after—and since then, I have sold it at from 5s. to 5s. 6d.—in quantities I mean.

594. Did you get any answer to your last letter to the Government stating that you had held a survey? No, I got no answer to the last letter. I may say that I thought Mr. Trickett, who is an officer of the Mint, had no special knowledge whatever of oil, and was not therefore a proper person to be on the Board.

595. Did you ever see Griffiths, Fanning, and Co.'s oil? Yes; I had bought some of their oil before.

596. Some of the oil that they tendered to the Government? Yes; I have some of it now, I think.

597. From your own observation of this oil, what is your opinion as to its value compared to the oil you tendered? I considered my oil better oil than theirs, and that it would be more advantageous to the Government, because there was no sediment in mine. The jars in which Griffiths, Fanning, and Co.'s oil was are very inconvenient packages, being nearly round, and when emptied, a considerable sediment, nearly a pint, remains in each of them. I dare say the Colonial Storekeeper would tell you, if he were examined, that he had a troublesome job with it; they had to break up about a thousand of these jars. It is a very troublesome job to do, because the jars are of a loose earthen material, and will often break in your hands; I think the Colonial Storekeeper will tell you there was a great deal of waste.

598. Mr. Campbell, the Acting Colonial Storekeeper, is the gentleman you speak of? Yes.

599. Is there any other matter in connection with this tendering business that you wish to mention? I had a case the other day with the Public Works Department; they called for tenders on the 4th of December for general stores. I may mention that I had the contract last year from the Department of Works for castor oil, which is an article they use very considerably for lubricating engines; and also for other oils. They called for tenders, to be sent in on the 4th of December, and on the 31st December we had received no intimation as to whether our tenders were accepted or rejected; this was a most unreasonable time to keep us waiting, because the period for commencing the supply began on the 1st of January. On the 31st December I wrote to the Minister of Works to say, that from the unreasonable time that had elapsed since I had tendered, I should consider myself at liberty to accept or reject any articles they might give me. My reason was this, that if I waited so long to learn whether my tender was rejected or accepted, my stock was locked up, because if I had sold to other parties, I might not have been able to obtain a sufficient supply of some articles to carry out a contract with the Government. Take, for instance, the article of castor oil, which is difficult to get, as it is only from Calcutta it can be obtained—if any party had come to me and offered to buy 50 hogsheads of that article, I could not have sold it. Then again it is necessary to look out for and lay in some little stock, in the event of obtaining a contract. Well, we got no answer to our tenders till the 7th or 8th of January, though the running time of the tender commenced on the 1st of January; and then I got about a dozen articles, or perhaps fifteen or sixteen, but I sent them back, I would not have anything to do with them.

600. On account of the great length of time which had elapsed? On account of the length of time which had elapsed. Never more than two or three days should elapse. A merchant, or trader's whole stock may be locked up. I tendered for about seventy articles, and could not sell any of these articles in quantities till I knew whether the Government would accept my tender or not. This article of castor oil, in particular, is very difficult to get in quantities; I have had money in India two years for it before I could get it down.

601. Do you know whether there are complaints on this head from business men generally? Yes, very great complaints. They have a most absurd and ridiculous way of determining

W. Harbottle, Esq.
 21 Feb., 1861. on the tenders there. They require samples of each article to be sent, and it must necessarily take the Board a long time to make up their minds as to whether this brush or that brush, or this article or that article, is the best, because almost all the articles require a special knowledge. I was told they hold up the brushes, or whatever the article may be, and divide upon them.

602. Have you known other instances where delays have taken place? No. I know of one transaction, which is pending, and therefore I should not like to say anything of it just now.

603. *By Mr. Daniel:* When the tenders are being considered, and the samples inspected, are the tenderers permitted to have an audience with the Board? No, we never see them.

604. You have no opportunity then of explaining anything relating to the tender or the samples? No.

605. *By the Chairman:* And no guarantee that the samples are properly inspected or tried? No, we know nothing about it.

606. You are not aware whether the Board themselves have them immediately before them? I should presume they have.

607. But you do not know? No.

608. Is there any other matter connected with this system of tendering to which you wish to call the attention of the Committee? I saw a report from some Board or Commission, printed in to-day's paper, recommending the abolition of the Colonial Storekeeper's Department. On that point (if the Committee will allow me) I may say that I think it a very necessary department, because if you have not one Colonial store you must have four or five departmental stores. The Public Works Department at present has a storekeeper, but I decidedly think their goods should come through the general store. Then the Colonial Architect would require a storekeeper, and so would the Surveyor General's Department, for they expend a good deal of money in materials, tents, and equipments of various kinds.

609. Could you suggest any way in which the tendering system could be improved, as to the mode of constituting the Board, or judging of the tenders? It occurs to me that the Colonial Storekeeper ought on all occasions to be a member of the Board, seeing that he ought to be a man who understands his business, and has a general knowledge of the stores under his charge—assuming that all the stores should be sent to one depôt. I think, also, that the Deputy Surveyor General, the Under Secretary for Public Works, and the Colonial Architect—representing the departments that principally require stores—should be members of the Board; and I should suggest that some mercantile man of high position—if possible retired from business—should represent the public,—a man, altogether distinct from the public service, in whom the public would have confidence.

610. *By Mr. Morris:* Did it ever occur to you that it would be better to have persons wholly unconnected with the Government to sit on these Boards—persons paid for their services, and called together for their qualifications to decide on the articles tendered for, not knowing who the tenderers are? I have often thought that matter over, and that if the tenders had only a number or something of that sort to distinguish them, the decisions would, beyond all doubt, give more satisfaction; but, as I always thought the Government would insist on one of their officers seeing these things, and looking at them, I did not imagine such a system would ever be heard of.

611. *By Mr. Egan:* Do you know the course pursued in Melbourne, that the parties tendering are all there? I was not aware.

612. Do you not think that very desirable? Yes; and the decision should be immediate.

613. *By the Chairman:* Of the two plans proposed, viz.,—a Board composed of Government officials, with another gentleman associated with them to represent the public, as you have yourself proposed; and the system suggested by Mr. Morris, that the Board should be composed of persons entirely unconnected with the public service,—which would you prefer, as a contractor and a man of business? Of course I should have every confidence in a Board of mercantile men, summoned in that way, if they took a declaration that they had no interest in any of the tenders; but at the same time I think it would be such a radical change that there might be objections to its adoption, and that under the modification I have suggested the public service would be sufficiently protected. I think no Government would very willingly give up supervision by its own officers in matters of this kind.

614. *By Mr. Daniel:* Suppose there were an amalgamation of the two—say half of each? Yes, that might do.

615. Have you ever heard that in some cases an inferior article to that tendered for and exhibited by sample has been delivered when the goods were supplied in bulk? I dare say such does occur, no doubt about it, in private matters as well as public. It requires vigilance on the part of the party receiving to guard against that, and that is one of the grounds on which I think that the Colonial Storekeeper's Department, properly conducted and with efficient men there, would be the best means of protecting the public service.

616. For instance, a pair of blankets might be submitted as a sample, and a hundred bales sent in, without the packages being broken, containing an inferior description altogether? Yes, no doubt that might be done.

617. *By Mr. Morris:* Is the price of an accepted tender advertised in the *Government Gazette*? No.

618. You are aware that it is so in Victoria? Yes.

619. *By the Chairman:* Is there any other suggestion? I think that in all cases the lowest tender ought to be accepted, and an immediate decision given by the Tender Board, excepting in cases requiring further information, which, if, as suggested by Mr. Egan, the tenderers were in attendance, could be got immediately. The delay which occurred in these

very

very important tenders for the department of Public Works, which involved a very large sum of public money, was perfectly monstrous, in my opinion.

620. *By Mr. Egan*: You did not get the answer for a week after the supply was to commence? More than a week.

621. *By the Chairman*: Do you think it would be advisable, immediately after tenders are accepted, to publish them with the names of the tenderers? They do so in the Public Works Department; for instance, in the following *Gazette* after I got the letter I saw the names of the different people who had got numbers so and so and so and so, the description of stores being numbered up to about two hundred.

622. Do you not think it would be advisable to publish the price? I am not quite prepared to say; I do not see any harm that would occur.

623. Do you not think the more publicity the better? Yes; I see no object in secrecy whatever. The quicker all these transactions connected with tenders are settled the more benefit would accrue to the public service. I should always be very willing to tender for the supply of any stores I have to the Government at five or six or seven per cent. on cost price, if I could always depend upon getting a prompt answer in respect to the tender, and a settlement on completion of delivery.

624. Did I understand you to say that before you tendered at all you heard that Captain Browne was in some way negotiating for the Government the purchase of oil from Messrs. Griffiths, Fanning, & Co.? I heard that Captain Browne was in some way concerned in a negotiation to bring about a purchase of Chinese oil from Griffiths, Fanning, & Co., and hearing that, and having a large stock just arrived in the "Agnes," I wrote the letter offering to supply the Government. (*The witness read and handed in the same, together with a copy of his tender in reply to Treasury Notice when tenders were called for. Vide Appendix F and G.*) I may mention that I heard that Mr. Trickett was not summoned for this Board, but that he happened to be by mere chance at the Treasury when the tenders were about to be opened, and was put upon it. I do not know that Mr. Trickett had any knowledge of oil. I have understood that the oil never was tested, though, from the circumstance of their requiring two gallons to be left, it occurred to me that they intended to try the oil, and, therefore, I sent three samples of two gallons each, which to this day I have never touched, except for the purpose of the survey I have before mentioned. On this point I may call the attention of the Committee to an extract from the notice requiring tenders:—"If possible a sample of not less than two gallons of the same oil which it is purposed to supply should be left at the Colonial Store. If a sample cannot be so left beforehand, it is to be understood in the event of a contract being entered into, that the oil will be subject to the test of actual burning at the light-houses, and in every case be accepted only upon that trial proving satisfactory."

W. Harbottle,
Esq.
21 Feb., 1861.

APPENDIX.

A.

30 May, 1860.

Sir,

I have this day received a notice from the Colonial Storekeeper that my tender for the supply of China oil has been declined, in reference to which I beg to inquire on what grounds my offer has been rejected, and another tender accepted at a higher price?

Henry Lane, Esq.,
Secretary, Treasury.

I remain, &c.,
W. HARBOTTLE.

B.

Sydney, 7 June, 1860.

Sir,

In reference to my letter of the 30th ultimo, inquiring on what grounds my tender for the supply of China oil was rejected, and to which I have not received any reply; I have the honor to inform you that it is my intention to place the matter in the hands of a Member of the House of Assembly, and I do so for the following reasons:—

- 1st. That my tender being the lowest ought to have been accepted.
- 2nd. I am prepared to prove that my oil is of the finest quality, and imported per the "Agnes" direct from Hong Kong through the house of Messrs. Flower, Salting, and Co., and is in original packages; also, that Captain Smith (a member of the Pilot Board), will testify the oil to be of a very superior quality, the greater portion of it being in his stores at the time it was tendered to the Government.
- 3rd. In accordance with the conditions of the notice calling for tenders, I forwarded to the Colonial Stores three samples of two gallons each. Those samples were never subjected to the test of actual burning, which was the only object the Treasury could contemplate in inviting two gallons, if possible, to be sent.
- 4th. By the rejection of my tender the Public Treasury will be a loser to the extent of 10,000 pence.

From the above reasons, and from no personal motives or disappointment at not being the accepted tenderer, I have come to the conclusion, on public grounds, the matter should be inquired into. More especially as I have heard that Messrs. Griffiths, Fanning, & Co. were in negotiation like myself, to effect a sale privately to the Government, and which, from the extraordinary preference shewn, would almost appear to have been a foregone conclusion, and the ceremony of tendering a perfect delusion to the public.

Henry Lane, Esq.,
Under Secretary, Treasury.

I have, &c.,
W. HARBOTTLE.

C.

W. Harbottle,
Esq.

21 Feb., 1861.

C.

The Treasury, New South Wales,
8 June, 1860.

Sir,

In reply to your letter of the 30th ultimo, I am directed to inform you, that samples of the China oil tendered for the use of the Light-houses were submitted to the judgment of competent persons, namely:—

1. The Chairman of the Steam Navigation and Pilot Board;
2. Mr. Trickett, of the Royal Mint;
3. The Acting Colonial Storekeeper;

who were unanimously of opinion that the quality of the article offered by Messrs. Griffiths, Fanning, and Co., was so far superior to that of the oil tendered by you, as to warrant them in recommending it for acceptance, notwithstanding that the price asked was two-pence per gallon more than that required by you.

I have, &c.,

HENRY LANE,
Under Secretary.

W. Harbottle, Esq.,
George-street.

D.

Sydney, 22 June, 1860.

We, the undersigned, hereby certify that, at the request of William Harbottle, we have tested and examined, at his stores, three samples of China or Teil Nut Oil, of two gallons each, numbered respectively 1, 2, and 3, said to be returned from the Colonial Stores, being samples of five thousand gallons tendered to the Government.

No. 1.—Sample of 50 barrels, or 1,500 gallons, we find to be an oil of superior quality, and gives out a brilliant light in actual burning.

Nos. 2-3.—Samples of 70 hogsheds, or 3,500 gallons, are a very superior oil, of a clear light colour, and, applied to the test of actual burning, gave a brilliant light.

The lamps used in testing the oil were fitted with sperm or argand burners.

The above samples of oil are, in our opinion, of the best quality, and, as far as our experience goes, equal to any ever imported into the Colony.

JAS. WILLIAMSON.
R. TOWNS & CO.

E.

Sydney, 23 June, 1860.

Sir,

Referring to your letter of the 8th June, and especially to that portion of it which asserts that my oil is an inferior sample, I have the honor to transmit to you the enclosed report on the oil rejected by the Board of competent persons.

It is scarcely necessary for me to add, that the gentlemen who conducted the survey have a large and practical knowledge of the quality of oils, and are well known to the Government.

I have, &c.,

Henry Lane, Esq.,
Under Secretary to the Treasury.

F.

George-street, Sydney,
14 April, 1860.

Sir,

It is now upwards of twelve months ago since I supplied the Government, by tender, with China oil for the use of the light-houses, and, as the stock in the Colonial Store must be very considerably diminished, I take the freedom of informing you that I have a supply of that article, and am in a position to tender for any supplies that may be required.

I remain, &c.,

W. HARBOTTLE.

E. C. Weckes, Esq.,
Colonial Treasurer.

G.

Sydney, 22 May, 1860.

Sir,

I beg to tender, in conformity with Treasury notice of the 15th instant, for the supply of five thousand gallons of China oil, samples of which I have forwarded to the Colonial Stores.

No. 1.—Sample of 1,500 gals.

Nos. 2 & 3.—Samples of 3,500 „

5,000 gals. thereabout.

The whole of which can be at once delivered, price four shillings and sixpence (4s. 6d.) per gallon.

I have, &c.,

W. HARBOTTLE.

The Hon. the Colonial Treasurer.

WEDNESDAY,

WEDNESDAY, 27 FEBRUARY, 1861.

Present:—

Mr. DANIEL,
Mr. EGAN,Mr. MORRIS,
Mr. PARKES,

WILLIAM CHARLES WINDEYER, Esq., IN THE CHAIR.

Charles Wye Weekes, Esq., called in and further examined:—

625. *By the Chairman*: We were informed the other day that you had found another book, C.W. Weekes, in which there was an entry relating to the matter of the tenders for handcuffs? Yes. *I Esq. must say, gentlemen, that after the account of the transaction that I gave when I was last here, I was rather surprised that you should desire to see the transaction in any other form. 27 Feb., 1861. You have the whole detail of the transaction, and any amount of entries cannot alter the character of it; and I must say I was very much surprised when I heard that you were still in doubt about the character of it.* †
626. Since your examination, I believe you have found a book containing another entry relating to the matter of the handcuffs about which you were examined before? I have. (*Book produced.*) That contains one entry referring to the sale to Mr. John Weekes.
627. *By Mr. Morris*: Is that the day book? That is a rough order book, not the day book; the day book is what the fair copy is made into.
628. *By the Chairman*: The entry under date February 28, 1859, "J. W. Weekes, 16½ doz. Police handcuffs, at 46s., £38 Gs. 8d.," is the entry you refer to? Yes.
629. There is something written across it—the word "Paid," I think? Yes, "Paid."
630. There are some figures under the word "Paid"—is that the date of payment? I do not think it has any reference to it.
631. What does the date refer to, if not to that? I cannot say at this moment what it is; it may be a memorandum of date, but I could not make it out; I could not say what the date was exactly.
632. The figures appear to be "21/5/59"? No, it is the 14th of some month, either the 5th or the 3rd—the 3rd, I think, by the look of it.
633. At all events, these figures appear in conjunction with the word "Paid," written across the original entry? They are written across the entry, but I would not positively state that they refer to it.
634. The figures are immediately under the word "Paid"? Just so.
635. What do they refer to if not to the entry? I cannot say at this distance of time. It may be the exact date of payment, but I cannot say positively.
636. Are you in the habit of entering payments like that across the entry, when the transaction is of this character? Sometimes I merely say "Paid"—sometimes I put the date.
637. At all events, the word "Paid" and these figures were not written at the time that entry was made? They must have been written after the entry, of course.
638. But they were not written on the same day or date that the entry was made? If that is the date of payment, they would be written on the date when I received the money.
639. And the word "Paid" was written on —? On the date when the money was paid. If you refer to my former evidence you will find the date on which the money is entered in the cash book, and I expect that will correspond with the former entry.
640. On re-consideration, the figures appear to be "14/3/59"? Yes.
641. What was the quantity actually supplied—was it 16½ dozen? That was the quantity I supplied to my brother; what he supplied to the Government I cannot state.
642. That would be 200 pairs? Yes.
643. Your brother tendered for more than 200 pairs, did he not? I cannot say; I dare say he tendered for as many as were wanted, whatever that number may have been.
644. Is there any entry here of the second transaction with Mr. Audsley? (*Witness produced another book similar to the last.*) That is merely entered as a cash entry—sold to cash, 200 pairs, at 3s. 11d.
645. What date is that under? Monday, October 10th, 1859. It is merely made as a memorandum just for my own guidance at any future time.
646. The entry under date Monday, October 10th, 1859, "Cash—200 pr. chain handcuffs, at 3s. 11d.—£39 3s. 4d." refers to the transaction with Mr. Audsley? Yes.
647. Is the entry in your handwriting? Yes.
648. Was it all written at the same time? Yes; I should imagine from the appearance of it that it has all been written and marked at the same time. It is merely a memorandum for my own guidance.
649. And written on that date? On the date when it was paid, just as cash—nothing else.
650. Is there any entry, with reference to the transaction with Mr. Audsley, of a similar character to that in the case of Mr. John Weekes? That is a similar one; the only difference is that I put the name to one and not to the other.
651. The entry to your brother is in the rough order book, what book is this entry to Mr. Audsley in? In a rough order book, the same class of book.
652. Then this book is, in fact, a continuation of that book? We keep a lot of these books on the counter—four, generally—and just whichever book happens to be handy it is put into.

* NOTE (*by witness on revision*):—This answer being irrelevant to the subject, I should wish it to be expunged.

† *Vide* "Proceedings," 27 February, 1861.

- C. W. Weekes, Esq.
27 Feb., 1861.
- into. Any transaction which is a regular sale to go into the ledger is copied into the journal, but anything that is for cash is entered here and then it is done with.
653. Then the whole of your transactions over the counter are not entered into one book? They are entered into four books; there are four books on the counter to be used if we want them; though sometimes we may only use one book all day long.
654. You say this entry was made when the handcuffs were paid for? I imagine so from its being marked in that way.
655. Is not the inference that it was made on the 10th October, 1859? Just so.
656. How is it that this entry appears in the other book that you shewed us when you were examined before? It appears there as cash received.
657. Why were two entries made? Because this is only a rough book, it will not shew the cash; the cash as it is received goes into the till and must be put into some book. If a person at any future time refers me to a sale of this kind, in the manner you have now, I turn to the cash book and find the entry, perhaps only handcuffs; then I turn to the rough order book bearing that date, and there I find the particulars of it, as you find them there.
658. Is the book you produced the other day made up from this book? No, it is all cash received, made up from no book at all. This has no reference to that book; this is merely a memorandum, nothing else.
659. I want to know why, if this was a cash transaction, it was entered in both these books? For the mere sake of having a memorandum of the transaction.
660. Is not the entry in the cash book a memorandum? No, I think, if I recollect, it merely says handcuffs a certain amount. This is merely for reference at any time, that I can turn over and see what it was.
661. At all events there is no entry in any of your books of 400 pairs of handcuffs sold to Mr. Audsley? Not unless we had sold them to him. It appears he only had 200 pairs, and of course that would be the only entry I should make, and I would not think of making it till it was all complete.
662. Do I understand that these two books, which you now produce, are both rough order books? Certainly, you may call them rough order books or memorandum books, because they are for everything; rough memoranda of every kind are put into them.
663. Then both these entries of the transactions with your brother, Mr. John Weekes, and with Mr. Audsley, were only entered in these rough order books or memorandum books when the handcuffs were paid for? I cannot exactly say whether it was the same day. You have the dates there, they will tell best. It is very probable I might make no entry at all until I got the cash.
664. It appears by the dates that the entry in the rough order book was made six days after Mr. John Weekes tendered? So it appears.
665. *By Mr. Morris:* Which, as a matter of fact, was the day on which the tender was decided upon? That I cannot say.*
666. *By the Chairman:* Then the entry of the transaction with Mr. Audsley is not of the same kind as the entry of the transaction with Mr. John Weekes? Yes, precisely similar; they are both entered as rough memoranda.
667. The entry of the transaction with Mr. Audsley is made when the handcuffs are paid for? I cannot say positively whether they were paid for on that day; I cannot say positively that that was the exact date.
668. Can you, from looking at your books, say whether there was any entry of the transaction with Mr. Audsley before the date when you were paid? † That I cannot say. † This is the only entry necessary.
669. You said you found certain entries, and you have got your books here which shew those entries, I want to know, from your books, whether there is any entry of the transaction with Mr. Audsley before the date it was paid? If this is the date it was paid there would be no entry before that. As I stated before, in transactions of this kind, I often keep nothing but a memorandum on my own desk; I sell the goods for cash, and make no entry until I get the money for them; it is not necessary to keep any other record.
670. Do you, in all transactions of this kind, make a memorandum in the cash book you produced the other day, as well as a memorandum in this book? Yes, if there are any circumstances calling for it; in the case of an amount of this kind, £30 or £40, I put a memorandum here for future reference, so that at any future time I may be able to turn to this book and find the particulars. Of course this is the amount Mr. Audsley paid me for them, and whatever the difference between that and the amount the Government paid him that would be the amount of his profit.
671. But, in point of fact, the entry in this rough order book does not give any more information than the entry in the rough cash book you shewed us the other day? That is according to what the entry was; that entry perhaps only stated a certain sum for handcuffs, this gives the number of pairs.
672. Did not the entry you shewed us the other day state the number of pairs? I do not recollect. If I remember right one mentions the number and the other does not.
673. Both the entries relating to the transaction with Mr. John Weekes, and to the transaction with Mr. Audsley, are in your handwriting? Yes, both. I may mention that I have got a transaction of a somewhat similar character in hand now; I have a lot of goods, £200 or £300 worth, under offer to a gentleman who I know is tendering to the Government; if he gets the tender I shall sell him the goods, and the only entry that will be made will

* NOTE (addendum by witness on revision):—The entry was most probably made when he told me that he had obtained the order.

† NOTE.—Fencilled through, on revision.

will be in the cash book when I get the money, or it may be in the rough memorandum book. It is a transaction of every day occurrence. C. W. Weekes, Esq.

674. *By Mr. Morris:* In the mean time, before you knew whether this gentleman obtained the tender, would you sell the goods to any one else, if you had the opportunity? That all depends upon the arrangement I make with him; if I promise to keep them for a certain time, of course I should not sell them; if he buys conditionally on my keeping them a week for him, and he has the power of refusal, of course I keep them for him. 27 Feb., 1861.

675. *By the Chairman:* Do you know when the Colonial Treasurer first became acquainted with this transaction? I cannot say, positively; I should fancy he might see it in the cash book at any time.

676. Is he in the habit of inspecting the books? No, not at all; he seldom looks at them.

677. Is he in the habit of attending your place of business? Only to see if there are any letters for him; he has nothing to do with the business, and does not interfere in the least; he has no idea of what is going on from one week's end to another.

James Williamson, Esq., called in and examined:—

678. *By the Chairman:* You have been engaged in business for many years in Sydney? I J. Williamson, Esq. have.

679. As a ship chandler and merchant? Yes.

680. This Committee has been appointed to examine into the present system of tendering for the public service, with power to inquire generally into the expenditure of money voted by Parliament for specific objects. In the course of your business, have you been able to form any opinion as to the present system of tendering? I have formed an opinion so far as it has fallen under my own knowledge. 27 Feb., 1861.

681. Will you be kind enough to state any matters within your own knowledge that may enable the Committee to form an opinion as to the present system? There is one great objection which I think may be made to the system of tendering for stores, which is more particularly what I am conversant with—

682. Do you mean marine stores? All kinds of stores. I think that the Boards for opening tenders have been too much confined to one or two individuals, and although I could not say that favouritism has ever been shewn, still I think that suspicions might very well be entertained that there has been, on account of the confined Board—

683. The close character of the Board? The close character of the Board.

684. Then I understand you that the present system is not such as necessarily commands public confidence on the part of business men? I think not.

685. Would you state any facts that have come under your own observation, which have induced you to come to this conclusion? Perhaps they may be called suspicions rather than facts, because these things are seldom openly known; but there are circumstances which give dissatisfaction. I had occasion once, for instance, myself, to tender for certain moorings that were required for Bellambi, or one of the harbours to the southward, and after the tenders had been sent in to the Board of Works, they were referred to the Pilot Board, and I am aware that the Pilot Board, instead of giving an answer whether my tender ought to be accepted or not, took the opportunity of instructing some of their own officers to inquire all round, at different places, to see if they could be got cheaper than the price at which I tendered. I did not think that was fair; and although the Government afterwards took my tender, still I believe it was because they found, after all their inquiries, that they could not help themselves. Now, as I understand the principle on which tenders are called for, it is that the lowest tender of equal quality should be accepted by the Government. I think if the Government receive tenders they ought at once to decide, yes or no, shall this or that tender be accepted. Instead of that, after the tenders are lodged, by that means knowing somewhere about the price, they can go round to the different dealers in those articles, and offer so much less. I think that is objectionable in the system of tendering. I remember one instance, which, though it did not come exactly under my own business, I know as a fact, where, when tenders were called for for a steam dredge for the Hunter, by being regularly published in the *Gazette*, and other papers, a tender was sent in at a certain amount—(I do not know whether there were more tenders than one)—and the Government kept that tender for some time without an answer, and at last it was declined, when immediately afterwards the Government called for fresh tenders. Well, the person who had tendered at first, if he did tender again, of course would tender at the same price; but another tender was sent in, a few hundred pounds lower, which was accepted. That was a matter of £8,000. Now, I consider that was giving an unfair advantage to those who had not tendered at first, but who sent in tenders on the second occasion, probably after the amount of the first tender had leaked out. For instance, I might have certain articles in store that I wished to tender at what I would consider a fair price, but if I thought that for a few shillings less I would get the tender, the probability is that I would take a few shillings less; but when I have sent my tender in, and the amount of that tender is known, it gives an unfair advantage to any one else who would tender at a lower figure.

686. Do you think that in all cases where only one tender is sent in that tender ought to be accepted, and no fresh tenders called for? I think it ought, or the work be declined at that time at any rate.

687. How do you mean the work declined? For instance, if stores are tendered at a certain price, if the price looks a reasonable price it ought not to be rejected, or if rejected the tender ought to be destroyed and become waste paper. It should not be known.

688. Secrecy ought to be observed? Secrecy ought to be observed.

J. Williamson, Esq.
27 Feb., 1861.

689. Do you mean to say that in this case secrecy was not observed? I think it was not, in fact I knew the amount of the tender a day or two afterwards. There are in the public service two or three departments altogether separate and distinct, all of which are in the habit of receiving tenders. For instance, the tenders for Public Works form a different branch from the tenders for Stores; then there are the tenders for Postal Communication which constitute another branch. All these separate branches might well have separate Boards, and on all the Boards there ought to be a sufficient number of members to prevent the possibility of any individual members being able to influence the decisions of the Board in favour of the tender of any particular friend. In a little community like ours even those who wish to act without the slightest bias cannot help feeling a bias now and then; and if the Board is composed of but two or three individuals it is but natural to think that a bias in favour of a particular tenderer, if the price was not altogether different, might be exercised; whereas if the Board was composed of say six members I think there would be less chance of favouritism being shewn.

690. Then in the first place I understand you to recommend that there should be different Boards for the different departments? I think so.

691. *By Mr. Morris:* It is so now, I believe, as a matter of fact? It is to a certain extent. But in the Public Works Department, for instance, there are tenders received for stores—coals, and so on—all of which I think ought to go through one channel. Public works are a separate affair altogether, and those who might be competent men to sit on Boards for stores might be quite incompetent in the matter of public works; and the same with respect to tenders for postal communication. The Postmaster General is not likely to be a person who knows much about works or about stores, but he is very necessary to be on a Board in his own department. The same with the Colonial Storekeeper; he ought to be on all Boards where stores are required, because a certain knowledge is required to know which are the proper articles to accept; but at the same time it would not be necessary that he should be on the Board for the postal service or public works.

692. *By the Chairman:* Do you think it would be well to have on such a Board as that, a gentleman appointed by the Government but not connected with any Government department—some gentleman of high standing who would have the confidence of the business community? I think on all of them it would be a very great improvement. I think some retired merchant, or some person who would not be likely to be biassed either one way or another ought to be on all these Boards. It would give great confidence to the people if you were to increase the number to say six, one or two of whom should be business men of some kind. It is of no use having a Board composed of men who know nothing about business; for instance, the Registrar General and several of those men, who are all very well in their own places, but if put in the places of business men must either sit as dummies, not giving any opinion, or be influenced by the others. They make up the number, but they are of no assistance I should imagine.

693. *By Mr. Morris:* They are rather placed there, I apprehend, to see that the tenders are all properly opened, not to give an opinion on the goods? Men connected with a business department would be quite capable of seeing fair play too.

694. *By the Chairman:* Do you think it should be made a rule that persons tendering should always be at hand? It is the rule, but it is not carried out. I know at one time when we, Mitchell and Co., tendered at first, we always sent up one of the clerks, or I went myself, to wait, because it is stated in the requisition that some person connected with the tenderer should attend at a certain hour, but we were never called upon, and therefore the practice has been dropped.

695. Then the practice has fallen into disuse on account of the Board never calling on parties tendering for any information? I suppose so. For instance, if I were to tender now for stores, I should merely send up a boy with the tender just before 12 o'clock; formerly I should have sent some one who could have answered questions.

696. Where articles are to be inspected—where samples are sent—do you think the parties sending in the samples should be at hand? No doubt of it.

697. Do you know what the practice is at present in such cases? I rather think that at present it is not the practice to send in samples—it is done, but very rarely; the general practice is that tenders are called for in accordance with a sample deposited at the Colonial Store, and the person tendering has to inspect the sample before he sends in his tender; if he had not the particular description of goods, they would not be accepted.

698. *By Mr. Morris:* You do not send samples? Not as a general rule. Sometimes, when tenders for oil have been called for, samples have been required. A great improvement might be made in the mode of calling for tenders. It was at my suggestion that the oil tender was altered. At one time the oil tender used to be mixed up with the provision tenders, which were generally taken by a person named Johnson. I pointed out to the Colonial Treasurer, then Mr. Campbell, that the oil for light-houses could be tendered for cheaper if separated from the provision tenders. That was done, and we had the tender for one or two years for the light-houses alone. But there yet remains room for improvement in this respect. I think that in drawing out the tenders they might be still more simplified, by separating many articles from the rest, instead of mixing them up with these long provision tenders. Several items might be taken out for particular departments, and supplied direct to the storekeeper.

699. *By the Chairman:* I believe you have had considerable acquaintance with the oil trade? Yes, a good many of my years have been spent in it.

700. Do you recollect inspecting some oil which was tendered by Mr. Harbottle some time ago? Yes, a few months ago—some Chinese oil. He asked me to come and look at it with Mr. Stuart. We tried the samples—there were three jars—by argand lamps and by common lamps, and we found it was very good oil. I remember we gave a certificate.

701. Were you acquainted with the oil accepted instead of Mr. Harbottle's? No, I was not, but I have heard complaints of it; some of it is at the Colonial Store now, I believe, and it is very much complained of. J. Williamson,
Esq.

702. By the Government? By the light-house keepers. It was some oil that was purchased by Captain Browne, so I understood. There was a complaint about it only the other day by the keeper of the lower light-house, so I was informed by the merest accident. I asked what oil it was, and was told it was this oil which Captain Browne had bought, and which turned out very bad. I bought some of Mr. Harbottle's oil after having inspected it, and it was very good. 27 Feb., 1861.

703. In such a matter as that of tendering for oil for the light-houses, who were the proper persons to constitute the Board? I think you might have one Board for all stores. I differ from the Report of the Board on the Colonial Storekeeper's Department, recommending that the different departments should purchase their own stores. I think that would make a very biggledy-piggledy affair of it. Instead of that, I would confine them still more to the Storekeeper's Department than they have been hitherto. Everything in the way of stores should go through the Colonial Storekeeper, and by that means they can be checked by persons having some knowledge of the business. When we tendered, we had infinitely less trouble with that department than with any other. We used to have tenders for the Surveyor General's Department, for tents and things of that kind, and for the Colonial Architect's Department and several others; and we always had a great deal of trouble with them; but with the Colonial Storekeeper's Department, when the goods were delivered, we had no more trouble with them. For instance, in the case of oils, our storekeeper went in when the oil was delivered, and he was told at once whether it would do; what was accepted was taken over, and what was thought to be bad (generally on account of bad packages), was replaced at once; we had no further trouble. I think that there should be a Board to consider tenders for stores of all descriptions, of which the heads of the different departments chiefly interested should be members; for instance, the Colonial Architect, the Colonial Storekeeper, the Under Secretary for Works, and you might have the Engineer for Harbours or not as might be thought proper. A great many things come through him now as his establishment is carried on. Then, if with these gentlemen you were to associate an old mercantile man who had no interest either one way or other in the tenders, I think the public would have confidence in such a Board. If the tenders were decided upon (either accepted or declined within a reasonable time) it would likewise be a great convenience. In many cases now the tenderer has no answer for months. For instance, some few months ago there were tenders called for, for a steam tug for the dredge at the Hunter by the Board of Works, in the Engineer's Department; I tendered my little steamer, and I did not get an answer for three months afterwards; whether it was by accident or not I do not know, but I only got the answer just before Captain Martindale went away, declining her, though she had been employed all the time at the same place. It is merely the loose way of doing business that I complain of.

704. Do you know whether that is a matter complained of by business people? Yes; I have felt it often with many things. We have been left to guess whether our tenders were accepted or not.

705. Are you aware of the plan pursued in Melbourne with regard to publishing the tenders? No.

706. Do you think it would be advisable to publish the tenders? I do not think it would do any harm. I remember we once used to have the tenders published here.

707. *By Mr. Morris:* The prices? Yes; I do not think there can be too much publicity in these things. It would rather do good than harm, if the tenders were published, so far as the public service is concerned. It would shew those who held goods at what rate the Government was supplied, and perhaps when tenders were called for again, they might be induced to tender at a less price. I remember here, a few years ago, they used to be advertised very frequently—the tenders accepted, and the prices.

708. It would be more satisfactory to the competing tenderers? No doubt of it.

William Madderson Alderson, Esq., called in and examined:—

709. *By the Chairman:* You have been engaged in business for some years in Sydney? Yes. W. M.
Alderson, Esq.

710. In the leather trade chiefly? Yes. 27 Feb., 1861.

711. This Committee has been appointed for the purpose of examining into the present system of tendering for the public service, with power to inquire generally into the expenditure of money voted by Parliament for specific objects. Have you, in the course of your business had occasion to come into connection with the present system? Yes, very often; I have some Government contracts at present.

712. Do you think the system as now carried out commands the confidence of those who are in the habit of tendering for the public service? It does not command my confidence. There is one thing I do not approve of, and it is this, their being bound to take the lowest tender; I think the Government often loses money by that.

713. You think they sometimes get an inferior article? Yes. My idea is—in our line at least—that parties tendering should send in a sample of the goods they intend to supply, and that competent people should be on the Board that understand these things, to judge which is the cheapest. It is not because an article is low priced that it is really the cheapest. I think they would get a much better article if they were not bound down—if they were to have some discretionary power—the same as all other business is done. But what I can learn from

W. M.
Alderson, Esq.

27 Feb., 1861.

from my experience is, that they are afraid to take any but the lowest tender, for fear they might be pulled over the coals in the House. That is my impression from what I could learn from conversations with parties.

714. Have you ever had occasion to complain of the length of time which elapsed before you have been informed whether your tender was accepted or not? I cannot say I have, excepting in the case of our last tender to the Railway Department. There is another bad system there. They advertise for a large list of goods, and you have to tender for either part or all. Each contractor picks out the things he is able to supply. Now I looked out as many things as I was able to supply, and I never heard a word about my tender being accepted or declined, as is customary in other departments, until I got a requisition sent in for two or three articles. I naturally supposed that I had got the contract for all I had tendered for; but when I went to the Railway Department to sign the bond I found that these were the only three articles I had got to supply. Now if I had known that, I would have thrown it up, but then I had committed myself by supplying some of the articles. It was their fault; they ought to have sent me notice at once of the articles they had accepted. It does not pay me to supply these three petty articles; it is not worth the trouble of going and signing the bond.

715. Do I understand you to complain of too many articles being included in one list? I complain of their not sending the notice at once to state what articles they had accepted, then I would have known what to have done, because I need not have taken the contract without I liked. It makes it too petty—too small for any one to bother himself with. My impression is, that if they follow out that rule tradespeople will not be at the trouble to look after their contracts. It is like a retail business compared to a wholesale business—pettifoggery.

716. Do you think the persons that compose the Boards that have to judge of the articles supplied by you are competent judges of the articles sent in? No, I do not, if the Boards are composed of the parties I have heard named. I have understood that Captain Browne is generally a member, and I did hear that Mr. Crook, the Harbour Master, was on the Board, but it puzzled me how he could know whether a saddle was a good one or a bad one, or Captain Browne either. I believe Captain M'Lerie was on the last Board; now he is a judge of such things.

717. Would you recommend that for all the different stores the Government requires, the Board should be composed of the same persons, or of different persons, according to the description of articles required? That is hard to say. There are men that have a general knowledge of most kinds of merchandize, but they are not many, I would recommend that they should be men that have this sort of knowledge as near as possible.

718. What do you think of the propriety of putting on these Boards some person not connected with any Government department—some merchant retired from business in whom the public would have confidence? I think it would be a very good thing, if they could not get parties that have a general knowledge of these things out of or from the Government offices.

719. *By Mr. Parkes:* Why do you think it would be a good thing to introduce a retired merchant—would he have the general knowledge you speak of? I think he ought to have a general knowledge of merchandize. Merchants import all sorts of things, although there certainly are some of them who do not understand the things they deal in. It is a difficult question to answer. There is one thing I would recommend with regard to saddlery, boots and shoes, and such things, that they should always have a man like Captain M'Lerie on the Board, because it is in his department, and he ought to have a thorough knowledge of what he wants. But I think it is not in Captain Browne's or Mr. Crook's department to choose saddles and boots and shoes for Captain M'Lerie. I know Captain M'Lerie to be a good judge, because he has called in at our place of business and found fault with points in the saddles which other people could not pick out; and he has suggested many improvements too, which I suppose he had found to be necessary by having to use them.

720. *By the Chairman:* Is there anything else you could suggest to the Committee? There is another thing I am very much opposed to, and I think the country loses a great deal of money by it, that is, importing so many goods that can be made here. I will guarantee that if you were to see the shoes that were imported when George A. Lloyd and Co. were agents for the Government, and compare them with the shoes we make, you would say one pair of our shoes is worth three of theirs. I do not know the price they pay for the English ones—I never could learn that—but I know the quality of them, because I have seen them; they are made of the greatest rubbish of leather that could be found in England, and the workmanship is appropriate to the material.

721. How long ago is it since they imported any? Two or three years. I recollect I got Mr. George Thornton to ask a question about it in the House, and Mr. Charles Cowper admitted that they did. I think it is a very foolish thing to do when there are so many men here that want work, particularly when we can prove that it is cheaper to get them made here.

722. *By Mr. Parkes:* Do we understand from your evidence that the lowest tender is always taken? Yes, I have always understood that to be the case. The way it was brought so forcibly before my notice was during the time the gold excitement was raging here; I had the contract for boots that year; I was supplying the Government at 11s. a pair, and at the same time I was selling the same sort of boots at 14s. Well, I might have given them three months' notice, and have got rid of the contract, but I said, I will not throw it up, because they will bear this in mind next year; and next year I was thrown out of the contract by some twelve or thirteen shillings in the aggregate after adding up the whole of the items, and when I inquired about it they told me they were bound to take the lowest tender.

723. Could you state from your own knowledge whether the goods supplied were as good
as

as those you supplied? I am sure to think mine the best. There is another thing, the samples at the Colonial Store are our samples—we made them for the store—and I have every reason to believe that the parties that get the contract are not kept up to the samples. My foreman said that some of the parties remarked they had accepted saddles for a few shillings of difference—perhaps 5s. on each—and there was from £1 to £2 difference in the quality. You know that makes a wonderful difference if it could be proved. I recollect the first time I got the contract they were very particular with me; they would not receive any rubbish from me.

W. M.
Alderson, Esq.
27 Feb., 1861.

724. How long have you been in the habit of tendering for Government supplies? Five or six years, or more. I know I had a great deal of trouble to get into it at first. Binnie had the contract for years—it was a sort of sinecure to him. I applied to Sir Charles Fitz Roy by letter, and to the Colonial Secretary, and everybody; but, however, Sir Charles choked me off at last; he sent letters which were as much as to say, “it’s no use trying here any more.” I merely wanted the thing to be done openly so that all in the trade could have a chance of tendering; I was asking no favour.

725. I was going to ask whether you were of opinion that tenders had been accepted through favouritism or any other reason of that kind? I could not say that—never since I had anything to do with it. Many a time Mr. Buchanan, when he was Colonial Storekeeper, has told me he never had so much pleasure in receiving goods as from our house, they were so satisfactory, no fault to be found, after we got over the first difficulty. I certainly at first thought he was rather too particular with our goods, oftentimes unnecessarily so, but subsequent experience shewed me that he was merely discharging his duty, by endeavouring to secure articles of the requisite quality for the public service. It was no wonder they should be particular with our goods at first, after they had been receiving Mr. Binnie’s goods for so many years.

726. *By the Chairman*: Do you not think that persons sending in samples should always be present when the tenders are opened? Yes, we are always waiting there to be called in, but I was never called to be asked any question.

727. *By Mr. Parkes*: Did you ever hear of tenderers previously sending presents to the head of the department? No, I never heard anything. I can only say I never sent a present.

728. Did you ever hear of any other person doing so? I have heard people talk about these things, but I could not give you any facts. It might be all lies. I know, when Mr. Buchanan was in the Colonial Store, I used to say many a time to my foreman and my partner, that I would not like to offer him anything; there was something about him that seemed to say “keep your distance.”

729. You never heard any tradesman who had tendered acknowledge that he had made presents to the head of the department? Never.

730. *By the Chairman*: Do you not think it would be well that all the tenders should be advertised when sent in? I think the accepted tenders are advertised. I do not think it would be fair to expose a man’s prices to the public. Still I do not think there would be much harm in it. The principal objection that I see is taking the lowest price without reference to quality. I think it is better to carry on the business of the Government the same as a private individual carries on his business, by sometimes giving 10s. more for an article, to gain £1 by it in the quality.

THURSDAY, 4 APRIL, 1861.

Present:—

Mr. ARNOLD, | Mr. DANIEL,
Mr. PARKES.

WILLIAM CHARLES WINDEYER, ESQ., IN THE CHAIR.

Mr. Henry William Johnson called in and examined:—

731. *By the Chairman*: This Committee has been appointed “to examine into the present system of tendering for the public service, with power to inquire generally into the mode of expending money voted by Parliament for specific objects.” I believe you have at various times contracted rather largely with the Government? Yes, for the last twenty-eight years I have done nothing else.

Mr. H. W.
Johnson.
4 April, 1861.

732. For what departments have you tendered? I have tendered for the provision and forage contracts for the district of Sydney. In former times I have had, collectively, contracts for half the districts in the Colony; but of late I have contracted chiefly for Sydney and Parramatta.

733. Before the introduction of Responsible Government were the contracts of the same nature as they have been since? Of the same nature. I have had contracts with both the Colonial Government and the Commissariat for provisions.

734. By “provisions” do I understand you to mean articles of food? Articles of food, forage for horses, and other incidental things that come under the head of contingencies, such as fuel and light required for the Government establishments.

735. Then I understand that you have almost devoted yourself to this as a matter of business? I have done nothing else since 1834—before any Colonial contracts were in existence.

736.

- Mr. H. W. Johnson.
4 April, 1861.
736. Since the time when you first tendered, has there been any change in the system of carrying on the tendering? Yes, there have been a great number of changes.
737. Can you state any facts to the Committee which may be useful to them in forming an opinion as to the advisability of continuing or of amending the present system? In the first instance, when the charges were made upon the Colony direct for gaols and the police, the whole of the supplies were tendered for to the Commissariat Department, and the contractors were paid by that department, which afterwards made the charge upon the Colonial revenue. Afterwards a Colonial engineer's department was formed under Colonel Barney, and the contracts then became so extensive that it was considered by the Colonial Government desirable that they should enter into their own contracts, and they accordingly adopted in a great measure the conditions and mode of the tenders in the Commissariat Department. The Government appointed a Board to receive and consider these contracts, and it was a Board which I consider to have been impartial in every respect. It was composed of the head of the Government, the Colonial Secretary—to whom all tenders were addressed—the Auditor General, as the person having charge of the finances, and until the Colonial Storekeeper's Department was formed a third party was selected; such a person for instance as Captain Nicholson, who was in charge of the Mounted Police, or the Sheriff, or some other person whose duty it was to see that the department under him was properly supplied. These formed the Board. The party who put in a tender, or his agent, used to be in attendance when the tenders were opened, to be called in if necessary; but this very seldom took place, unless there were something technically wrong as to the way of filling up the tender, or bearing on a point of a similar nature. When the contracts had been considered, and the calculations made at the office, the tenderer got his answer.
738. This Board was afterwards changed, was it not? When the Colonial Storekeeper's Department was established, I had several conversations with Mr. Lithgow, the late Auditor General, about the accounts, and pointed out that there were too many vouchers required. In the Commissariat they pay all under one account, and give a detailed list afterwards; Mr. Lithgow was thinking of forming an establishment of that kind. When the Colonial Storekeeper's Department was established, the Board consisted of three persons, the Colonial Secretary, who was Chairman, the Auditor General, and the Colonial Storekeeper, who was present for reference. At the time I am speaking of, the Honorable E. Deas Thomson was Colonial Secretary, Mr. Merewether, Auditor General, and Mr. Buchanan, Storekeeper. That Board sat up to the introduction of Responsible Government; and from that time there have been more than one change, that I have not been able to learn the precise nature of. The system at present, as I understand it, is for the Under Secretary of Finance, and a number of the heads of departments to meet together and open the tenders for the articles required; they then make their calculations, and the tenderer receives his answer from the Under Secretary for Finance.
739. What is your opinion of the present system of tendering, generally speaking? I do not think it at all so good as the old one; but it might be modified, so that the Under Secretary for Finance, and the Auditor General, always to form a portion of the Board, and to be joined by the heads of the departments to whom the tenders particularly refer, and the calling for divided contracts be abolished. I think the Auditor General ought in all cases to be on the Board, as the accounts must finally pass before him.
740. Do you think enough publicity is given in the way of advertising for, or the acceptance of tenders? It never was advertised at all for the Colonial service till lately, in any other paper than the *Government Gazette*, and I think, although saying it against myself, that the provision contracts might be published a little oftener, to draw people's attention to them. At the same time I would not publish the whole of the conditions of the contracts, as these might be learned by application at the Treasury, and the various Police Benches in the country districts.
741. When tenders are accepted, do you think it would be well to publish ———? The prices.
742. Yes? They are published in the *Government Gazette*.
743. But the names of the parties whose tenders have been rejected are not? No.
744. Do you think it advisable they should be? No, I do not; without it is a case of this kind, where the tender rejected was lower than that accepted; which I consider a thing that ought not to be countenanced in any way whatever.
745. I believe your tenders have been pretty generally accepted? Yes, till lately; the last I put in were not. A person does not want to be throwing away money; if other people like to put their hands into their pockets and make a present to the Government of £60 or £70 a month, I cannot do it. I may be grateful for what I have received from the Government, but I cannot carry my gratitude to that extent.
746. Up to what time were your tenders generally accepted? Till within the last two or three years. A change has been adopted, partly at my own suggestion. Tenders used to go in for an entire district, which I consider the best mode—one contractor to supply everything—but from private hints thrown out through various channels, that although there was a great deal of competition for the supply of the departments in the district of Parramatta, nearly always one person got the contract, and the prices were very high. The Board wanted to see how it could be put down, should there be any foundation for the rumours, and at first did not accept the tenders put in, but called for others. In the meantime they communicated with me relative to the supply of the Lunatic Asylum at Tarban Creek, which was at that time attached to the Parramatta district, and I gave my consent that, if they did not accept the tender, and called for fresh ones—if they did not then receive one they thought they ought to accept, I would supply the Asylum from Sydney. It was not till the 29th March, that I was applied to again on the subject, which was too late for me
to

to make my arrangements before 1st of April; and they were obliged to accept the tender from the same person, the tender being higher than that he had previously sent in, which was considered too high. The next year I was prepared; I tendered for the supply of the establishment, obtained it, and incorporated it with the contract for the Sydney district. To prevent these proceedings, it was thought desirable to alter the system, and instead of advertising for tenders for the supply of the various establishments, to advertise for the various articles according to trades; that is to have a butcher, a baker, a grocer, and so on, to supply the various articles they dealt in; but I believe when the trouble of keeping and examining several different sets of vouchers, the expense of sending messengers, running from one end of the town to the other about providing the next day's supply, it would be found that the system of giving the contract to one person is the most economical.

Mr. H. W.
Johnson.

4 April, 1861.

747. You think it most advisable that all these articles should be tendered for by one person? Yes, at so much per ration, or per head.

748. May I ask what tenderer was in the habit of receiving the tenders for Parramatta? Mr. Harvey, or Messrs. Byrnes. Mr. Harvey has been generally accepted. Mr. Patrick Hayes, or, as he was generally called, Paddy Hayes, was the first who got into any particular way with these separate tenders. I may mention an incident that occurred not two months ago about tenders, even in that shape, *i. e.*, trade divisions. I merely mention it to shew what might be done in the tendering line; whether it is a fact or not, I cannot tell, but things similar have occurred a great many years back. A stranger from Parramatta came to me with a paper, and said, "Will you read this—you may copy it if you like—only give me back the paper?" It was explaining how this man—meaning Mr. P. Hayes, and his name was mentioned—had said he used to get the contracts. He always, as he called it, "shaved" the other tenderers. He put in one tender for each allotment in the regular way, and gave another tender to somebody else who made the calculations. There was an item left blank in the latter one, and if any one's tender was lower than his, this blank was filled up at the price, without reference to the cost of the article—that would bring the tender, in the aggregate, a trifle under the other which was lowest. The tender that had the price put in was substituted for the one that had been handed from the Board to be calculated, and the initials of the Board must naturally have been copied off. This might have been all braggadocio of the man, but this is what was stated.

749. Do opportunities exist under the present system for such malpractices? Yes.

750. Have no amendments been made to prevent this? Not that I am aware of.

751. What would you suggest to remedy it? That tenders should be given in duplicate, and, as the tenders were opened they should be signed, and one of them should be locked up; or, if in originals only, previous to sending them from the room, for the calculations to be made, the gentlemen who constituted the Board should copy the prices. It might also be expedient to call in the parties who were in attendance.

752. The tenderers? The tenderers; but they might be called in one by one, and the question might be asked, "Have you put in a tender for so-and-so, at such prices?" On his acknowledging it, a note should be made of it, and it would stop such proceedings as the man who came from Parramatta informed me of, if attempted. I should have sent in the paper to the Government, but, having to put in tenders myself, I did not like the appearance of doing so just then.

753. Were you ever asked to be present, when the tenders were opened, in order to give any explanation? There is a clause in the present conditions, requiring the tenderer to be present, but we are not often called upon.

754. How often have you been asked to give any explanation? Twice.

755. Twice in twenty-four years? Yes; or, at the most, three times. On one occasion I was tendering for the district of Queanbeyan, when the mounted police were stationed there, at the beginning of the gold diggings, and I had forgotten to fill in the name of the district, although I knew what district it was; it was a tender for flour and all other supplies. At another time, I was called in relative to the affair of the Lunatic Asylum at Parramatta. The third time was to explain respecting a person of the name of George Seymour, of Windsor. He had tendered for the district of Penrith, at the time the Blackheath Stockade was included in that district, and they asked me a question relative to the complaints that were made when they were acting under the Commissariat. They wished to know whether he was an eligible person.

756. He was a tenderer at that time? Yes.

757. And you were also? Yes.

758. How long is that ago? Twelve or fourteen years. I have never been called in since 1852 or 1853.

759. Are you acquainted with the system of tendering in Victoria? I believe it is as nearly as possible the same as here. I do not know what Board is appointed.

760. What is the practice when the tenders are opened—are the parties required to attend? I do not know as relates to Victoria.

761. Do you think it advisable, as a general rule, that they should always attend? Yes; the contractors here, according to the conditions, are required to attend; but they seldom do so, because they are never asked any questions with reference to their tenders.

762. Have you ever known instances where the interests of the public service have not been promoted so well as they might, by the tenderers not being present, or not being called upon to give explanations as to the qualities or descriptions of goods or samples supplied? Yes, frequently trouble, and sometimes loss to the public service, arises in that way.

763. Have you known instances? Yes, where they have been supplied with improper articles. If samples were called for, it would save a great deal of trouble and annoyance to the public service.

- Mr. H. W. Johnson.
- 4 April, 1861.
764. You think, in all instances, samples should be called for? Yes, when the articles were not of a perishable nature samples should be kept in the office, in order to test these disputes.
765. Have you known where samples have been sent in, that they have not been tested as they ought to have been? I have not. I know goods have been received by heads of departments and accepted—perhaps not so formally accepted as would be necessary for the Supreme Court, but still morally accepted—and after that, either the parties who have supplied them have been put to the trouble and expense of taking them back, or the Government have been put to the inconvenience of retaining an article they did not want.
766. There is not a business-like acceptance or refusal? There are conditions, but the conditions are not virtually carried into effect on the part of the Government.
767. The goods are not accepted or refused in a sufficiently business-like way? No, the contractor is left to the whim or caprice of the party receiving. For instance, in furnishing supplies to Cockatoo Island, if a man, a confidant called a delegate, comes down to the boat and says, "I will not take such a thing," it is of no use for the Superintendent to say, "You must take it." If he were to do so, there would be a disturbance. They do not carry out the principle of receiving according to the conditions, so as to give fair play to the contractor.
768. In what way do you mean? You contract to supply articles of a certain quality, and the head of the department is responsible for receiving them; but instead of the head of the department at Cockatoo being asked whether a thing is good, bad, or indifferent, there is what is called a delegate; perhaps a man like Swan disapproves of them, and after that it would not do for the Superintendent to take upon himself the responsibility of accepting them, or perhaps the men would refuse to work.
769. What would you advise with reference to this matter? That the power of these men called delegates should be clearly defined; the contractor does not contract to supply according to the whims and manœuvres of these men. It seems strange if Government cannot decide whether what they receive is good or bad, without calling in their opinion.
770. I understand what you mean to be this, that the heads of departments should be the only persons to decide whether the particular articles under the contract should be received or not? Yes, that the conditions should be strictly carried out.
771. Have you found that the contractors have been subject to inconvenience from the length of time that elapses from the receipt of the tenders to the acceptance or rejection of them? Yes, great inconvenience, and in former years it was attended with great loss to the public service. In the Commissariat contracts it was made a stipulation that no tender should be withdrawn or altered, but that notice of those accepted should be given within three days of the receipt of the tenders.
772. Used that to be done? Yes.
773. Then if things were managed as they ought to be, there is no reason why the intimation should not be given as quickly now? It might be given in about three hours. In Mr. Miller's time, when the convict system was in full play, and there were twelve or fourteen large establishments to be supplied, and the Sydney contracts used to come to £10,000 a month, there were a number of papers prepared, with lists of some forty or fifty articles to be supplied, and columns for the different contracts; and when the contracts were sent in these were given to a clerk to be entered in the several columns, and to be added up. The clerk would then go to Mr. Miller, and say there are so many tenders in, and the result, and he would tell the parties likely to be successful that they would shortly receive an official notice of the acceptance of their tenders if they were approved. Because in these extensive contracts it was most important that speedy notice should be given. Perhaps Mr. John Eales, for instance, might make you an offer of 6,000 or 7,000 bushels of maize, at 5s. or 6s. a bushel, and say it may remain open till twelve o'clock the next day, but if the offer were not at once accepted, in a few days the price might rise fifty per cent.
774. *By Mr. Daniel*: Did the tenderers for the public service, prior to Responsible Government, appear to give general satisfaction in the mode and manner in which tenders were accepted? Yes.
775. Will you state if there is an increase in the amount of the contracts; if, since Responsible Government, they have been for larger amounts than formerly? No; they are smaller, if anything.
776. Do you think the Government have been benefited by the recent change in the mode of accepting tenders for the public service, since Responsible Government? The changes as to the divisions of the contracts were in existence previous to Responsible Government.
777. My question is general, whether you think the public service has been benefited by the changes that you say have taken place since Responsible Government? The change has been only in the formation of the Board. This system was in vogue before Responsible Government.
778. *By Mr. Parkes*: Has the public been better supplied since Responsible Government, more economically, with better provisions? No.
779. *By the Chairman*: Has it been as well supplied? Yes; it has been supplied in just the same manner; but I would say this, that, had the system been continued, of one general contract for each district, I think it would have been more economical for the public service.
780. *By Mr. Daniel*: Have you any cause to complain of the present mode of tendering? Not of tendering, because I give the tenders in.
781. If there were tenders invited by the Commissariat and by the Colonial Government, which would you be inclined to tender for first—is there any difference in tendering for the two? No.
782. Does the Commissariat pay more quickly than the Colonial Government? The Commissariat pay quicker.
- 783.

783. Therefore, would you tender at a less price for the Commissariat than for the Colonial Government? No.

Mr. H. W.
Johnson.

784. You think you would derive more benefit from a tender for the Colonial Government? I should have more fair play from the Colonial Government, even under the present conditions, than I should from the Commissariat, and that would be a greater advantage than any quicker payment I might receive. I would sooner supply the Colonial Government than the Commissariat.

4 April, 1861.

785. Are we to understand that the prices you would submit to the Colonial Government would be higher than those you would tender to the Commissariat? I would tender lower to the Colony.

786. *By the Chairman:* Why, if you would tender lower to the Colony, and are paid quicker by the Commissariat, would you prefer to take a contract for the Colonial Government? Because the conditions of the Commissariat contracts leave you in the power of people, which I know to my own cost, who have an opportunity of carrying out their personal feeling.

787. In the Commissariat? Yes.

788. Is that at the present time? At the present time. What I find fault with principally in the Colonial Government is that the heads of departments have the power to make payments direct. Here is an instance that occurred with myself about a fortnight since when the rations were delivered at Cockatoo Island. One of the men of the class I have spoken of had objected to the bread. It was sent to Captain Mann, and he could see nothing the matter with it; he then applied to the medical officer on the island, who said it was good, wholesome, according to the contract, and fit to be received and eaten by anybody. The consequence was that my boat came away from the island, the men were dismissed, and everything was done for the day. About half-past eleven a boat came over from the island. Capt Scott, the Visiting Magistrate, had made a casual visit to the island, and his attention was directed to this bread, I believe in the cook-house, or by the man acting as delegate; and, without any inquiry, a note came over to me, signed by Captain Scott, that the bread was rejected, and that if I did not send another article before one o'clock, it would be purchased at my cost. I considered that I had fulfilled the terms of my contract, as if there were any objection it was for the recipient to make it. However, I did not give them the trouble of buying other bread, but I sent a substitute under protest, and informed the Treasury of the matter. Now the monthly account is made up, and I could get no cheque, if I wanted the money, unless I consented to the deduction of this amount, supposing bread had been purchased by the authorities at Cockatoo. If the matter were arranged as it was formerly, and no payments were made till they had been examined at the Treasury, the thing might have then been inquired into, and whoever was considered to be in fault would suffer for it. On another occasion, after the bread had been accepted, I got about half of it back cut up into little pieces of no use excepting for fowls. Out of about 300 lbs. of bread I got 140 lbs. or 150 lbs. Because I did not find another article in lieu of it, it was purchased, and I had to deduct the cost. The same thing has happened with maize meal after it was cooked and spoiled.

789. You say the changes you have before mentioned took place before the introduction of Responsible Government—do you think, taking into consideration what you have said about the length of time that elapses between the reception of tenders and intimation being given to the tenderers that they are accepted, that, upon the whole, the tendering system has been as well administered since the introduction of Responsible Government as before? No, I think it was better under the old system. I mean as regards the time that elapses from sending in the tender till you receive notice.

790. Do you think the Boards now are as well qualified to judge of the qualities of the articles supplied as they were under the old system? As far as I understand they are able to judge of these things.

791. A suggestion has been made by some of the witnesses before this Committee, that, in addition to the official members of the Board, Government should have the power to cull in some gentlemen who had been in business to take part in the deliberations of the Board for accepting tenders—do you think that would be an improvement? I think that would be very just towards those who tender.

792. From your acquaintance with the tendering system, and as a man of business, do you think the public service would be benefited by Government getting tenders for articles in some cases where they now purchase direct themselves? In many instances that course must be resorted to—where an article has not been named in a contract.

793. Have you ever known articles to be obtained for the public service by direct purchase where they might have been obtained more advantageously by tender? No; but if tenders were called at the time the articles were required, I do not think you could purchase privately so cheaply as if the supply were open to competition.

794. Provided answers were given immediately to persons tendering? Yes. With reference to the last tenders that went in, they were delivered on the 23rd of February, and answers were received on the 8th of March. During the time these tenders were in, the article of maize rose about 3s. a bushel. What was to hinder the person, as the contract commenced the 1st of April, from going and withdrawing his tender for the item of forage, and fresh tenders to be called for? In such a case, the price that would have to be given would be far higher; whereas if the person had got his notice, he would have been bound by it.

795. *By Mr. Daniel:* You have spoken of Cockatoo Island; your complaint, as I understand, refers chiefly to that. You say that some bread which had been left by you was rejected by Captain Scott—are you not aware that, as Visiting Magistrate, it would be part of his duty to examine the food? That is not in my contract.

- Mr. H. W. Johnson.
- 4 April, 1861.
796. Are you not aware that Captain Scott, the Visiting Justice, does examine the food used by the prisoners? Yes, but it is not in my conditions.
797. You know that as a fact? Yes.
798. You say that you received a note from Captain Scott, that the food was to be taken back and other substituted? Yes, after having been received by Captain Mann, the Superintendent of the Island, and Captain Mann having referred the thing to the medical officer resident there.
799. *By Mr. Parkes*: It appears to me that in your evidence you have regarded the whole arrangements as affecting the convenience and benefit of the tenderer; but the real question is, how far the public may be benefited by any change in the system—how far better goods, or at a cheaper price, might be supplied. Do you think any of the recent changes have had the effect of economising the public money, and of supplying better articles for the public? I do not, upon the whole. I believe it has lot in people who have not had the means of carrying out the contracts so well. I believe there have been more complaints of the articles supplied since the system was adopted of calling for several tenders for one establishment instead of one for the permanent supply, like provisions and allowances.
800. The change you complain of is this, that, instead of taking contracts for all the supplies required by a district, they now take contracts for the supply of a particular establishment, or for the performance of a particular work? They do not take it for a particular establishment, that would amount to the same thing; but each establishment may have four or five contracts to supply it with various articles at the same time; and looking to the multiplicity of work and clerical labour to which this division gives rise, I think the old system was the more economical.
801. Take Cockatoo Island or Darlinghurst Gaol,—do not you think a baker, a butcher, or provision dealer could supply respectively bread, meat, and other provisions more economically, and would be more likely to have good provisions, than some person who was merely a contractor and who had to purchase these articles for fulfilling the terms of his contract? No; I could supply them for less in bulk than in division; I should tender for less.
802. Could you supply bread, butcher's meat, and the other provisions required better and more economically than a butcher could supply meat, or a baker bread, direct from his establishment? In bulk I could, for I should have to make only one delivery; and in the other case there would be four deliveries; each of the parties would have to send his man or cart with the articles he supplied.
803. Would you not have to get them from four different sources? Many of the articles I should get from my own sources. For instance, I bake my own bread, kill my own meat, and sometimes make my own flour and maize meal, so that I get the profits that arise from these various occupations.
804. When you object to the change do you take into consideration the growth of the Colony, that instead of being a penal establishment of 100,000 or 150,000, it is now a Colony of some 400,000 inhabitants? I took that into consideration in this way: When I come here there were not above 78,000, prisoners and all. At that time half the number were supplied by Government, and contracts that then came to £10,000 a month do not now come to £150. I beg to add in reference to a former question put to me about deliveries to Cockatoo and the Gaol at Darlinghurst:—On Cockatoo Island they found the inconvenience of having three or four contractors, so they did also at Tarban Creek, and they are now supplied by one contractor; whereas at the gaol in Sydney the contracts are cut up into four or five divisions. One man has a contract that comes to £38 a month, and he has to retail goods every day. The advantage of having one large contract is, that if one item goes up in price another comes down, and thus the general contractor is enabled to carry out his contract without giving notice of discontinuance.
805. Have you ever known any peculiar favouritism in the acceptance of tenders? No.
806. Have you known any presents to be made to the officers who have the duty of examining them? No, I have not. We can only judge by their actions; and persons frequently think that although from their own calculations their tenders ought to have been the lowest, yet they have not obtained the contracts. But then they might not have had the right number to multiply by; *i. e.*, the estimated probable quantities the Government themselves think would be required for the period the tender would run over.

ADDENDUM.

The Board I recommend in my answer on this subject to the Committee would consist of the following officers of the Government, and would represent the whole of the interest connected with provision and forage contracts, and other articles, or fixed allowances:—

Under Secretary of Finance,
Auditor General,
Inspector General of Police,
Sheriff,
Chief Superintendent of Penal Establishments,
The Head of either of the Medical Establishments at
Parramatta or Tarban Creek.

These, assisted by a non-official gentleman, as suggested by other witnesses, to guide as to the value of the articles for which samples are sent in, or on other points—(the best person, in my opinion, would be one of the large auctioneers, whose trade might run principally in sales for provisions, &c.)—would give every satisfaction.

H. W. JOHNSON.

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

807. *By the Chairman:* You were some time Colonial Storekeeper? Several years. J. Buchanan, Esq.
808. For how long? I think upwards of fifteen years.
809. This Committee has been appointed "to examine into the present system of tendering for the public service, with power to inquire generally into the mode of expending money voted by Parliament for specific objects." In your capacity of Colonial Storekeeper, you have had opportunities of judging of the present system? Very extensively, of course. 4 April, 1861.
810. I believe whilst acting in that capacity you were member of a Board for considering tenders? I was member of a Board for considering tenders for those articles in which my own department was interested, but not* for provisions in which my own department was not immediately interested.
811. Were you in the Storekeeper's Department before you became its head? Yes, for some years.
812. How many years have you been there altogether? Twenty-one.
813. During the whole of that time you have had opportunity of observing the working of the system? Yes; perhaps I might also be permitted to remark that I had some experience in England previous to that.
814. In a Government department? Yes.
815. In what department? The Ordnance.
816. Since you have been engaged in this way in the public service, has any change taken place in the mode of carrying on this system? The rule by which Government has always been guided has been to obtain supplies for the public service by public contract.
817. In the mode of carrying out the system, have there been changes? There have been changes, but not of any great moment. There are two classes of contracts—those connected with stores, and those connected with provisions. The remarks which will apply to one, will not, in all cases, apply to the other. In the case of stores, latterly, there has been an endeavour to introduce a system of tendering for a specific quantity of articles, and of obtaining them to one pattern. The practice is now reviving of calling for a long list of articles of different qualities; and the Government hamper themselves with these prices so that the whole thing becomes a mere lottery, as it is not in the power of any Board, such as I have seen appointed by the Government, to determine which is the better tender. If you call for a tender for a specific item, and set up a standard by which to judge of its quality, the question is a very simple one; the contractor has merely to supply a certain quantity according to that specific pattern, and the Board has simply to determine who can supply at the lowest price. Where the quality is not defined, it is difficult, if not impossible in many cases, to decide which is the best or cheapest article.
818. What plan would you recommend? Simply the plan I adopted latterly. In the first place I determined what the Government required; I then obtained a standard according to the requirements of the particular department, and called for tenders accordingly, so that I did not hamper the question of price with the question of quality.
819. You would do away with the present system of the tenderers sending in samples? Yes; it is a most fallacious system. I would wish for no better means of deceiving any Government Board. Do not misunderstand me, I do not mean to say that I would do away with all samples; but what I recommend is, that Government should fix its own standard. But if, as I saw lately in the *Gazette*, they advertise for two or three hundred items in one contract, there may be twenty different qualities and prices for some of the articles.
820. *By Mr. Parkes:* How could you set up a specific standard for any articles in a long list of general goods—take a pair of boots for instance—what strikes me as the difficulty is how the gentlemen who decide those questions are to determine as to the quality of a pair of boots? That is the difficulty I wish to meet; I say no Board is competent to decide upon that question, and therefore the Government, as a preliminary step, should determine upon their sample—upon what quality they really required, and then call for tenders. The determination of the quality does not now lie with the Board, but with the party who makes the requisition; there is the defect in the present system, and the Government do not make provision to meet it. They do not see by independent and competent officers that the goods supplied strictly correspond with the pattern fixed by Government; there is a link wanting in the chain there.
821. At this stage I do not see how this link is to be supplied—how it is to be ascertained that the goods supplied are to be equal to the standard; for example, taking a pair of boots—supposing Government wanted 200 pairs of boots, of a quality worth 10s. a pair, I am sure of my own personal knowledge, that a pair might be supplied by one tradesman of the full value of 10s., and another pair might be supplied by a second tradesman, who possessed the ability to make an inferior look like a good article, having the appearance of being worth 10s., and yet not worth more than 7s. 6d.? I quite agree with you—I perceive what you mean exactly. No doubt the difficulty exists, but —
822. Take another illustration—a pair of scissors or a knife. After you get to a certain degree of finish, if the article be of superior finish, its value is perhaps doubled; now ninety-nine persons out of a hundred would not be able to fix the value of the superior finish, although they might discover the difference in the rougher work; it would be appreciable only by a first-rate tradesman? I think your views meet mine exactly. I say that no Board I have ever seen assemble are able to detect these differences.
823. How then do you propose to decide the question? By a system of examiners.
824. In the respective trades? Yes. Under the British Government a Board of Officers, heads of departments, assemble and receive the tenders, but their duty ends there; they have

* NOTE (corrected by witness on revision):—And also.

J. Buchanan, Esq.
4 April, 1861.

have no voice when the supplies are delivered. What we need is a Board of Examiners, and even in this limited community it is possible to obtain examiners conversant with the respective trades. We could not extend it to every branch, for the requirements of the Colony are not sufficiently great to bear that expense; but for the main items, as boots and shoes, clothing, and soft goods generally, we could get examiners.

825. What are the heaviest items received by the Government? Clothing and woollen goods.

826. Blankets? Blankets and soft goods generally; for these it is quite possible to get competent persons as examiners, but for the smaller items you must depend upon the judgment of the head of the department for whose use the articles were required.

827. *By the Chairman*: You said just now that you would not have samples sent in by the tenderer—do I understand that the plan you recommend is this: that the Government should have an article made, or should find an article of the kind they required, as a sample, and that the Board should simply decide as to the tender which should be accepted, and that the protection the Government should have as to the quality of the article supplied should rest with the head of the department, or with the head of the establishment receiving the goods from time to time? Yes. (*Vide Appendix A.*)

828. For instance, the Board having decided whose tender should be accepted for supplying their provisions at Cockatoo, the head officer on that island should decide as to the quality of the provisions supplied? That opens a different question. You are now entering upon the provisions contracts, which are quite different from those for stores. The provisions contracts, it appears to me, from pretty long experience, divide themselves into two classes. All those services around Sydney and Parramatta, where the tenders should be for specific kindred items; and those for the country, where the contracts should embrace every item of provisions, properly so called, for the public service.

829. Leaving the matter of provisions; I understand that the Board, having decided whose tender should be accepted, say for oil required by the Pilot Board, the head of the Pilot Board should decide that the oil was according to the sample supplied to the Government? I do not think the head of the Pilot Board would be the person to judge. Taking your illustration of oil; I think the test should be the absolute burning of the oil in the lights; it should be a practical test, and should not depend upon the experience of a man whose previous habits of life would not enable him to judge. When tenders are called for, the test to be applied should be provided for and mentioned clearly in the conditions of the contract. In the case of oil the Government could not set up a standard of its own, but nothing could be more simple than the test of burning. Samples might be sent in by different parties, and upon the test of burning the best might be selected. When I said that Government should set up a standard, I did not mean to imply that that should be done in every case; but that, as a general rule, where it was possible, it should be adopted; and it is possible in most things.

830. But taking the system as it exists; do you think the present arrangement has been always acted up to or carried out as far as it might? As far as I know.

831. For instance, in the article of oil; has oil been taken by the Government without having been tested in the way you suggest? I could not speak of the matter to which I think you refer, of my own knowledge. I know something of it from rumour, but it did not come under my personal knowledge.

832. Were you not a member of any Board which approved of oil? Yes, I was.

833. Do you remember an instance in which tenders for the supply of oil was sent in by Mr. Harbottle, an oil merchant in the City of Sydney; and by Messrs. Griffiths, Fanning & Co.? Yes.

834. And Messrs. Griffiths, Fanning's, was accepted? Yes, and Mr. Harbottle's also; both were accepted, because the supply that the Government required could not be obtained from either one of them. We took all that Mr. Harbottle had to offer us of better quality, and took the remainder of Messrs. Griffiths, Fanning's.

835. Are you certain of that? Yes.

836. Are you sure that the contract was not divided between them? That was the division; I took all that Mr. Harbottle had to supply.

837. *By Mr. Daniel*: Was that prior to June, 1860? It must have been in the early part of 1859.

838. *By the Chairman*: Are you sure that Mr. Harbottle did not tender on this occasion, and that his tender was declined? I am quite certain Mr. Harbottle's oil was taken.

839. *By Mr. Parkes*: Do you remember any tenders in last year? I had nothing to do with the contracts last year—since the 31st of January, 1860.

840. *By the Chairman*: Do you know of instances where the test you have mentioned was not applied? It was applied in the case of all oil bought by myself. It is very recently that contracts have been called for for large supplies of oil in that way. The system was commenced by myself in an attempt to introduce China oil in lieu of sperm oil for the lights of the Colony, and I made a purchase of some of this oil privately of Messrs. Griffiths, Fanning. It was an experiment.

841. Was that oil bought by private contract? Yes; it was the first purchase that was made.

842. What was the amount? I cannot say. I know I bought it at sixpence a gallon less than oil has ever been bought since.

843. How did it turn out? Of course I am dependent upon the reports sent from the lights, and those reports were very favourable. It was stated to be both cheaper, better, and cleaner.

844. Have you ever heard people complain of the length of time that has elapsed between tenders

tenders being sent in, and their being accepted? I have heard the contractors complain J. Buchanan, Esq. repeatedly, and very justly.

845. *By Mr. Parkes*: What is the cause of this delay? The delay is at head quarters.

846. What is the cause? I simply state the fact that of late years you can get nothing settled by the principal officers of Government. You can get no decision upon any one point if there is the slightest responsibility involved. 4 April, 1861.

847. Has not that defect been remedied since the introduction of Responsible Government? I really think the evil has grown since, and very considerably grown.

848. *By the Chairman*: Then there is no just cause, so far as you know, why this delay should take place? None whatever.

849. Do you know, having been a long time in the service of Government, whether, before the establishment of Responsible Government, contracts were more quickly decided? Much more quickly and satisfactorily.

850. Have complaints increased since the introduction of Responsible Government? Yes, certainly.

851. *By Mr. Parkes*: Responsible Government has had the effect of frightening persons from incurring responsibility? There is an attempt to cast the responsibility upon mere executive officers, irresponsible men.

852. As an old officer of Government, do you state that there is less vigour and decision in the heads of Government since the introduction of Responsible Government? Much less. I give that as my deliberate opinion; much less vigour, and much less desire to carry out the public business than I saw before.

853. The public service really suffers from the want of decisive action, lest parliamentary responsibility should be incurred? Yes; and the whole of the ministerial departments seem to be passing out of the hands of the Government into the hands of the Under Secretaries.

854. We are dealing now with Responsible Ministers of the Crown when we talk of heads of departments—and you think that the Government, as conducted by Ministers responsible to Parliament, is less vigorous and less decisive, when vigour and decision are necessary for the public service, than formerly? Yes.

855. From your observation, you think the powers of government are not exercised by the Responsible Ministers of the Crown, but by the permanent Under Secretaries? Yes; and that has been my opinion for some time.

856. *By the Chairman*: You have said that you have held that opinion for some time? I have, and by turning to my letter-book, you will find that I have recorded it in writing to the Government.

857. *By Mr. Parkes*: That opinion has not changed from greater length of experience? It has not.

858. With regard to the establishment in the community of a class of persons as contractors who make it their business to buy up goods for the supply of government establishments—do you think the public would be benefited by being supplied by such persons as these, more than they would if they were supplied in each department of the service directly by tradesmen? I scarcely know any one who takes into hand the fulfilment of government contracts as a pursuit *per se*.

859. Did not Mr. Johnson? Mr. Johnson did so with provisions contracts; he followed that as a pursuit, and as far as my knowledge goes, he did nothing else for some years. The result was, as far as I could perceive, that Mr. Johnson had a monopoly of these contracts, from the way in which they were framed.

860. Speaking generally, suppose a class of contractors arose in the country, would it be better for the public service? I think it would be advantageous on the whole if we had a class who did take matters of that kind into their hands; there is such a class in London, who are well known as government contractors—large houses are engaged in this particular business.

861. With the growth of the Colony, you think it would be as well if men of capital employed their capital in this way, and thus created this particular business? I think so, and that opinion I have expressed in my letters.

862. Will you be kind enough to inform the Committee the grounds upon which you have formed that opinion? The principal ground upon which I have formed this opinion is, that the supplies usually required by the Government are of a particular description; they differ from those required in private life; therefore people in the town engaged in ordinary mercantile business are seldom supplied with the goods required by Government, and thus the Government is frequently left to make a choice between taking what they do not exactly need or going without; they must take what the market supplies. If, however, we had this class of men, they, in anticipation of the wants of Government, would lay in a stock of the description of articles likely to be required, and if Government set up a standard of their own for the various articles these men would feel some degree of certainty that the tenders would appear periodically. At present it is dangerous to import goods which would be exactly suitable for Government, because they could not be sold to any one else.

863. Do you think an advantage would arise from Government dealing with persons who would be better known to them? I do not think that is of any moment. I think the only question should be, who would supply the goods of the settled pattern, at the cheapest rate.

864. Would there not be cases where the Government would have to depend upon the integrity and uprightness of the contractor? I think not.

865. Have you known cases, which occur to you at the present time, where serious loss has occurred through Government having had to take goods they have not required, and which they have afterwards found to be useless? I cannot call to mind an instance of that kind, but I have known many cases where they have had to use articles of a different kind from what

- J. Buchanan, Esq.
4 April, 1861.
- what they have required. For instance, take the item of blankets for the aborigines. You cannot, in any one of the large warehouses in town, purchase a sufficient number of blankets of one quality and pattern, you must therefore purchase of several houses, and the result is a considerable difference in the blankets supplied. Now, I think it desirable that these should be as near as possible all alike, and not of various qualities; as otherwise discontent may arise among those to whom they are distributed. They should be of a specific size, weight, and quality; but if you were to shackle tradesmen in town in this way, you would not be able to get the number you required. If, however, there were Government contractors, of the class to which you advert, they would import a sufficient number in anticipation of the contract.
866. There were some revolvers required by the Government a short time ago for New Zealand? That has occurred since I left the public service.
867. Suppose two hundred revolvers were wanted to-morrow, or next week,—and if wanted at all they would be likely to be required suddenly, in consequence of some disturbance, would it be possible to collect them all at any one place in Sydney, all of one pattern? Must assuredly not; and that is one of the evils I wanted to point out. You could not gather two hundred of one settled pattern, and by one maker; consequently you would be forced into the market, and have to buy them of all shapes, sizes, and bores.
868. Did you hear of any supply of revolvers last year? Yes; there was one in which I was particularly concerned.
869. Was there a tender required for revolvers? Yes.
870. Do you remember that there were some supplied by a solicitor of the Supreme Court? Yes, perfectly well. That transaction occurred in my own time, and with myself.
871. Do you remember the particulars of it? Quite well. Tenders were required for revolvers for the Southern patrol.
872. How many? I cannot say.
873. Fifty or a hundred? I do not think above twenty, but we had been previously calling for tenders; there had been a general demand for revolvers. On the day when the tender box was to be opened for examining the tenders, I was present at the Treasury, and there was found to be no tenders. The next day a tender was sent to me from the Treasury, under blank cover; and, contrary to the usual practice, there was not even a marginal note on the paper sent, mentioning why or with what intent it had been so enclosed to me. Fortunately, however, on the sheet of paper there was the Treasury stamp—a stamp similar to that used in all the public offices for stamping papers when they are received. There was no marginal note, as is customary, and not even the initials of the Under Secretary. I went up to the Treasury to know what to do in the matter. I saw the Under Secretary, and said, "This tender was not in the box." He said, "No." I then asked, "Where did you get it from?" and said, "I cannot read it. I cannot decipher the writing." He said, "Don't you know it, that is Mr. Rodd's." I replied, to use my own phrase, which was perhaps improper, "What, that mad fellow—what has he to do with revolvers." "Oh!" said he. *(The witness here pointed with his thumb over his shoulder.)*
874. The Under Secretary made a gesture? A gesture with his thumb over his shoulder towards the Treasurer's room. My reply was, "He wants a good price for them, but I must have the revolvers for the Gold Fields." He said, "You had better accept the tender—do you need all." I replied, "Yes, I need all for the service. If Mr. Weekes settles that the price is a fair one I am willing to take them." "Yes," he said, "he approves of it." The tender accordingly was approved by Mr. Weekes, and £9 each was paid for the revolvers.
875. How many were there? Thirteen as well as my memory serves me—I never saw Mr. Rodd upon the matter, and I doubt if he knows me at all. He obtained the money and proffered a further supply, which I declined.
876. Did he tender for a further supply? No.
877. The whole proceeding was irregular? Perfectly irregular.
878. It is irregular, on the face of it? Yes, the tender never passed through the box. I noted in the tender book when the box was opened, that no tender was received.
879. On account of this irregularity you went up to the Treasurer's office, and pointed out the irregularity to the Under Secretary? Yes. I did so in consequence of the irregularity.
880. *By the Chairman:* Did you ever see any letter from Mr. Rodd saying that he had a large assortment of these valuable revolvers, which he could put in? I should scarcely like to answer that question positively, for it is so long ago, and I have not been able to refresh my memory; but I have an impression that there is a letter in my late office addressed to me stating that fact.
881. Do you know anything connected with a tender for the supply of handcuffs? Yes; of course there were several tenders for the supply of handcuffs, and among others there were two from Mr. Weekes himself, who tendered one through the medium of Mr. Audsley, who was his shopman, and another through the medium of his son, who was in partnership with him. As I was curious to trace the matter to its conclusion, I found that the cheques, which were issued from my department in payment for the goods, went to Mr. Weekes' own account at the Bank of New South Wales; also, that neither Mr. Audsley nor Mr. Weekes, junior, had an account at that bank.
882. Did you see Mr. Rayment Audsley, or young Mr. Weekes, about this? Neither; I did not know either. I was not aware till long after the supply was delivered, who Mr. Rayment Audsley was.
883. Not knowing Mr. Rayment Audsley, your attention was not in any way directed to the fact that your answer was to be sent to the Post Office? It was, for on the foot of the tender were the words, "Address—Post Office."
884. Did that in any way attract your attention? It was nothing unusual. We replied to him

him at the Post Office. I sent an order. I doubt whether I sent a written notification that his tender was accepted; for it was a very common practice to omit that, and send the order instead. I sent an order for the goods, and probably the following day we got them.

J. Buchanan,
Esq.

885. Have you any suggestions you can make as to any improvements that might be made in carrying out the system of tendering? I think one very great improvement would be made by the contractors being present when the tenders were opened. My experience of boards—of tender boards, or any other boards—is very much that of Jeremy Bentham, that they are “fit only for screens.” I think it is a mere sham keeping them up—it would be more satisfactory to the contractors, more beneficial to the public, if the contractors were present when the tenders were opened. I would have them assembled in a room; the head of the department should then open the tenders, and call out the prices and the names of the parties, who might submit offers in the presence of the tenderers themselves. This, I think, would prevent jealousy, and give satisfaction to every one. That is the course adopted in England with the immense money contracts at the Treasury. When the loans are decided upon, the parties who make the offers are invariably present, and I think the system might be extended with advantage to contracts in this Colony. I do not see that any evil could arise from it.

4 April, 1861.

886. Had you any instructions as to the amount to which you might make direct purchases? None whatever.

887. You had no instructions to guide you? None.

888. *By Mr. Parkes*: How long have you been removed from office? I was removed at the latter end of October, 1860. I was under suspension from the 1st February to the latter end of October, before the Government could come to a decision.

889. Have you any objection to state the alleged grounds? Not the slightest. The allegation was that I was cognizant of, or participated in some tender sent in by Mr. John Weston, chief clerk in my department. The evidence is before the Committee.

890. Since then you have not been in the public service? I have had nothing whatever to do with the service since the 1st of February, 1860.

891. Could you state to the Committee in what way, and to what extent, the Ministers control the system of tendering—I ask that question, because we can infer from the degree of control they exercise there what control they exercise generally? Unless they are interested, I do not think they attempt to exercise any control, unless they become personally interested in these matters.

892. With reference to this system of tendering I would like to ask what is the course of action in initiating anything that is new—do the Ministers set the ball rolling, or do the Under Secretaries do it—what I wish to arrive at is, who is the first moving cause of any change or alteration in the public service? Generally, I think, the Under Secretaries.

893. Ministers generally act upon the suggestions of the permanent Secretaries? Yes. There have been changes I can call to mind which have been initiated by the Ministers of the day. For instance, there was one by Mr. Donaldson, the great change of the Colonial Agency, and a most injudicious one I have always thought it. But in that case I do not hesitate to say that Mr. Donaldson was not free from personal motives.

894. At all events, you think, so far as the system of tendering for a supply of goods to the public service is concerned it is pretty well controlled by the Under Secretaries of the respective departments? Yes.

895. If any alterations took place they would probably be on their own suggestions? Yes.

896. Suppose from various complaints, from a motion made in Parliament, or from any of those various elements which conspire to produce change, it should be considered necessary that an alteration should be made, can you state how it would be effected—would the Ministers ask the advice of the Under Secretaries, or would they be likely to determine upon some course themselves? I have seen but one Minister at the Treasury who would be likely to take questions of that kind and determine them upon his own responsibility, and that was Mr. Jones. All the others would be likely to be guided by the opinion of the Under Secretary. They have had no opinions of their own, perhaps from incompetency, to see what the effect of a change would be.

897. The only Responsible Minister who was not afraid to incur responsibility was Mr. Richard Jones? Yes.

898. *By the Chairman*: Do you think from this system, which does to a certain extent exist, of the Government, in certain instances, getting articles without tenders has had a prejudicial influence on the public service? I do not think it. The Government are sometimes compelled to go to the open market instead of resorting to competition. As a rule, it is the practice to obtain everything by competition, and I think it is a wholesome way.

899. Do you know anything of the circumstances of the supply of a quantity of iron and wire work for the aviary in the Government Gardens? It is a matter in which I was not personally interested; I have heard the reports.

900. *By Mr. Daniel*: Do you think the tendering system has been so satisfactorily carried out to the public since the establishment of Responsible Government as it was formerly? I perhaps can scarcely judge of the feeling of the public. So far as the contractors are concerned, I know they are not so well satisfied. While I was in office, of course people had a delicacy in stating their views; but, in my present position, I am more likely to obtain information upon that head.

901. Perhaps you will favour the Committee by stating what you have heard since you have left the Government service? I can only repeat, that, to the contractors as a body, it has not been so satisfactory since, as previously.

902. *By the Chairman*: Do you think it is more or less beneficial, or as beneficial to the public interest? I do not think it has been as beneficial. I may take a case that did not occur

- J. Buchanan, Esq.
4 April, 1861.
- occur in my own department, and, therefore, I cannot speak so confidently. Twelve or eighteen months ago there was a contract advertised for, in connection with the Public Works Department, before Mr. Arnold was in office. It was a bold advertisement, covering a page of two column foolscap, for a year's supply, and drawn up in such a way that no business man could tender. Samples were to be sent in of the various articles, and, from the description I heard, I imagine the scene must have been most ludicrous. There was a room full of samples, and every person connected with the Works Department passed his individual opinion upon the brooms, mops, tools, and other articles. There was so much confusion that it was impossible to decide which was the best tender, and I think it might as well have been decided by putting the tenders in a hat and drawing them haphazard. Great complaint is made by the contractors of the delay in coming to a decision, and this arises from the erroneous system in existence. I can say that, when I was Colonial Store-keeper, a week never elapsed from the time an application was made to me before I gave an answer, and I generally gave it the following day.
903. Do you consider that there is any difference between the Commissariat tenders and the tenders for the Colonial Government—that contractors would rather supply the Commissariat than the Colonial Government? I believe that the few persons who have had experience under both prefer the system of the former.
904. Upon what grounds? They are more prompt in their decision, and more prompt in their payment. There is less trouble and difficulty in the system. Of course the Commissariat system applies merely to provisions, and not to stores.

APPENDIX.

A.

Answer furnished on revision.

Through some cause that I cannot explain, I did not catch the purport of this question of the Chairman. The more affirmative expressed is really no answer. Had I caught its drift my reply ought to have been to the following effect:—

Knowing that rigid inspection is the only safeguard against abuse of the contract system, I am of opinion that the Government ought, in justice to the fair trader, and as a protection for the general public, on whose behalf they act, to provide means for holding useful and effective surveys upon every supply they purchase. To assemble a Board of departmental heads for such a purpose is worse than a folly—it is a deception. On the other hand, the duty ought not (as is the case at times) to be suffered to devolve, without superior control, upon persons filling inferior posts.

It would facilitate improvement were fixed Government patterns adopted; but the want of these need be no obstacle to the introduction of a better system of survey.

I do not think it is to the heads of departments that the Government should *solely* look for protection as to the quality of supplies. That is the fiction under shelter of which matters are conducted in several departments at present; and an extension of it I understand is contemplated. So retrograde a step would effectually bar improvement.

It will be obvious that a proper staff of examiners could not, by reason of the expense, be maintained in every department; *ergo*, the supplies should be procured through the instrumentality of that department, be it what it may, where competent examiners exist.

Briefly—the main principles upon which I conceive action ought to be founded, are these,—

To separate from each other (not necessarily in separate departments, but in separate and independent branches of one department):—1st, the custody of stores; 2nd, the inspection of stores; 3rd, the payment for stores; and 4th, the framing of contracts, and deciding on tenders for stores.

Niggardliness caused the Government to cast on my shoulders the whole of these functions, some of them in the highest degree antagonistic. The danger of the position I never fully felt, because of its gradual growth; its evil and inexpediency was often the subject of unavailing remonstrance.

WEDNESDAY, 24 APRIL, 1861.

Present:—

MR. DANIEL,
MR. GRAY,

MR. MORRIS,
MR. PARKES.

WILLIAM CHARLES WINDEYER, ESQ., IN THE CHAIR.

Henry Lane, Esq., called in and examined:—

- Henry Lane, Esq.
24 April, 1861.
905. *By the Chairman:* This Committee has been appointed to inquire into the present system of tendering for the public service. You are Under Secretary for Finance and Trade, and a member of the Tender Board, are you not? Yes.
906. And you wrote a letter to me, as Chairman of this Committee, expressing a desire to be examined? Yes.
907. Have you any instructions given to you as a member of the Tender Board, and which are also general instructions to the Tender Board? I have, and I now beg to place copies of those instructions before the Committee. (*Copies handed in. Vide Appendix A and A 2.*)
908. Since the promulgation of those rules have any other instructions been given? I am not aware that any other instructions have been given.
909. And those are the rules which are now in force? Those are the rules which guide us in our group of departments—the Treasury group.
910. Is the Board now constituted in the way indicated in this report? Those rules are strictly adhered to.

911. Have you known any cases where the rule with regard to tenders not sent in a regular way has been departed from? I am not aware of any case of the kind.
912. I mean where tenders have not come in at the proper time? There may have been an instance of this kind. If an article were urgently required, and if, five or ten minutes after the Board had assembled, a person came with a tender, and we knew we could not receive the article otherwise, the tender might then be received.
913. *By Mr. Daniel:* You were a member of the Tender Board previous to Responsible Government in this Colony, were you not? No, I was clerk in the Audit Office.
914. But you had to do with tenders for the public service? I had to deal with them as Chief Clerk in the Audit Department.
915. And you have been a member of the Tender Board since the inauguration of Responsible Government here? Yes.
916. From your relationship to that Board, generally speaking, has the system of supplying the public service, with regard to tenders, undergone much alteration, or are the same forms observed now as those which formerly prevailed? We have been more stringent in the forms since the inauguration of Responsible Government.
917. In what way? Formerly there was no stringency in reference to the opening of tenders. They were then opened in the Colonial Secretary's Office. Letters were sent in loosely, and the Colonial Secretary could deal with them just as he would. He used generally to have the Auditor General with him. I know that there was a laxity then which does not prevail now.
918. Since Responsible Government that has been corrected, you think? Yes, I think so.
919. *By Mr. Morris:* Formerly there were no such boxes as are described in those instructions, (*Appendix A*)? There was a box with one key, the key of which was kept by the Colonial Secretary of the day. I am positive about that, because as Chief Clerk in the Audit Department I used occasionally to act for the Auditor General.
920. *By Mr. Daniel:* Supposing any particular article is required for the public service, and there is not sufficient time to invite a tender, what mode do you adopt to supply yourself with the article so required? The Colonial Storekeeper sees the Treasurer, or perhaps myself, and he explains the urgency of the case. But then we do not lose sight of the principle of competition, which is the great principle to which we adhere. If there is no time to call for tenders, the Colonial Storekeeper goes round to the various houses or storekeepers in the town.
921. Who supply the article? Yes. If, for instance, it be an article of ironmongery he goes to all the ironmongers. That is the principle upon which we insist.
922. But after it has been found that the article can be obtained, who gives the authority for it to be purchased? We leave that to the Colonial Storekeeper.
923. That is, the Colonial Storekeeper himself? Yes.
924. It is not submitted to the Minister of the day—there is no fiat under his hand necessary? No, not after that. These I refer to are all small articles. The principle is that everything must be open to public competition.
925. For instance, supposing twenty revolvers were required? We should call for them by tenders.
926. Have you any limit as to the price you intend to give, or how do you manage in reference to that matter? That depends upon the competition.
927. Supposing the price was exorbitant, would you receive it? I will give you an instance. In order to get certain supplies requisite for New Zealand we had to apply over and over again. The notifications appeared not only in the *Government Gazette*, but also in the newspapers of the day. If these tenders be sent in we ourselves are obliged to exercise a sort of control.
928. You exercise a discretion yourselves? Yes.
929. That hardly arrives at the answer I was anxious to get from you—who is the proper person that finally gives consent to the article being purchased and paid for? As regards stores, the Treasurer is.
930. But in reference to these particular things you have mentioned—revolvers? The Treasurer would finally approve of them.
931. The Treasurer—the head of the department? Yes.
932. *By the Chairman:* Do you know anything of a case where a number of revolvers were accepted and where Mr. Rodd was the tenderer? Yes.
933. What do you know about that matter? I have the papers with me. I submit the tender book. We received from the Colonial Storekeeper a requisition, initialed "John Buchanan," that twelve revolvers should be purchased.
934. *By Mr. Morris:* For what service? For the service of the Western Gold Escort. On the 25th August we advertised for them; under instructions (*Appendix A*.) Mr. Buchanan and I met, and I now read you an extract from our minute book, dated 30th August, 1859:—"The tender box was opened this day in the presence of the undersigned, and no tenders for revolvers found therein. It is, therefore, recommended that the notice "be republished for Tuesday the 6th proximo." This is in the handwriting of Mr. John Buchanan, and is signed by Mr. Buchanan and myself. In accordance with that recommendation (leaving all these things to the Colonial Storekeeper, I not being supposed to deal with revolvers or stores), on the 30th August, tenders were invited "till noon of Tuesday the 6th proximo."
935. You advertised again? Yes.
936. And tenders were received up to the 6th? Yes.
937. And at noon none were received? None were received. I find that on the 7th there was a letter received from a Mr. Rodd (so far as I can read the name); he offered to supply

- Henry Lane, Esq.
24 April, 1861.
- the revolvers, and I will read this (*Minute*) in the handwriting of Mr. Buchanan, the Colonial Storekeeper.
938. *By the Chairman*: It is a minute on the back of it? Yes; I sent the letter to him first. I correct myself in reference to a previous question, and say that on the second day (the 6th) we received an offer of four revolvers from Mr. Harbottle.
939. How did you receive that from Mr. Buchanan? We received it from Mr. Rodd.
940. Who received it? We received it at the Treasury, and then sent it in the usual course to the storekeeper. Mr. Rodd sends a sample of revolvers, and says the price is £9 each. (*Letter read. Vide Appendix B.*) I sent it to the Colonial Storekeeper, and he reports, in a minute on the letter:—"Twelve revolvers are wanted for the service of the escorts, and of these four only have been obtained in answer to public advertisement repeated several times in the *Gazette* and newspapers, I consider that further publication of the notice will serve no good end, and therefore recommend the acceptance of this offer. The pistols would of course be subject to approval of their quality by the armourer of the department."
941. What is the date of that? The 7th September I think, or between the 7th and the 9th. It was approved by the Treasurer on the 9th, and on the 14th September it appears that the Storekeeper sent to us an account as paid, with this certificate, in reference to the thirteen revolvers supplied by B. C. Rodd:—"I certify that the quantities of the above-mentioned articles were duly supplied by the above-named individual, and that they are conformable to the samples stipulated for. I further certify that they were required for the public service, and that the prices charged were the most reasonable for which the same could be procured at the time of purchase; and furthermore that they were ordered upon approved requisitions."
942. That is the usual certificate, I suppose? Yes. They were thus signed for by Mr. Buchanan, and by Mr. Jenkins, subject to the approval of their quality by the armourer.
943. *By Mr. Morris*: That is the armourer referred to in Mr. Buchanan's minute? Yes.
944. Is that all? That is all in reference to the pistols.
945. *By the Chairman*: And you say that this letter was received at the Treasury? Yes.
946. How did it come, do you know? It must have come through the post.
947. How do you know that? I can imagine that, because it is dated the 7th September, and stamped.
948. But I suppose you stamp all letters that come into your hands? Yes.
949. But supposing I brought a letter to the Treasurer, would you stamp it? Yes.
950. And the reason you have given for judging that this came through the post is because there is a stamp on it? Yes.
951. Then if you stamp all letters that is not conclusive that this letter came through the post? If I were in the office I could be able to give information in reference to the matter which I cannot afford just now.
952. Do you recollect when you first saw this letter? I do not recollect, but I must have seen it, perhaps the same day.
953. The same day that it came? Yes.
954. Do you recollect who gave it to you? That I do not recollect.
955. You have no recollection whatever of the matter? No.
956. After you received this you say you sent it to Mr. Buchanan? Yes, that is the ordinary course.
957. Did you afterwards see him? It is very likely that after receiving it I would have seen him, but I am not sure. I am satisfied that I sent it down to him.
958. After you sent it down to him did you see him? I do not recollect. The usual course is to put it under cover. The head of a department always returns such documents under cover; but the Colonial Storekeeper may perhaps have come up with it.
959. When you sent it down did you send any letter with it, or how did you send it? I cannot think of that. The number of the papers is 5600, and I cannot possibly recollect how I disposed of each.
960. Then you do not recollect whether you saw Mr. Buchanan about it or not? I do not recollect. I do not know that I saw him personally, if that be what you mean.
961. Yes, I mean did you see him personally? I do not recollect.
962. You may have done so and forgotten it? Of course, he may have come up with it.
963. *By Mr. Morris*: Is it not more than probable that he did come up with it, it being out of the usual course? That is not the usual way. He may have come up. I would not say to the contrary, but it is unusual.
964. Do you recollect distinctly whether that letter did come through the post or whether you received it from anybody in the Treasury? That I cannot recollect. If I had access to the books in the Treasury, where we keep a record of these things, I might tell you more positively, but I really cannot tell you now.
965. Is not the price (£9) a high price—is it not £2 higher than you paid for those you got from somewhere else? Sometimes in cases of emergency we have to buy things like that at any price.
966. But is it not a high price? I do not know.
967. But what did you pay to Mr. Harbottle? Seven pounds fifteen shillings.
968. Did you know who the person tendering was when you got the letter? Mr. Rodd.
969. But did you know who he was? No. We always leave that to the Colonial Storekeeper; we hold him responsible.
970. The Board do? Yes.
971. Do you recollect whether Mr. Buchanan asked you anything about that gentleman in particular tendering? No.
972. You do not recollect? No; I recollect nothing of that.

973. You will not say he did not, I suppose, considering the number of documents of the kind which are brought under your notice? I cannot be positive. He may have done so.
974. Have you since ascertained who Mr. Rodd is? I heard on Saturday. I saw Captain M'Levie on the subject, and he told me that Mr. Rodd is related to one of the Ministers.
975. *By Mr. Parkes:* What did he say—do you remember exactly what he said? He said he was a brother-in-law of Mr. Robertson. I asked Captain M'Levie who Mr. Rodd was, having heard that there was something respecting myself in connection with this special case—the revolvers.
976. *By the Chairman:* Then Mr. Buchanan being the person responsible for the party tendering being a responsible person, would be more likely to recollect such a matter than yourself? Yes, it is more likely.
977. *By Mr. Parkes:* When Mr. Buchanan waited upon you at the Treasury, did he raise any objection to Mr. Rodd's tender being accepted on account of its irregularity? I do not recollect that he did wait on me, but I am quite satisfied it would have left an impression on my mind if he had made any such objection.
978. You do not then of course remember making any motion over your shoulder with your thumb towards the Treasurer's door? No.
979. *By the Chairman:* You do not recollect it? No; and I positively deny that such a gesture was made as that referred to.
980. *By Mr. Parkes:* Did you ever, on any occasion, make a motion of that kind? Never, in the course of official business.
981. *By the Chairman:* Not recollecting anything about this letter, one way or the other, you cannot say that you did not get it from the Treasury? Well, I cannot say that positively, unless I have access to my books. This is a question I am not prepared to meet. I have got all the papers, but at this moment I cannot say where they came from. They would come, I apprehend, through the post.
982. But you cannot state that it was not given to you by the Treasurer? I am almost sure that it was not, but I could not state positively. I could tell you to-morrow, because we keep a record of everything which comes through the post and everything which comes by hand.
983. Do you recollect the occasion of Mr. Harbottle tendering for some oil? Yes.
984. And some oil of Messrs. Griffiths, Fanning, and Co. being received instead? Yes.
985. How did that happen? It happened in this way:—We sent for Captain Ward, who is supposed to be a judge of the nature of oils, but he sent Mr. Trickett in his stead. Mr. Trickett, Mr. Browne, and the Acting Colonial Storekeeper decided.
986. You do not know anything about this yourself? I do not. I believe my position as a member of the Board is to see what they call "fair play,"—to see that the keys are produced, the tenders opened, entries made, and so on.
987. You do not know whether the oil was tried by burning? That I do not know. I believe not, but I am not sure.
988. Have you the samples now? Yes.
989. Of both? Yes; I have four samples. I keep all samples submitted, unless they are too bulky.

Henry Lane,
Esq.
24 April, 1861.

APPENDIX.

A 1.

*Colonial Secretary's Office,
Sydney, 6 February, 1857.*

Sir,

I am directed to request that you will bring under the notice of the Colonial Treasurer the accompanying copy of a Report made by a Board appointed to consider the arrangements and proceedings which it may be desirable to adopt in receiving tenders and making contracts for supplies and services required for the several groups of departments under the respective Ministers, and that you will at the same time state that the distribution of the business proposed by the Board appears to be suitable, and has been approved of by the Government. With respect, however, to the suggestions contained in the report referring to the details required for giving effect to the arrangements proposed, these may, perhaps, be best decided on by the Ministerial Departments concerned, and adopted so far as may be considered desirable and applicable.

2. With reference to the sixth paragraph of the report, I am, however, directed to suggest that the tenders should not be returned in the manner therein proposed, but that, instead, the informalities or defects should be noted on them, and the parties apprised of the nature of these, and that they can see the tenders at the office in which they are deposited, which should of course be stated.

3. I am further directed to transmit the accompanying copy of the notice published in former years for contracts for provisions, as the conditions inserted therein may be useful to refer to in framing future notices, as well as some copies of forms of tender, &c.; and I am desired to invite particular attention to the memorandum annexed to the tender, providing for the due observance of a contract, and containing an engagement to enter into bond for its proper performance.

The Secretary to the Treasury.

I have, &c.,
W. ELYARD.

A 2.

THE Board appointed to take into consideration, and to make a general report upon, the subject of contracts for the public service, having met and considered the matters involved in the reference to them, submit the following as embodying the principles which, in their opinion, should be recognized and acted on in the arrangements and proceedings of the several groups of departments under the respective Ministers in connection with contracts:—

1. That, so far as practicable and expedient, all works to be carried out, all services to be rendered, and all supplies to be furnished, which are procurable, and intended to be procured in the Colony, shall be carried out, rendered, or furnished under contracts.

2. That all contracts shall be obtained by tenders called for by public notices, and that such notices shall have the utmost publicity and the widest circulation and diffusion given to them, by being inserted not only in the *Government Gazette*, but also (though involving expense) in the general and local papers, and shall in remote localities be posted up in a conspicuous place at the several Police and Post Offices of the districts adjacent to those to which the contracts may apply.

The

Henry Lane,
Esq.

24 April, 1861.

The Board are of opinion that the notices calling for tenders should set forth considerably more in detail than has hitherto been the practice, the nature of the particular work or service to be performed.

3. That, to secure the confidence of the community, to protect the interests of the public, and to guard those of the parties tendering, effectual means be taken, not merely to prevent, but even to negative suspicion of any tampering with tenders; that, to this end, proper receiving boxes, having each not less than two locks differing in construction (the keys of which shall be in different hands), shall be supplied and used solely for the purpose intended; that in these boxes all tenders shall immediately on receipt be deposited unopened; and that the boxes shall be opened only in the presence of a Board.

4. That no tender, unless sealed or otherwise properly secured, correctly addressed, and having legibly marked on its outside, "Tender for ———" [specifying the work, service, or supply], shall be entertained.

5. That the whole of the tenders received within the time fixed by the notice, and meeting the requirements of the preceding paragraph, shall be opened in presence of the Board charged with the duty, and shall be numbered, dated, and initialed by the members.

6. That tenders delivered after the hour named in the notice calling for them, tenders defective in any material points, or otherwise informal, shall not be entertained, but shall be returned to the persons making them, with the nature of the defects or informality indorsed on the tender, or on the cover if the defect be in the superscription or securing.

7. That a schedule of the several tenders to be entertained shall, after they have been numbered, dated, and initialed, be without delay prepared for the Board, which will reassemble on the earliest day possible, to decide on the tenders to be recommended for acceptance, or on the other steps to be taken. The Board consider this the proper place to record their opinion that it should be an instruction to all Boards charged with the opening of tenders that it is not the lowest tender, but that which under all considerations is the most eligible for the public that should be recommended for acceptance.

Having reference to this, the Board would suggest that, in the notices calling for tenders, it shall be intimated that the Government do not bind themselves to accept the lowest or any tender.

8. That intimation of the acceptance and rejection of tenders shall, under the authority of the Minister charged with the control of the departments concerned, be as early as possible conveyed to the several persons tendering; and that a notification of the accepted tenders shall be published in the *Government Gazette*.

9. That the accepted tenders shall be forwarded in original to the Civil Crown Solicitor, whose duty it will be to obtain from the persons tendering, and their sureties, without delay, the proper bonds duly executed; which, with the tenders, he will transmit to the Minister from whom he received these last, who will notify to the departments concerned, the execution of the bonds, and will forward these and the tenders to the Auditor General.

10. That the bonds from persons resident in or near Sydney shall be executed at the office of the Civil Crown Solicitor; those from persons not so resident, at the nearest or most convenient Police Office, as has hitherto been the practice.

11. That no payments whatever shall be made to a contractor until the bonds for the due performance of his contract have been perfected.

12. That all contractors shall prepare their own accounts in the prescribed form, and shall deliver them to the officer or other person, whose certificate is required, by whom they will be transmitted to the officers respectively charged with the disbursements on account of the contracts.

13. That no officer in the public service shall, under any circumstances, be admitted as a contractor. Having set forth the general principles which should, in their opinion, rule the arrangements connected with contracts, the Board proceed to state the distribution which they consider suited to the receipts "Administrative Arrangements":—

1. Dividing contracts for the public service into three branches.

(1.) Provisions, stores, and general services;

(2.) Works and buildings; and

(3.) Conveyance of mails, and conveyance of gold under escort.

The Board recommend that the arrangements shall devolve respectively on—

(1.)—The Minister for Finance and Trade;

(2.)—The Minister for Lands and Public Works; and

(3.)—The Principal Secretary.

2. That the Board for dealing with contracts for "Provisions, Stores, and General Services," shall consist of the Secretary to the Treasury, the Colonial Storekeeper, and the Heads of the several Departments to which, or to the branches of which, the supplies are to be furnished, or the services rendered; in the case of contracts for boats and marine supplies and services generally, the Pilot Board or Marine Board, when appointed, taking the place of the Heads of Departments.

3. That the Board, for dealing with contracts for works and buildings shall be "the Board of Works." As the supply of furniture to the whole of the public service will be under the control of the Board of Works, this appears the proper place to state the opinion of the Board, that the general principle of obtaining everything by contract should apply to furniture, and that to this end it will be necessary that rules should be framed by the proper authority to determine beforehand the character and consequent probable expense of the furniture to be authorized for the various grades in the public service. It is from a conviction that the want of such rules has led to some extravagance in this particular that the Board consider it their duty to draw attention to the point.

Having reference to cases in which repairs to public works and buildings of a minor character, and involving but limited expense, are immediately required, the Board recommend that where the cost shall not exceed, say £50, the Colonial Architect or other officer should himself be at liberty to call for tenders, by advertisements in the public papers, or other available means, and on his own responsibility to accept or reject the tenders made—it being imperative on the officer in every such case, to submit the whole of the tenders, for confirmation, to the Minister of Lands and Public Works.

4. That the Board for dealing with contracts for "the conveyance of Mails and other Postal services," shall consist of the Postmaster General, the Under Secretary to the Government, and the Colonial Storekeeper; and that the Board for dealing with contracts for "the conveyance of Gold under Escort," shall consist of the Postmaster General, the Under Secretary to the Government, and the Inspector General of Police.

W. C. MAYNE, A.G.
MICHL. FITZPATRICK.
E. C. MURKIN, ESQ.
H. H. BROWNE,
HENRY LANE.

10 January, 1857.

B.

Sydney, 7 September, 1853.

Sir,

I send you a sample revolver. The price is £9 each. I imported them, and that is what they cost in London. I know them to be genuine. There are about fifteen in all. Some are nine-inch.

The Hon. The Colonial Treasurer,
&c., &c., &c.

I have, &c.,
B. C. RODD.

1861.

Legislative Assembly.

NEW SOUTH WALES.

CATTLE DRIVING ACT.

(RAYMOND TERRACE.)

Ordered by the Legislative Assembly to be Printed, 26 March, 1861.

To the Honorable the Legislative Assembly of New South Wales.

MAY IT PLEASE YOUR HONORABLE HOUSE:—

We, the undersigned Householders, Landowners, and Residents of Raymond Terrace and its suburbs, approach your Honorable House, praying you may rescind the operations of the Cattle Driving Act at this place, it having been put in force contrary to the wishes of, and unknown to the majority of the inhabitants of this town and district. We beg most respectfully to call your attention to the utter inapplicability of the Act to this town, and from the past experience we have had since it has been in force, for the last twelve months, find it most detrimental and prejudicial to the interests of the inhabitants.

Raymond Terrace being situated on the banks of the River Hunter, and distant from Maitland about sixteen miles, the Raymond Terrace and district butchers and cattle dealers resort to the Maitland markets for the purchase and sale of cattle; and there being no Government accommodation on either side of the river for the confinement of cattle during the prescribed hours, must either unwillingly break the law or lose their cattle. The only outlet to the Sydney markets is by steamers, which vessels mostly call at their wharves between the hours of Nine A.M. and Four P.M., thus rendering the Act a prohibition to the shipping of cattle. We beg to inform your Honorable House that a Petition, praying the rescinding of the Act, and signed by four hundred and ninety-five house and land owners, was presented to His Excellency Sir William Denison immediately on learning through the *Government Gazette* that the Act had been extended to this town.

We therefore pray your Honorable House will take into consideration the prayer of your Petitioners, and they, as in duty bound, will ever pray.

*[Here follow 279 Signatures.]**Raymond Terrace,*

28 September, 1860.

1861.

Legislative Assembly.
NEW SOUTH WALES.

GLEBE ISLAND AND ABATTOIRS.
(REPORT FROM INSPECTOR AND ASSISTANT INSPECTOR.)

Ordered by the Legislative Assembly to be Printed, 27 March, 1861.

INSPECTOR to ENGINEER-IN-CHIEF FOR HARBOURS AND RIVER NAVIGATION.

Glebe Island Abattoirs,
27 February, 1861.

SIR,

I have the honor, in pursuance of your request to me, to make the following report in reference to the Glebe Island.

During the week days I am almost constantly upon the island in the discharge of my duties, and I have never witnessed any scenes of vice and immorality there, nor do I believe any such ever existed, as far as I can ascertain; my assistant (Mr. Driver) resides upon the island, and he also with me bears testimony to the quiet and orderly character of the island.

I have made inquiries from various persons who are in the daily habit of passing through the island, and they all assert that they have never witnessed at any time the slightest breach of propriety.

An inspector of police and a constable attend upon Sunday, and they have never had occasion to interfere with any person or persons for any impropriety of language or conduct. They are witnesses to the very orderly demeanour of the people who frequent the island upon the Sabbath.

I have instituted inquiry amongst all persons from whom information was likely to be obtained, but I have failed to discover any one who has seen anything to support the charges of "vice and profligacy" brought against the island in question.

I have, &c.,
FREDK. OATLEY,
Inspector of Glebe Island.

ASSISTANT INSPECTOR to ENGINEER-IN-CHIEF FOR HARBOURS AND RIVER NAVIGATION.

Glebe Island,
25 February, 1861.

SIR,

I have the honor to inform you, that, for some weeks past, the state of this place has been perfectly orderly. When the punts commenced running on the Sabbath Day, for a few weeks persons of improper character were in the habit of coming here by the punts, and reports having been made to me of indecent conduct on the island, I asked for the attendance of a policeman on Sabbath afternoons; one attended for some time, which caused the class of persons referred to to cease coming to the island. There is no improper conduct at present, except some persons remaining on the island after the business of the place is over for the day. I am constantly on the island, except of Saturday night and part of Sunday, therefore have every opportunity of hearing any disturbance or noise, should any take place.

I have, &c.,
RICHARD DRIVER,
Assistant Inspector of Abattoirs.